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SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE
IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF
INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

SUMMARY RECORD OF THE 1490th MEETING

Held at Headquarters, New York,
on Thursday, 2 July 1998, at 10 a.m.

Chairman:

Mr. RODRÍGUEZ PARILLA

(Cuba)

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The meeting was called to order at 11.20 a.m.

QUESTION OF EAST TIMOR

Requests for hearings

1. The CHAIRMAN said that the delegation of Colombia had asked to participate in the Special Committee's discussions as an observer. If he heard no objection, he would take it that the Committee agreed to that request.

2. It was so decided.

Hearing of petitioners

3. At the invitation of the Chairman, Mr. Alga (International Solidarity Network) took a place at the petitioners' table.

4. Mr. ALGA (International Solidarity Network) said that his organization supported the struggle of the Timorese people and their organizations and major leaders working for self-determination and independence and called for solidarity with that people.

5. The Indonesian regime had come into being after the military coup of October 1965, which had resulted in the death of one million people. General Suharto had become President in 1968 and had been re-elected in successive "elections" for over 30 years with the complicity of the Western Powers, which had provided him with full economic, military and political support, in exchange for which Indonesia had become a counter-revolutionary bastion and had allowed free access to its many natural resources and its enormous pool of cheap manpower.

6. The collapse of Portuguese colonialism had given impetus to the struggle of the pro-independence East Timorese. In 1975, they had declared the independence of East Timor, which had been prevented by the invasion of the Suharto regime, which had made the Territory a province of Indonesia.

7. That annexation, recognized by the Western Powers, had led the Forças Armadas de Libertação Nacional de Timor Leste (National Armed Forces for the Liberation of East Timor (FALINTIL)) to begin armed resistance and to become the most recognized and admired mainstay of the Maubere people.

8. In 1998, a new era had begun, one marked by the crumbling of the Indonesian dictatorship as a result of the continued effort of popular movements, which had not wavered before the regime's threat to bring the army into the streets and to unleash savage repression. After various attempts to offer the dictatorship the option of orderly withdrawal, the Indonesian people had forced the old dictator to step down. The weakening of the genocidal invader's regime had made it possible to move towards the independence of East Timor. It had been confirmed that there were currently 30,000 Indonesian soldiers in East Timor who were endeavouring to control the FALINTIL troops, but the number of soldiers who had died in that region was very high.

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9. The Habibie Government, which had been formed in response to the realization that the only way out was forward, was responsible for protecting the foundations of the State; the army; the bureaucracy; and the economic interests of multinationals and of the native bourgeoisie through a discourse of political openness that included East Timor, which had been offered a statute of autonomy that would merely make official its integration into Indonesia, as if a solution for East Timor could be found by reconciling the interests of the tyrants and the victims.

10. Progress towards peace in East Timor would be the result of a combination of factors: the mobilization of its people, the firmness of principle of its leaders and disinterested, unconditional international support. A lasting solution to the conflict could be achieved only through withdrawal of the oppressor, self-determination and independence. The future political, social and economic system of East Timor would be decided upon by the East Timorese people in a constituent assembly organized without any type of guardianship or interference.

11. The National Council of Timorese Resistance did not represent all the country's political movements since, owing to political, methodological and organizational differences, it did not include the Associação Socialista de Timor (AST; Timorese Socialist Association), a broadly representative political organization. Thus, anyone wishing to engage in dialogue with the East Timorese political community as a whole must necessarily include AST, whose leader, Avelino da Silva, and his family had taken refuge in the Austrian Embassy and had been unable to leave the country because the Habibie regime had prevented them from doing so. In Portugal, a campaign for his freedom had been launched with the support of all political, trade union and cultural groups and had been promoted by the International Solidarity Network, SOS-ADA and the AST office abroad.

12. Mr. Alga withdrew.

13. At the invitation of the Chairman, Mr. de Fatima took a place at the petitioners' table.

14. Mr. de FATIMA, an attorney from Dili, capital of the province of East Timor, said that years of debate in the Special Committee had merely sown discord and confusion among the East Timorese people; the reality was that, in order to spread their propaganda, a handful of parties had abused that forum, whose credibility was therefore being called into question by the people of East Timor. Such propaganda was an attempt to influence the East Timorese, who were still trying to overcome the past and to build a future for themselves and future generations.

15. A few days previously, over 50,000 East Timorese had held a demonstration in Dili in order to reaffirm their desire to remain a part of Indonesia and in response to a small number of young people who were seeking to impose their views on the majority, including with respect to the question of a referendum, who had not experienced the tragedy of the civil war and who were being manipulated by certain groups living outside East Timor and determined to achieve their own narrow political agenda. That group, without considering the

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interests of the majority, had been trying to create a climate of confusion and had been helped by the fact that East Timor was still on the United Nations list of Non-Self-Governing Territories and continued to be included in the Special Committee's agenda.

