

## Calendar No. 67

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.

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### 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

[Strike the preamble and all after the resolving clause and insert the part printed in italic]

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## 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 killed 3 United Nations aid workers, including United States citizen Carlos Caaceres;~~

Whereas Caceres and the other victims were stabbed and hacked to death with exceptional brutality, and their bodies were then set on fire and dragged through the streets;

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”;

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

Whereas these token sentences have been 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 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 or sanctioned by the Indonesian military in Aceh, Irian Jaya, and other parts of the Indonesia, both during and since the end of the Suharto regime;

Whereas, despite Indonesian government promises of 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 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 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 proudly admitted to killing the United Nations workers in an unprovoked attack, 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 in East Timor: Now, therefore, be it

*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 work-*

ers 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       Caaceres, a United States citizen;

4               (2) decries the inadequate sentences given by  
5       the Indonesian judicial system to the self-confessed  
6       killers of the 3 United Nations aid workers;

1           (3) calls on the Government of Indonesia to in-  
2 diet and bring to trial the senior military com-  
3 manders described in a September 1, 2000, state-  
4 ment by the Government of Indonesia itself, as sus-  
5 pects in the mass killings following the August, 1999  
6 East Timor referendum; and

7           (4) offers condolences to the family, friends,  
8 and colleagues of Carlos Caceres and the other vic-  
9 tims of the September 6, 2000, attack.

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

11           (1) the President should, at every appropriate  
12 meeting with officials of the Government of Indo-  
13 nesia, stress the importance of ending the climate of  
14 impunity which shields those individuals, especially  
15 senior members of the Indonesian military, sus-  
16 pected of perpetrating, collaborating in, or covering  
17 up extra judicial killings, torture, and other abuses  
18 of human rights; and

19           (2) the President should consider the willing-  
20 ness of the Government of Indonesia to make rapid  
21 and substantive progress in judicial reform when de-  
22 termining the level of financial support provided by  
23 the United States to Indonesia, whether directly or  
24 through international financial institutions.

1       ~~Sec. 2. The Secretary of the Senate shall transmit~~  
2 ~~a copy of this resolution to the President.~~

3       *That (a) the Senate—*

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

8             (2) *decries the inadequately disproportionate*  
9 *sentences handed down by the Indonesian court to the*  
10 *self-confessed killers of the United Nations aid work-*  
11 *ers;*

12            (3) *calls on the prosecutorial organs of the Gov-*  
13 *ernment of Indonesia to indict and bring to trial the*  
14 *senior military commanders described in a September*  
15 *1, 2000, statement by that government as suspects in*  
16 *the mass killings following the August, 1999, East*  
17 *Timor referendum.*

18       *(b) It is the sense of the Senate that—*

19            (1) *officials of the Department of State should,*  
20 *at every appropriate meeting with officials of the*  
21 *Government of Indonesia, stress the importance of*  
22 *ending the climate of impunity that shields those in-*  
23 *dividuals, including senior members of the Indonesian*  
24 *military, suspected of perpetrating, collaborating in,*

1        *or covering up extra-judicial killings and abuses of*  
2        *human rights in Indonesia; and*

3                *(2) the President should consider the willingness*  
4        *of the Government of Indonesia to make substantive*  
5        *progress in judicial reform, and in the criminal ac-*  
6        *countability of those responsible for human rights*  
7        *abuse on the island of Timor, among those factors*  
8        *taken into account when determining the level of fi-*  
9        *nancial support provided by the United States to In-*  
10       *donesia, whether directly or through international fi-*  
11       *nancial institutions.*

12        *SEC. 2. The Secretary of the Senate shall transmit a*  
13       *copy of this resolution to the President.*



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