

107TH CONGRESS
1ST SESSION

S. RES. 91

Condemning the murder of a United States citizen and other civilians, and expressing the sense of the Senate regarding the failure of the Indonesian judicial system to hold accountable those responsible for the killings.

IN THE SENATE OF THE UNITED STATES

MAY 21, 2001

Mr. NELSON of Florida (for himself, Mr. FEINGOLD, Mr. LEAHY, and Mr. HARKIN) submitted the following resolution; which was referred to the Committee on Foreign Relations

JUNE 5, 2001

Reported by Mr. HELMS, with an amendment and an amendment to the preamble

JUNE 20, 2001

Considered, amended, and agreed to

RESOLUTION

Condemning the murder of a United States citizen and other civilians, and expressing the sense of the Senate regarding the failure of the Indonesian judicial system to hold accountable those responsible for the killings.

Whereas on September 6, 2000, a paramilitary mob in the West Timor town of Atambua brutally killed 3 United Nations aid workers, including United States citizen Carlos Caceres, in an unprovoked attack;

Whereas Caceres, an attorney originally from San Juan, Puerto Rico, whose family now resides in the State of Florida, had e-mailed a plea for help saying that “the militias are on their way,” and that “we sit here like bait” before he and the others were killed;

Whereas on May 4, 2001, an Indonesian court in Jakarta handed down only token sentences to the murderers of Carlos Caceres and the other United Nations workers, and failed to allot any punishment to the Indonesian military personnel alleged to have sanctioned this attack;

Whereas these token sentences were condemned as “wholly unacceptable” by United Nations Secretary General Kofi Annan, and described by the Department of State as acts that “call into question Indonesia’s commitment to the principle of criminal accountability”;

Whereas the self-confessed killer of Carlos Caceres, a pro-government militia member named Julius Naisama, was sentenced to spend not more than 20 months in jail, and remarked afterwards, “I accept the sentence with pride”;

Whereas the murders of Carlos Caceres and the other United Nations workers fit a pattern of killings perpetrated, sanctioned, or condoned by certain elements within the Indonesian military in Timor, both during and since the end of the Suharto regime;

Whereas, despite the stated intent of the Government of Indonesian to put into place a system of increased judicial accountability, since the initiation of democratic rule in Indonesia in 1998, no senior military official has been put on trial for human rights abuses, extrajudicial killings, torture, or incitement to mob violence; and

Whereas the Government of Indonesia could probably have prevented both the murder of the United Nations workers and the subsequent miscarriage of justice if the government had—

(1) upheld its explicit commitment, made after the August, 1999, referendum in East Timor, to ensure that Indonesian military forces would safeguard United Nations workers and Timorese refugees from attacks by the paramilitary militias on the island who had killed approximately 1,000 East Timorese civilians in the preceding weeks;

(2) brought charges of murder or manslaughter against the 6 men who admitted to killing the United Nations workers, rather than only the lesser charge of conspiring to foment violence; and

(3) brought charges against senior military commanders who, according to the United Nations, the Department of State, and the Government of Indonesia itself, are suspected of arming and directing the paramilitary militias responsible for the carnage on Timor: Now, therefore, be it

1 *Resolved*, That (a) the Senate—

2 (1) condemns the brutal murder of Carlos
3 Caceres, a United States citizen, and the other
4 United Nations aid workers, and offers condolences
5 to their families, friends, and colleagues;

1 (2) decries the inadequately disproportionate
2 sentences handed down by the Indonesian court to
3 the self-confessed killers of the United Nations aid
4 workers;

5 (3) calls on the prosecutorial organs of the Gov-
6 ernment of Indonesia to indict and bring to trial the
7 senior military commanders described in a Sep-
8 tember 1, 2000, statement by that government as
9 suspects in the mass killings following the August,
10 1999, East Timor referendum.

11 (b) It is the sense of the Senate that—

12 (1) officials of the Department of State should,
13 at every appropriate meeting with officials of the
14 Government of Indonesia, stress the importance of
15 ending the climate of impunity that shields those in-
16 dividuals, including senior members of the Indo-
17 nesian military, suspected of perpetrating, collabo-
18 rating in, or covering up extra-judicial killings and
19 abuses of human rights in Indonesia; and

20 (2) the President should consider the willing-
21 ness of the Government of Indonesia to make sub-
22 stantive progress in judicial reform, and in the
23 criminal accountability of those responsible for
24 human rights abuse on the island of Timor, among
25 those factors taken into account when determining

1 the level of financial support provided by the United
2 States to Indonesia, whether directly or through
3 international financial institutions.

4 SEC. 2. The Secretary of the Senate shall transmit
5 a copy of this resolution to the President.

○