16. Turning to the question of the so-called "East Timorese National Convention in the Diaspora", held in Lisbon in April 1998, he said that, although the organizers, including Portugal, might wish to give the impression that they represented and reflected the views of the East Timorese, in reality they did not represent the thousands of East Timorese who were striving to contribute to the development of the province instead of engaging in wasteful activities contrary to the wishes of the silent majority in East Timor. The rhetoric characteristic of those groups did not feed the hungry, heal the sick or comfort the unemployed, and one might well ask what they had done for the well-being of the East Timorese people.

17. The history of East Timor was that of a territory abandoned by the Portuguese colonial Power and of a people's struggle for self-determination and independence. It had been astonishing to hear Portuguese representative's statements in the Special Committee in recent years regarding Portugal's responsibilities towards East Timor. If the Portuguese Government truly had the interests of the East Timorese at heart, it should recognize that the people of East Timor had chosen the path that they wished to walk. Perhaps the wishes of the East Timorese were not in accordance with the agendas of Portugal and its supporters, but the fact remained that the people had made a final choice which the international community should respect.

18. Lastly, he said that the East Timorese, together with their brothers and sisters in other provinces of Indonesia, welcomed the reform process taking place in Indonesia and were struggling to cope with the economic crisis that the country was facing. Those new developments would never change the decision of the East Timorese to integrate with Indonesia; on the contrary, they would only strengthen the determination of the East Timorese to contribute actively to efforts to meet those challenges. He called on the Special Committee to recommend that the General Assembly should remove East Timor from the list of Non-Self-Governing Territories because it was the twenty-seventh province of Indonesia and its people already had their own Government and enjoyed the same rights and responsibilities as other Indonesians.

19. Mr. de Fatima withdrew.

20. At the invitation of the Chairman, Mr. Sereno (Committee of Peace and Development in East Timor) took a place at the petitioners' table.

21. Mr. SERENO (Committee of Peace and Development in East Timor) said that the Special Committee's meeting on the question of East Timor was being held at a time of great change in Indonesia, where political and economic reforms were being undertaken in order to facilitate the transition to democracy and had given rise to new hopes for an agreed solution to the question of East Timor in order to fulfil the hopes of all peace-loving East Timorese.

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22. As part of the new spirit of reform, a meeting open to all citizens of East Timor, whatever their political beliefs, had been held three weeks previously in Dili in order to seek the best possible solution to the question of East Timor. That meeting had shown the people's determination to demand a change in the current situation. For some, that change involved the holding of a referendum, whereas for others it implied the granting of special autonomy by the Indonesian Government.

23. Since the resignation of President Suharto, there had been various statements regarding the future of East Timor: Portugal had maintained that it had no claim on East Timor but had stressed that the people of that Territory should be able to exercise their right to self-determination; Indonesia, for its part, had maintained that East Timor was an integral part of the territory of Indonesia, although it had not excluded the possibility of a negotiated solution granting special status to the Territory; lastly, the East Timorese leaders residing in East Timor and those of the diaspora had advocated solutions ranging from the granting of independence or integration to the granting of special autonomy.

24. His organization's position was understood and accepted, even by Mr. Gusmão, as a very feasible option during a period of transition since East Timorese society was not ready to face the situation that would develop after the referendum as a result of the radical positions and divisions which existed among East Timorese. Those divisions would not soon dissipate, as seen by the demonstration held during the visit of the European Union Troika and the confrontations between those supporting and opposing a given position. It would be suicidal to hold a referendum in order to consider a choice between independence and integration.

25. In view of the current situation, it was to be hoped that a fair, internationally acceptable solution would soon be achieved, but it was essential to deal with the existing situation in East Timor, with its inadequate infrastructures and lack of economic resources. Since any hasty measure could lead to unnecessary violence and unleash personal vendettas, there was a need to seek a solution which would allow for broad autonomy in the Territory, including the establishment of a Government that was democratically elected on the basis of the local political parties and the development of school programmes to protect the cultural, historical and religious heritage.

26. Only a referendum could be considered a suitable means of consulting the people on the acceptance or rejection of the content of the agreement, thereby avoiding a confrontation between winners and losers in the period following the referendum.

27. He urged the Governments of Portugal and Indonesia to continue the tripartite dialogue under the auspices of the Secretary-General of the United Nations in order to arrive at an agreement as soon as possible. While that tripartite dialogue was being held, the Committee of Peace and Development in East Timor would continue to promote the reconciliation process begun at the London summit in 1993 and, to that end, would increase its concrete action, in cooperation with other organizations working in the field of community development in East Timor, in the hope of achieving peace and social harmony.

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28. Mr. Sereno withdrew.

