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GENEVA FOR USDEL TO UNHRC

E.O. 12356: N/A  
 TAGS: UN PHUM ID PO PREL UNHRC-1  
 SUBJECT: UNHRC: CONTINGENCY PAPER ON EAST TIMOR

REF: GENEVA 1124

1. FOLLOWING IS A CONTINGENCY PAPER FOR USE BY USDEL IN

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UNITED STATES DEPARTMENT OF STATE  
 REVIEW AUTHORITY: DONALD A JOHNSTON  
 DATE/CASE ID: 22 OCT 2003 200300573

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FORMAL OR INFORMAL DISCUSSIONS OF THE HUMAN RIGHTS SITUATION IN EAST TIMOR AND THE QUESTION OF WHETHER TO RAISE THE ISSUE IN THIS SESSION OF THE HUMAN RIGHTS COMMISSION. DEPARTMENT WILL PROVIDE FURTHER GUIDANCE IF AND WHEN THE ISSUE IS ACTUALLY RAISED.

2. BEGIN TEXT:

. CONTINGENCY PAPER  
. EAST TIMOR AT THE UNHRC

AT THE 1992 UNHRC THE UNITED STATES ACTIVELY SUPPORTED ULTIMATELY SUCCESSFUL EFFORTS TO HAVE INDONESIA AND PORTUGAL AGREE TO THE TEXT OF A CHAIRMAN'S STATEMENT ON EAST TIMOR. SINCE THAT TIME TENSIONS HAVE CONTINUED IN EAST TIMOR AND BETWEEN INDONESIA AND PORTUGAL OVER THE SITUATION THERE. NONETHELESS THE UNSYG WAS ABLE TO RESUME THE PORTUGUESE/INDONESIAN DIALOGUE IN NEW YORK IN DECEMBER, AND BOTH SIDES HAVE AGREED TO MEET AGAIN UNDER UNSYG AUSPICES IN ROME IN APRIL. THERE IS EVERY HOPE, THEREFORE, THAT INDONESIA AND PORTUGAL WILL BE ABLE TO AGAIN REACH A MUTUALLY ACCEPTABLE POSITION IN GENEVA THIS  
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YEAR, ALTHOUGH ACTIVE PERSUASION ON THE PART OF THE U.S. DELEGATION WILL AGAIN BE NECESSARY.

THE EC IS EXPECTED TO INTRODUCE A RESOLUTION THIS YEAR ON EAST TIMOR. LAST YEAR, WITH THE PORTUGUESE IN THE PRESIDENCY, THE EC DID THE SAME, BUT THE LANGUAGE WAS SUCH THAT THE U.S. WAS UNABLE TO SUPPORT IT, LEADING TO THE EVENTUAL AGREEMENT ON THE CHAIRMAN'S STATEMENT INSTEAD. WE HAVE NOT YET SEEN THE TEXT OF THIS YEAR'S EC STATEMENT, AND ARE THUS UNABLE TO DETERMINE WHETHER OR NOT WE COULD SUPPORT IT.

THE U.S. POSITION ON EAST TIMOR NOW MORE THAN EVER ACTIVELY SUPPORTS THE EFFORTS OF THE UNSYG TO ACHIEVE REAL PROGRESS IN THE INDONESIAN/PORTUGUESE TALKS. THERE ARE INDICATIONS THAT THE SYG WILL SEND SPECIAL ENVOY AMOS WAKO TO INDONESIA BEFORE THE APRIL TALKS IN ROME IN ORDER TO PROVIDE AN UPDATE TO HIS PREVIOUS REPORT, AND, HOPEFULLY, TO SUGGEST CONFIDENCE BUILDING MEASURES OR OTHER STEPS TO MOVE THE DIALOGUE FORWARD.

SINCE THE 1992 UNHRC MEETING THE UNITED STATES HAS

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CONTINUED TO PRESS THE INDONESIANS TO CONTINUE TO TAKE APPROPRIATE STEPS IN RESPONSE TO THE NOVEMBER 1991 KILLINGS. THE CURRENT EMPHASIS OF U.S. EFFORTS IS TO PRESS THE INDONESIANS A) TO FULLY ACCOUNT FOR THOSE STILL MISSING IN EAST TIMOR, B) TO REDUCE THE HARSH SENTENCES GIVEN CIVILIAN DEMONSTRATORS COMPARED WITH THE COMPARATIVELY LIGHT SENTENCES GIVEN MEMBERS OF THE MILITARY INVOLVED AND C) TO GRANT GREATER INTERNATIONAL ACCESS TO EAST TIMOR. SOME OTHER MEMBERS OF THE  
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INTERNATIONAL COMMUNITY ARE ALSO CONCENTRATING THEIR EFFORTS IN THESE AREAS.

