East Timor

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East Timor made significant progress in establishing its institutions of democracy and governance; however, during its first full year of independence from Indonesia, reconstruction and recovery from the September 1999 violence that ravaged the territory was a central focus of activity, and numerous problems remained. In a U.N.-administered consultation vote on August 30, 1999, an overwhelming majority of East Timorese voted against autonomy (and, in effect, for independence from Indonesia), and in early September 1999, the U.N. Secretary General declared the ballot results to be "an accurate reflection of the will of the East Timorese people." As a result, in October 1999, the Government of Indonesia approved revocation of the 1976 Indonesian parliamentary decree that annexed East Timor, allowing for the establishment of the U.N. Transitional Administration in East Timor (UNTAET), which is mandated by the U.N. Security Council to establish a democratic government in East Timor.

UNTAET continued to govern East Timor, and the National Consultative Council (NCC) advised the Transitional Administrator. In July UNTAET established a new governing structure, the East Timor Transitional Administration (ETTA). With the addition in October of the Foreign Affairs portfolio, the ETTA cabinet consisted of nine ministries, four of which were headed by UNTAET officials and five of which were headed by East Timorese. UNTAET appointed members of the NCC and the cabinet in close consultation with the National Council of Timorese Resistance (CNRT), a political umbrella of proindependence parties. An UNTAET-appointed National Council (NC) replaced the NCC in late October. The NC is comprised entirely of East Timorese. In the latter part of the year, divisions within the CNRT complicated the political situation. Under UNTAET regulations, Indonesian law applies throughout East Timor, except in areas in which UNTAET specifically has repealed laws or superceded them with its own regulations.

In February the Australian-led International Force in East Timor (INTERFET), which arrived in September 1999, transferred military authority to UNTAET Peacekeeping Forces (UN-PKF). The UN-PKF's role was to restore and preserve basic social order and prevent violence by pro-Indonesia militias operating inside East Timor. The UN-PKF was present in the eastern and central sectors of the territory but maintained an especially strong presence on the border, where, despite repeated assurances from the Government of Indonesia, crossborder Indonesian-military-supported militia incursions from Indonesia continued. Despite such sporadic militia incursions, the security situation in most of East Timor was stable throughout the year. In mid-January INTERFET transferred responsibility for internal security to the U.N. Civilian Police (CIVPOL). In July the first group of 50 East Timorese cadets graduated from the Police Academy and began working alongside CIVPOL, augmented by a police assistance group comprised of East Timorese who formerly were part of the Indonesian police forces. The former East Timorese guerrilla forces, Falintil, remained in the Aileu cantonment area. By midyear more than half of the estimated 1,500 Falintil personnel had returned to their home areas on "leave," and a dissident commander known as "L-7" led a few dozen of his men out of the cantonment area in July. In August an UNTAET commissioned study recommended that Falintil become the core of a new East Timor Defense Force, and in September the ETIA cabinet approved the study's low-cost option for such a force. In the interim, the UN-PKF employed a number of Falintil personnel as advisors and guides. After an international donors conference in November, plans were underway to begin training a new defense force beginning in early 2001.

East Timor is an extremely poor territory, with two-thirds to three-fourths of the population of 775,000 persons engaged in subsistence agriculture. The Asian Development Bank estimated the per capita gross domestic product (GDP) to be approximately $395. An estimated 70 to 80 percent of East Timor's infrastructure was damaged severely by the systematic scorched-earth campaign that Indonesian military and militia forces conducted in September 1999, as they withdrew from the territory. During the year, reconstruction proceeded slowly. By midyear the majority of the population had basic shelter and sufficient food supplies. Some
commercial activity resumed, much of which served the large foreign presence in the territory. The rural agricultural economy began to recover, but unemployment remained high in the urban areas. Coffee remained the territory's only significant export, but falling world prices and a domestic export tax hindered its export. In October negotiations began with Australia over the revenue from the potentially lucrative Timor Gap oil and gas region, located in the waters between East Timor and Australia. However, the Timor Gap is not expected to be economically productive for 5 to 10 years. Property ownership disputes and the lack of a comprehensive commercial code hinder investment and related long-term development. Urban unemployment and wage and price inflation remain significant problems. Most observers believe that East Timor will remain heavily dependent on foreign assistance for the foreseeable future.

UNTAET generally respected the human rights of East Timorese. The arrival of the INTERFET forces and withdrawal of Indonesian forces in September 1999 largely brought to an end the decades-long pattern of serious human rights abuses by Indonesian authorities and their East Timorese allies; however, many serious problems remained. East Timorese Indonesia-backed militias based in West Timor, Indonesia, sometimes crossed into East Timor and threatened, robbed, attacked, and occasionally killed local villagers and peacekeeping forces. A U.N. peacekeeper was killed on July 24, and another was killed in August in clashes with militias inside East Timor. Six militia personnel were killed in clashes with the UN-PKF in the first 11 months of the year. There were isolated attacks and instances of harassment of returning refugees who were suspected of being former militia members, and CNRT-sponsored security groups sometimes were involved in such abuses. The vast majority of the prison population is composed of pretrial detainees, despite explicit protective regulations. On occasion the independence of the judiciary was questioned, and the judiciary's resources remained extremely inadequate. The CNRT benefited from its close relationship with UNTAET and at times allegedly misused its political influence for employment advantages. By November more than 170,000 internally displaced persons (IDP's) had returned to East Timor from West Timor and other areas of Indonesia, but many others remained in West Timor. By year's end, most children had returned to school, but the educational infrastructure, which had not been fully rebuilt, suffered from inadequate facilities and educational materials. There were occasional attacks on Protestant churches, which had been closely associated with the prointegration cause. Muslims were subjected to harassment, and the mosque in Dili was attacked. Ethnic Chinese businessmen faced some extortion and harassment, and non-Portuguese speakers reported discrimination in government hiring. Local leaders sometimes forced suspected militia members returning from West Timor, Indonesia, to engage in compulsory labor.