29. At the invitation of the Chairman, Mr. Alves took a place at the petitioners' table.

30. Mr. ALVES (Member of the local Parliament and Chairman of its Economic Commission) said it was an indisputable fact that East Timor had exercised its right to self-determination through integration into the Republic of Indonesia. That integration had united the people of East Timor, whose current socio-economic conditions were incomparably better than those left by Portugal after 450 years of colonial occupation marked by poverty, backwardness and the implementation of a policy of division as a means of prolonging its control over the Territory.

31. It was well known that Indonesia had entered an important stage in its history, with a comprehensive reform process that had led to a more democratic climate in the country, one marked by greater transparency and accountability and by full participation in all sectors of life, including respect for human rights and the rule of law. The democratic process was also being felt in East Timor, an integral part of the Indonesian nation, and he was confident that it would lead to greater unity and improved living conditions through the development of a competitive, just and equitable economy.

32. It was highly ironic that, despite the trend towards integration of economic forces, Portugal wished to separate East Timor from its natural unit, the rest of the island of Timor and the archipelago of Indonesia in general, and that, while wishing to improve the living conditions of its own people through economic integration with its neighbouring countries in Europe, it sought to impose misery, poverty and instability on the people of East Timor by separating them from their Indonesian brothers rather than recognizing the sovereignty of Indonesia over East Timor and working together with the Indonesian people to develop the economy of that Territory.

33. Speaking of the current economy of East Timor, he said that in 23 years there had been tremendous achievements in the infrastructure of East Timor, although it must be acknowledged that only 3 per cent of the provincial budget was financed locally, whereas about 97 per cent was provided by the central Government. The East Timorese economy had yet to achieve its full potential in terms of productivity and competitiveness in the industrial, agricultural and trade sectors, but it had a solid basis for the achievement of self-sufficiency in food and the exploitation of its comparative advantage in the East Indonesian market. There was a need to promote East Timor's capacity to compete in the era of globalization by fulfilling certain conditions, including the development of a formidable agricultural sector, an industrial sector rooted in natural and human resources, varied trade with a solid distribution system and professional and productive resources. It was absurd that Portugal, one of the least developed countries in Europe, which had done nothing to contribute to the well-being of East Timor, should preach independence to the people of East Timor in order to satisfy its narrow political interests. The people of East Timor had exercised their right to self-determination and independence through integration with Indonesia and had made tremendous strides in the development of the province, despite the challenges and obstacles that remained to be overcome.

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34. He drew the Committee's attention to a document entitled "Statement of East Timorese patriots and defenders of integration and pro-autonomy", which had been adopted a few days previously in Dili as the culmination of a peaceful demonstration by almost 50,000 East Timorese in order to reaffirm integration. In essence, it stated that the East Timorese accepted the reform as a first step in promoting the welfare and prosperity of the people of East Timor, on the basis of integration; supported the autonomy proposed by the reformation Government under the presidency of B. J. Habibie; firmly rejected the referendum, which could lead to civil war among the East Timorese and to the sacrifice of innocent people; requested all parties to respect democratic values by giving priority to the unity of the unitary State of Indonesia in asserting their own aspirations or engaging in dialogue; rejected and condemned the groups which imposed their views in the name of the people by manipulating the truth for their personal interests; requested all parties to return the university campuses to their functions for the benefit of future generations; appealed to the military leaders to improve the role of military personnel in East Timor in order to support the local government and the Church and to improve the tranquillity and welfare of the people; and requested the local or central Government to make a clear and firm commitment to guarding the prestige of Indonesia in the province of East Timor as an integral part of the unitary State of Indonesia.

35. Lastly, he appealed to all East Timorese, both within and outside the country, to think and act wisely and morally, to hold a democratic dialogue among themselves and to support autonomy for East Timor within the State of Indonesia for the benefit of all.

36. Mr. Alves withdrew.

37. Mr. NEVES (Portugal) said that what the previous speaker considered an unquestionable act of choice by the East Timorese people itself - integration into Indonesia - had been called into question for the past 23 years. The speaker had also engaged in a comparison of colonial systems, which appeared to be a reference to Indonesian colonialism as opposed to Portuguese. In that regard, he said that even if, as the previous speaker had said, Portugal had done nothing during its 450-year presence in East Timor, at least it had not killed a quarter of the population as Indonesia had done.

38. Mr. NATALEGAWA (Indonesia) said that his delegation had always considered that the question of East Timor was not within the Special Committee's mandate; for that reason, it would not address the statements made by the petitioner. However, he could not refrain from mentioning the groundless accusations made by the delegation of Portugal, which had spoken of an alleged genocide in comparing colonial systems. His delegation categorically denied those accusations, to which it would respond in due course. In any case, his Government had no uncertainty with regard to the situation in East Timor, and he therefore did not want to devote a minute more to that issue.

39. At the invitation of the Chairman, Mr. Gonçalves (National Committee of the Indonesian Youth in East Timor) took a place at the petitioners' table.