IN NOVEMBER 1992 FRETILIN LEADER XANANA GUSMAO WAS CAPTURED BY INDONESIAN FORCES IN EAST TIMOR. WE AND OTHERS HAVE PRESSED THE INDONESIANS TO RESPECT XANANA'S HUMAN RIGHTS AND TO ASSURE PROPER ACCESS AND LEGAL REPRESENTATION DURING HIS TRIAL, WHICH IS EXPECTED TO OCCUR IN DILI IN FEBRUARY. THE INDONESIANS APPEAR TO HAVE RESPONDED POSITIVELY TO THESE PLEAS, ALTHOUGH THEY HAVE NOT PROVIDED EQUALLY POSITIVE TREATMENT AND ACCESS TO OTHER EAST TIMORESE CURRENTLY IN DETENTION, A FACT WHICH WE AND OTHERS HAVE STRONGLY CRITICIZED.

3. PARAGRAPH FOR POSSIBLE INCLUSION IN U.S. DELEGATION STATEMENT:

THE HUMAN RIGHTS SITUATION IN INDONESIA, INCLUDING IN EAST TIMOR, REMAINS AN IMPORTANT CONCERN TO THE UNITED STATES. WE WERE ENCOURAGED BY THE FORTHRIGHTNESS OF THE INDONESIAN GOVERNMENT'S INITIAL RESPONSE TO THE TRAGIC SHOOTINGS IN DILI ON NOVEMBER 12, 1991. WE HAVE WELCOMED PRESIDENT SOEHARTO'S PUBLIC EXPRESSION OF REGRET, THE CONDUCT OF AN UNPRECEDENTED NATIONAL INVESTIGATION AND THE PUNISHMENT OF SOME MILITARY OFFICERS. NEVERTHELESS, WE BELIEVE THAT FURTHER ACTION IS NECESSARY, MOST IMPORTANTLY A FULL ACCOUNTING FOR THOSE STILL MISSING AND REDUCTIONS OF THE HARSH SENTENCES GIVEN TO THE CIVILIAN DEMONSTRATORS.

4. TALKING POINTS:

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--THE HUMAN RIGHTS SITUATION THROUGHOUT INDONESIA,  
INCLUDING EAST TIMOR, REMAINS AN IMPORTANT CONCERN OF THE  
UNITED STATES.  
  
--FOLLOWING THE NOVEMBER 12, 1991, INCIDENT IN EAST TIMOR,  
THE U.S. GOVERNMENT IMMEDIATELY CONDEMNED THE EXCESSIVE  
USE OF FORCE BY INDONESIAN MILITARY UNITS.  
  
--WE WERE ENCOURAGED BY THE INDONESIAN GOVERNMENT'S  
INITIAL RESPONSES TO THE TRAGIC SHOOTINGS.  
  
--THESE RESPONSES INCLUDED AN UNPRECEDENTED NATIONAL  
INVESTIGATION, PRESIDENT SOEHARTO'S PUBLIC EXPRESSIONS OF  
REGRET, A CATEGORICAL STATEMENT THAT THE SHOOTINGS WERE  
NOT GOVERNMENT POLICY, AND THE PUNISHMENT OF SOME MILITARY  
OFFICIALS.  
  
--WE HAVE URGED INDONESIA TO CONTINUE ITS CONSTRUCTIVE  
APPROACH THROUGH A REDUCTION IN THE SENTENCES OF TIMORESE  
CIVILIANS, A FULL ACCOUNTING OF THOSE STILL MISSING, AND  
EXPANDED ACCESS TO EAST TIMOR BY JOURNALISTS, HUMAN RIGHTS  
ORGANIZATIONS, AND MEMBERS OF CONGRESS.  
  
--WE WOULD BE INTERESTED IN HEARING FROM THE INDONESIAN  
REPRESENTATIVE WHAT STEPS HIS GOVERNMENT IS TAKING IN  
THESE AREAS.  
  
--WE COMMEND AMOS WAKO, THE SECRETARY GENERAL'S PERSONAL  
REPRESENTATIVE, FOR THE CONDUCT OF HIS VISIT TO INDONESIA  
AND SUPPORT HIS CONTINUED INVOLVEMENT.

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--WE ARE PLEASED THAT INDONESIA AND PORTUGAL HAVE RESUMED  
THEIR DIALOGUE IN DECEMBER UNDER THE AUSPICES OF THE UN  
SECRETARY GENERAL, AND HAVE AGREED TO MEET AGAIN IN  
APRIL. WE CONTINUE TO SEE SUCH DISCUSSIONS AS THE BEST  
WAY TO RESOLVE THE TWO NATIONS' DIFFERENCES OVER EAST  
TIMOR.  
  
--NONETHELESS, HUMAN RIGHTS IN EAST TIMOR SHOULD BE  
DISCUSSED AT THE UNHRC. WE BELIEVE THE DISCUSSION SHOULD  
BE CONSTRUCTIVE AND BALANCED RATHER THAN CONFRONTATIONAL.

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