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40. Mr. GONÇALVES (National Committee of the Indonesian Youth in East Timor) compared the period of Portuguese colonialism in East Timor with the years of integration with Indonesia and said that integration was the best solution for East Timor.

41. Portuguese colonialism had suppressed all aspects of the people's life, including that of the young people, as reflected in the lack of educational facilities and opportunities for the population. Four hundred and fifty years of Portuguese colonial rule, ending with a tragic civil war, had left East Timor in a state of backwardness and poverty and with a fragile security situation. Colonial rule had even destroyed the economic capacity of the population, which had led to the marginalization of East Timor.

42. July 1976 had been the culmination of the East Timorese people's struggle for self-determination; East Timor had become a free, sovereign nation integrated into the unitary State of Indonesia. The progress achieved since the end of the Portuguese colonial regime reflected the determination and good will of the Government of Indonesia with respect to the development of East Timor and its people, including its youth, who had been left behind in all aspects of life as a result of colonial rule. That progress was reflected in various aspects of the lives of East Timorese youth, including that of education: although the level of education of young people in East Timor was below that of the other Indonesian provinces, the situation was considerably better than it had been under colonial rule. Before integration, the total number of elementary students had been 13,501; in 1996, it had been 126,930 and that of university students 2,199. Before integration, not one East Timorese had had the benefit of a university education in the Territory. At present, in addition to formal education, young people had increased access to informal education and to vocational training programmes. Also noteworthy was the recruitment of East Timorese youth to important posts in the local administration and their increasing role as entrepreneurs and professionals in their respective areas of expertise. Furthermore, the East Timorese youth had formed various youth organizations, thereby promoting their participation in the development of Indonesia, including East Timor. The improvement in the level of education had encouraged young people to become more self-reliant in their way of thinking and in the political and economic fields, which in turn had promoted a sense of community, nationhood and statehood among them.

43. Owing to the challenges posed by globalization and reform and the opportunities which they provided, youth-related programmes in East Timor emphasized promotion of the quality of human resources and nationhood, development, education, social culture, leadership, political development and general development.

44. The reform process currently under way in Indonesia had allowed the youth of East Timor to play a greater role in determining the future of the country and that of the province and would reaffirm that East Timor was no longer a Non-Self-Governing Territory; for that reason, the Special Committee should recommend to the General Assembly its removal from the list of Non-Self-Governing Territories.

45. Mr. Gonçalves withdrew.

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46. At the invitation of the Chairman, Mr. Ramidan Allan Purba (Forum Pemuda Pemudi Indonesia) took a place at the petitioners' table.

47. Mr. PURBA (Forum Pemuda Pemudi Indonesia) said that his organization was dedicated to the promotion of youth activities in Indonesia, including East Timor, in order to achieve a positive impact on society on the basis of the fraternal feelings of friendship that existed among all Indonesians, regardless of ethnic background. The organization supported the young people of East Timor and helped them to achieve the goals that they had set for the future.

48. He found it baffling that the development effort undertaken in the province of East Timor since its integration into Indonesia had been distorted by a small minority group, ousted from the Territory in 1975, which wanted to return East Timor to a colonial outpost. Having failed to impose their policies on the majority of the East Timorese people through their reign of terror, they were seeking to use the Special Committee on decolonization as a political platform to make their incredible allegations known.

49. Since integration with Indonesia, the East Timorese people had recognized that sustainable development was the only means of promoting their fundamental rights - the rights to food, housing, education and health care - of which they had been deprived during the 400 years of colonial rule. Following the irresponsible abandonment of East Timor by the colonial Power, the East Timorese people had faced civil war. Having been plundered for 450 years, East Timor had been left without an infrastructure. Prior to integration, there had been only two hospitals and 14 clinics; at present there were 11 hospitals and 332 village health centres, and that number continued to increase. In the educational sector, there had been only two junior high schools and one senior high school; at present, all the children of East Timor had the right to receive an education and to attend school. In the province of East Timor, there were 715 elementary schools, 114 junior high schools, 58 senior high schools and 4 centres of higher education. The illiteracy rate had been 90 per cent at the end of colonial rule and had been reduced to 14 per cent. Those statistics and many others reflected the reality of the situation in East Timor.

50. With regard to the people's well-being, although East Timor and the rest of Indonesia faced economic constraints, there could be no comparison with the days of colonial rule. The main difference was that, as part of Indonesia, East Timor would benefit from the ongoing reform in the country. During the past three decades, Indonesians had achieved great success in their development efforts and would do so in the future as well.

51. It was time for a handful of agitators to cease their campaign of disinformation. If they were truly interested in promoting the well-being of the East Timorese people, the way to do so was to provide development assistance and moral support.

52. Mr. Purba withdrew.

53. At the invitation of the Chairman, Mr. Miller (Parliamentarians for East Timor) took a place at the petitioners' table.

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54. Mr. MILLER (Parliamentarians for East Timor) said that his organization, which had over 1,100 members and supporters from 41 countries representing all regions of the world, had been created in order to draw the attention of policy makers to the ongoing human rights violations against the people of East Timor and to explore ways for national parliaments to promote and support the inherent right to self-determination of the East Timorese people, a right which they had never been allowed to exercise.

55. After summarizing the work of the Special Committee since the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples in 1960, he said that East Timor had never experienced an independent, internationally monitored act of self-determination and had endured almost 23 years of human rights violations by the Indonesian military.

56. Unlike other regions of the world, which had human rights treaties and regional mechanisms for the protection of those rights, in Asia there was no permanent mechanism for dealing with regional conflicts. However, the question of East Timor had been the subject of efforts by the peoples of the region and had promoted cooperation among them, thereby opening up new possibilities for the practice of human rights. In that regard, he noted that the Australian Senate had passed a motion concerning East Timor in June 1998.

57. The resignation of President Suharto had raised the possibility of a solution to the tragedy of East Timor; for that reason, Parliamentarians for East Timor urged the Special Committee to make the most of that new opportunity for progress with a view to enabling the East Timorese to exercise their inherent right to self-determination.

58. Parliamentarians for East Timor believed that the first step towards the realization of self-determination was the withdrawal of Indonesian troops from the Territory in order to facilitate confidence-building measures. As he had done the previous year, he expressed concern that Indonesia might continue its failure to abide by the United Nations resolutions on East Timor and suggested that the Committee should consider suspending all Indonesia's rights and privileges with the Special Committee until it complied with all United Nations resolutions on East Timor. He also asked the Special Committee to recommend to the General Assembly and to the Secretary-General of the United Nations that a plan of action leading to the achievement of self-determination for the people of East Timor should be formulated and implemented in consultation with all concerned parties. That plan must include assisting the General Assembly in making arrangements, in cooperation with the administering Powers, for a United Nations presence in the Territories to help elaborate procedural arrangements for implementing the Declaration and observe or supervise the final stages of the process of decolonization in accordance with the annex to General Assembly resolution 35/118. Members of Parliament who were also members of Parliamentarians for East Timor had indicated their interest in implementing such a plan, once it had been approved by the Committee, and in acting as official observers of the elections in East Timor.

59. After commending the Special Committee for its work, he mentioned the expectations arising from the Committee's endeavours to facilitate recognition of East Timor's inherent right to self-determination.

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60. Mr. Miller withdrew.

61. At the invitation of the Chairman, Mr. Mafudi (Indonesian American, Inc.) took a place at the petitioners' table.

62. Mr. MAFUDI (Indonesian American, Inc.) appealed to his fellow Timorese to stay together and to help bring the reforms begun in Indonesia to a successful conclusion. The situation in the 1970s had been the product of the cold war, whereas the winds of justice and freedom which had begun to blow would ensure that the new millennium was the dawn of an era of genuine reform and of the building of a new world where there would be no West Timor or East Timor, but only one Timor. The end of the cold war had brought down the Berlin wall, and it was to be hoped that the wall between East and West Timor would also fall.

63. The struggle of East Timor was part of the cold war, and while it was true that there had been suffering, it was an exaggeration to compare the suffering of the people of East Timor with that of the people of Kampuchea under the Pol Pot regime; at least in East Timor, people had been able to flee to West Timor, Australia, London or Portugal.

64. Globalization had made possible the profound, far-reaching reforms which were occurring in Indonesia and whose full implications the mind could hardly absorb. Granted, a reformed government could be established and provided with all the necessary institutions for an effective administration and political parties, but the most important question was how to protect "freedom" from the ravages of the Government. The solution lay in the people themselves since everyone wanted to be free.

65. Lastly, he repeated that the Indonesian reforms were genuine and that the Indonesian Government had informed the Secretary-General of the United Nations that it was willing to recognize the principle of equal consideration of interest so that East Timor could become a principality or an autonomous region. He urged his compatriots to stay together in order to reform Indonesian society and to build a world where peace, civility and human dignity would reign.

66. Mr. Mafudi withdrew.

67. At the invitation of the Chairman, Ms. Toth (Amnesty International) took a place at the petitioners' table.

68. Ms. TOTH (Amnesty International) said that changes in leadership in Indonesia, prompted by popular protest against years of repression and political exclusion, had created a unique opportunity to find a solution to the problem of East Timor. However, a political settlement must be preceded by a programme of measures and reforms which would guarantee that the rights of the people of East Timor were protected so that they could participate in the political process without fear for their own safety and that of their families. The current moment of political transition had led to great expectations and had laid the foundation for the development and implementation of a comprehensive human rights programme involving the Government of Indonesia, the international community, donor countries and international financial institutions.

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69. Despite the resignation of President Suharto on 21 May 1998, the human rights situation in East Timor remained fundamentally unchanged. The structures which made violations possible remained in place, and the use of force by the military in Baukau and Manatuto during the past few days showed that there was still a risk of continuing violations. Prominent among the structures which facilitated the violation of human rights was a judiciary which lacked independence in both law and practice, legislation which allowed for the arrest and imprisonment of prisoners of conscience, the inadequacy of protection for detainees and defendants under the law of criminal procedure, the lack of an independent body with the power to carry out prompt, impartial and thorough investigations into reports of human rights violations and the absence of systems to guarantee the accountability of the security forces. Under those conditions, the people of East Timor remained at risk of imprisonment as prisoners of conscience, arbitrary arrest and detention, torture and ill-treatment, disappearance and extrajudicial execution, as confirmed by recent incidents in which international principles had been violated: in the past few days, two East Timorese had been shot and killed during a visit to the Territory by three European Union ambassadors, and two weeks previously, on 16 June, Herman Dasdores Soares, a young East Timorese man, had been shot and killed in Obrato, some 60 kilometres east of the East Timorese capital, Dili.

70. Those events had occurred after President Habibie had made a public statement in which he had called on the Indonesian armed forces to act with "professionalism" and to carry out their duties "without victims". In East Timor the security forces had operated for many years in an atmosphere of almost total impunity. The continued presence of large numbers of security force personnel in East Timor had created an atmosphere of fear and intimidation. According to reports received by Amnesty International, the military continued to hold at least 24 people in incommunicado detention in various locations in East Timor, and the military's record of torture and ill-treatment of detainees raised serious questions regarding the well-being of the detainees in question, particularly those who had been refused contact with their families or with lawyers.

71. Since the resignation of President Suharto, a number of measures had been taken to redress past human rights violations. In a presidential amnesty, 15 East Timorese prisoners had been released on 11 June, but there were at least 5 prisoners of conscience who should be released immediately and unconditionally. There were also at least 72 political prisoners or detainees whose convictions or continued detentions should be reviewed. In that regard, Amnesty International welcomed the military's apology for the death of Mr. Soares and the statement that the individual responsible for his death would be brought to justice; however, the ultimate responsibility for that death and for the thousands of other extrajudicial killings lay with the deep structural flaws and, in particular, the lack of accountability, which had fostered a culture of violence by security forces in the area.

72. Apart from those cases, there remained numerous others such as that of the 24 people believed still to be held in incommunicado detention, the execution and disappearance of at least 100 people on 12 November 1991, when Indonesian soldiers had opened fire on a peaceful demonstration in Dili and the cases of

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East Timorese women who had been raped by members of the Indonesian security forces, all of which called for investigation by an impartial authority.

73. In order to demonstrate its commitment to redressing injustices and ending the cycle of impunity in East Timor, the new Government must set up mechanisms to establish the truth, bring to justice those responsible and compensate the victims or their families. It must also ensure that local human rights monitors were able to carry out their work without fear or harassment and allow regular access to international human rights organizations, including Amnesty International. The Indonesian Government must demonstrate that it was genuine in its promises to cooperate with the United Nations by implementing the recommendations made by United Nations experts and by the United Nations High Commissioner for Human Rights, which had been made on the basis of visits to the country and which were contained in the resolutions on East Timor adopted by the United Nations Commission on Human Rights. It must also act on the commitments contained in the negotiated statements by the Chairman of the Commission. As a first step, the Government should fulfil its commitment to invite the Working Group on Arbitrary Detention to visit East Timor in time for it to report to the Commission on Human Rights at its fifty-fifth session.

74. Amnesty International called on the Government of Indonesia to work with the international community, donor countries and the international financial institutions in implementing a comprehensive and coordinated approach to the situation in East Timor. As a first step, the United Nations High Commissioner for Human Rights should develop a human rights programme, to be agreed by all parties in East Timor, with a time-frame for implementation. The programme would be based on the United Nations system-wide approach and would be implemented in coordination with the various agencies of the system and the international financial institutions. It should identify key steps to be taken in order to create an enabling environment for the promotion and protection of human rights. It would include the memorandum of understanding which was currently under discussion by the Government of Indonesia and the United Nations Centre for Human Rights and which, in order to be effective, must include a human rights monitoring component and form part of a wider programme of human rights reforms. Those reforms should include reform of the judicial system in order to ensure adherence to international standards of an independent judiciary and fair trial, the establishment of a civilian police force trained in law enforcement and human rights standards, the creation of a clear division of work between the armed forces and the civilian police, the development of mechanisms for accountability and monitoring of law enforcement, including the creation of an independent complaints mechanism able to provide compensation to the victims, and the establishment of an independent East Timorese human rights commission.

75. The human rights programme for East Timor should address specifically the protection of women's and children's human rights in cooperation with the United Nations Children's Fund (UNICEF) and other United Nations agencies and funds, such as the Commission on Human Rights and its Special Rapporteur on violence against women, in order to ensure the development of a comprehensive framework of protection for all, which Amnesty International considered indispensable to a successful conclusion of the talks on the future of East Timor.

76. Ms. Toth withdrew.

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77. At the invitation of the Chairman, Mr. Abecasis (Member of the Portuguese Parliament/Social Democratic Centre - Popular Party) took a place at the petitioners' table.

78. Mr. ABECASIS (Member of the Portuguese Parliament/Social Democratic Centre - Popular Party) said that recent events in Indonesia showed why, since 1974, his Government had defended the East Timorese people's right to self-determination, dignity, a sense of identity and a peaceful, fruitful relationship with the other peoples of the world. For once, it was the Indonesian people themselves and their political and religious leaders who had denounced an oppressive regime, disrespectful of human rights, which had remained in power through the use of force, not hesitating to enslave its own people and others that it had attempted to subdue. The revolt of the Indonesian people had shown the fragility of their institutions and economy, which had survived through imposed silence, internal and external corruption and the heavy burden of human rights violations.

79. He welcomed the fact that Indonesia had joined the other freedom-loving countries and the statements in which its most respected leaders had called for justice for the martyred people of East Timor. He praised the Special Committee's many years of work to advance the just cause of freedom and said that many renowned persons had called for justice for the people of East Timor, among them President Mandela, and such institutions as the House of Representatives and Senate of the United States of America, the Council of Europe and the European Parliament, together with the voices of the international mass media, numerous Governments and parliaments throughout the world, the community of Portuguese-speaking countries, Amnesty International and many more. They had been joined by the East Timorese university students studying in Jakarta, who had been born under the oppressive, despotic regime that had recently been overthrown in Indonesia. Those voices were the clearest expression of the authenticity of the East Timorese people's wishes.

80. As if foreseeing the calamity threatening the oppressive system, the various political and social Timorese movements had held their first national convention just a few days before the fall of the despotic Suharto regime and had unanimously adopted their fundamental charter, prefiguring a national constitution. At the same time, the National Council for the people of East Timor had been unanimously elected with the heroic Xanana Gusmão as its leader.

81. In the name of that united people, of its honest and sincere youth and of the over 300,000 martyrs in the struggle for freedom, he reiterated his call for freedom for East Timor, for Xanana Gusmão and the other political prisoners and for the holding of a referendum under United Nations auspices so that the people of East Timor could freely choose their destiny.

82. Mr. Abecasis withdrew.

83. At the invitation of the Chairman, Mr. Barbosa de Melo (Member of the Portuguese Parliament/Social Democratic Party) took a place at the petitioners' table.

84. Mr. BARBOSA de MELO (Member of the Portuguese Parliament/Social Democratic Party) said that the fall of the dictator, Suharto, and of a political regime based on the armed forces, police violence and the violation of human rights and fundamental political freedoms, was the result of a major economic and financial crisis, widespread rejection of the Indonesian Government, public dissatisfaction with injustices and inadequacies, young people's activism and the loss of the support of influential Powers in South-East Asia. At present, President Habibie was facing a critical dilemma: whether to make a clear commitment to democracy, which would allow him to survive as a political leader, or to ignore the dynamics of history and try to maintain the Suharto regime, which, in the long run, would force him to leave the political scene.

85. East Timor, which had been occupied by the Indonesian army in 1975 in violation of the Charter of the United Nations and of international law, had suffered the horrors of military occupation and police violence: imprisonment and arbitrary detention, brutality at the hands of the security forces, torture, trials without due process, disappearances and extrajudicial executions, violations of the fundamental human rights of women and oppression from the occupying military forces and from Indonesians who had emigrated to the Territory. As a result the embassies in Jakarta were receiving ever-more-frequent requests for asylum.

86. The indignities and human rights violations committed in the Territory were the subject of a detailed report which the Government of Portugal, in its capacity as administering Power for East Timor, had submitted to the Secretary-General on 2 June 1998 in fulfilment of its obligations under the Charter. It appeared that the resolution adopted by the Commission on Human Rights at its 1997 session, in which it had called upon the Government of Indonesia to take the necessary measures in order to guarantee full respect for the human rights and fundamental freedoms of the people of East Timor, remained relevant.

87. Indonesia continued to ignore the East Timorese people's right to self-determination, which had been recognized by the United Nations and proclaimed in article 293 of the 1976 Constitution of the Portuguese Republic but which the East Timorese had not yet been able to exercise. In its decision of 30 June 1995, the International Court of Justice had recognized that that right was not being exercised by cancelling the agreement under which Indonesia had granted Australia petroleum rights in the territorial waters of East Timor. Certainly, the discussions held thus far between the Governments of Portugal and Indonesia under the auspices of the United Nations Secretary-General had not led to any progress with regard to the crucial issue of the right to self-determination. The Indonesian Government appeared to have forgotten that peace and tranquillity could not be achieved until the East Timorese people were allowed to exercise their right to self-determination in a reasonable and acceptable manner in accordance with international law.

88. Nevertheless, there had been some encouraging signs since the fall of Suharto. According to the mass media, President Habibie had begun to free Timorese political prisoners, and Indonesian politicians had displayed a change of attitude with regard to the right to self-determination of the East Timorese people. Opposition political leaders had admitted publicly that a referendum might be held in East Timor in order to guarantee the right to self-

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determination as proof that the cultural, historical and religious identity of the East Timorese people was recognized, and they had appeared to agree that the issue of East Timor was completely different from certain other issues involving the territory of Indonesia. In addition, the Timorese leaders had taken a major step towards realization of the rights of their people. Shortly before the fall of Suharto, representatives of all political parties and opinions in Timor had met in Portugal to formalize all the Timorese political movements at the national level and had established the National Council for the people of East Timor as a decision-making body composed of the main political leaders and headed by Xanana Gusmão.

89. Lastly, he said that recent events in Indonesia had given him hope, and he was optimistic about both the possibility of change in Indonesia and the future of East Timor.

90. Mr. Barbosa de Melo withdrew.

91. At the invitation of the Chairman, Mr. Luis (Member of the Portuguese Parliament/Socialist Party) took a place at the petitioners' table.

92. Mr. LUIS (Member of the Portuguese Parliament/Socialist Party) said that on 7 December 1975 the Government of Portugal had requested an urgent meeting of the Security Council so that the Council could take a position regarding the act of aggression which Indonesia had committed against the Territory of East Timor. Portugal had requested United Nations support for a decolonization task which it had been unable to carry out alone and had asked the international community to compel Indonesia to put an end to the aggression and to withdraw its troops from East Timor so that that Territory could exercise its right to self-determination according to the rules of coexistence between peoples and nations.

93. On 12 December 1975, the United Nations General Assembly had adopted a resolution in which it had called upon the Government of Indonesia to withdraw without delay its armed forces from Portuguese Timor in order to enable the people of the Territory freely to exercise their right to self-determination and independence and had recommended that the Security Council should take urgent action to protect the territorial integrity of Portuguese Timor and the inalienable right of its people to self-determination.

94. On 22 December 1975, the Security Council had unanimously adopted a resolution in which it had called upon all States to respect the territorial integrity of East Timor as well as the inalienable right of its people to self-determination in accordance with General Assembly resolution 1514 (XV); called upon the Government of Indonesia to withdraw without delay all its forces from the Territory; and called upon the Government of Portugal as administering Power to cooperate fully with the United Nations so as to enable the people of East Timor to exercise freely their right to self-determination.

95. In the meantime, Indonesia had launched a second attack near Baukau, the second largest city in East Timor, where the largest airport on the island was located. Ignoring the United Nations resolutions, between 10,000 and 15,000 additional soldiers had disembarked in Dili, Likisia and Maubara on

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25 December 1975. By April 1976, the number of Indonesian soldiers had risen to 35,000.

96. On 18 December 1975, in Jakarta, the Minister for Foreign Affairs of Indonesia had announced that a provisional government, composed of Timorese who had signed the integration petition, had been established in Dili. Months later, on 31 May 1976, it had been announced that a "People's Representative Assembly" had been established; it had not been elected but had been established "by consensus and by consent" - in other words, it was made up of individuals chosen by the occupier. Once that farce was complete, the Indonesian Government had freed the Portuguese soldiers whom it had held as hostages for almost a year.

97. On 22 April 1976, the Security Council had adopted by 12 votes to none with 2 abstentions (United States of America and Japan) a second resolution on East Timor in which it had reaffirmed the inalienable right of the people of East Timor to self-determination and independence and had called upon the Government of Indonesia to withdraw without further delay all its forces from the Territory.

98. After the farce which the Government of Indonesia had called "self-determination", including "independence" through "integration into Indonesia", the General Assembly had reconsidered the issue on various occasions. On 1 December 1976, it had adopted by majority vote a resolution in which it had reaffirmed the inalienable right of the people of East Timor to self-determination and independence and the legitimacy of their struggle to achieve that right; reaffirmed the earlier resolutions of the General Assembly and the Security Council; strongly deplored the persistent refusal of the Government of Indonesia to comply with the provisions of those resolutions; and rejected the claim that East Timor had been integrated into Indonesia, inasmuch as the people of the Territory had not been able to exercise freely their right to self-determination and independence.

99. He noted that many international bodies had supported self-determination and independence for East Timor and that President Suharto's resignation had opened up new possibilities for establishing democracy in Indonesia and for ascertaining the wishes of the people of East Timor with regard to their future through the organization of a referendum.

100. Mr. Luis withdrew.

The meeting rose at 3.15 p.m.