During the year, significant efforts were made to bring to justice those persons responsible for the most serious abuses committed during 1999. UNTAET established a Serious Crimes Investigation Unit (SCIU) to address the most recent and serious cases and concluded a memorandum of understanding with the Government of Indonesia on legal, judicial, and human rights cooperation. In October UNTAET issued an arrest warrant for a prominent militia leader and requested his extradition from Indonesia. On December 11, UNTAET filed indictments against those persons suspected of committing war crimes and related atrocities in 1999. The Indonesian Government had not responded formally by year's end.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killings

The arrival of the INTERFET forces and withdrawal of Indonesian forces in September 1999, largely brought to an end the decades-long pattern of serious human rights abuses, including extrajudicial killings, by Indonesian security forces. INTERFET members committed no extrajudicial killings during the year. However, East Timorese pro-Indonesia militias based in West Timor, Indonesia, which were armed and supported by elements of the Indonesian armed forces, crossed into East Timor and threatened, robbed, attacked, and sometimes killed local villagers and peacekeeping forces during the year. In addition violence against East Timorese former militias returning from West Timor occasionally was a problem (see Section 1.c.).

During the year, there were reports that returning IDP's, alleged to have militia links, were killed. In January and February, two men were killed in Ermera district. While it is believed that these were retaliatory killings related to the two men's proautonomy sympathies, these two cases still were under investigation at year's end. In March militia members reportedly killed a villager near Maliana. In April Gabriel Alves, a suspected militia member, was beaten and kicked to death in Ulmera, Liquica. A suspect was arrested, but by year's end, no prosecutions had taken place.

On July 24, approximately eight militia members shot and killed New Zealand U.N. peacekeeper Private Leonard William Manning and mutilated his corpse, near Suai, East Timor, where Manning's unit was patrolling the East/West Timor border area. On August 10, East Timorese militia members killed Nepalese U.N.
peacekeepers to shoot at militia members who are perceived to be a threat to the UN-PKF. As of November, peacekeepers had shot and killed six suspected militia members operating within East Timor. By year’s end, more than a dozen pro-Indonesia militia members, lacking support from the local population, had surrendered to the UN-PKF and UNTAET, and the UN-PKF believes that most of the remaining militia members returned to West Timor.

Elements of the Indonesian security forces (TNI) and prointegration East Timorese militias, armed and largely supported by the TNI, were responsible for numerous extrajudicial killings in East Timor throughout 1999, but especially after the results (an overwhelming vote for independence) of the August 30, 1999 consultation vote were announced (see Section 1.c.). During the year, UNTAET made significant efforts to bring to justice those persons responsible for the most serious abuses committed during 1999. UNTAET established a Serious Crimes Investigation Unit to address the most recent and serious cases. In April UNTAET concluded a memorandum of understanding with the Government of Indonesia on legal, judicial, and human rights cooperation. In October UNTAET issued a warrant for the arrest of Eurico Guterres, a militia member who allegedly was involved in the 1999 mass violence in East Timor, and requested his extradition from Indonesia. At year’s end, Guterres remained in Indonesia facing trial for causing a disturbance at a September 24 weapons handover ceremony presided over by Indonesian Vice President Soekarnoputri in Atambua, West Timor. He was being held on charges of illegal possession of weapons and instigating his followers to engage in illegal acts. On December 11, UNTAET filed indictments against those persons suspected of committing war crimes and related atrocities in 1999. The Indonesian Government (Attorney General’s Office) had not taken a position or responded formally by year’s end.

During the year, UNTAET provided considerable assistance to Indonesian authorities investigating the atrocities committed in East Timor during 1999. In Indonesia the Commission for Investigation of Violations of Human Rights in East Timor (KPP-HAM) conveyed its report of human rights violations in East Timor to the Indonesia Attorney General's office on January 31. The report built upon an earlier interim report that held Indonesian security forces responsible for the destruction and violence that followed the East Timor consultation vote on August 30, 1999. The KPP-HAM members recommended the investigation of more than 30 persons, including the commander of the security forces and other high-ranking TNI and police officers. The Indonesia Attorney General said that his office initially would prosecute five major cases arising from the 1999 violence in East Timor and for which pro-Indonesia militia groups backed by TNI forces allegedly were responsible. These cases included the April 6, 1999 massacre in Liquisa, in which at least 25 persons died; the April 17, 1999 killings at proindependence activist Manuel Carrascalao's house, in which at least 15 persons died; the September 5, 1999 attack on the compound of the Catholic Diocese in Dili; the September 6, 1999 massacre of at least 50 priests and IDPs at a church in Suai; and the September 21, 1999 killing of Dutch journalist Sander Thoenes. The cases did not include the September 26, 1999 attack on a humanitarian convoy near Los Palos by “Team Alfa” paramilitary personnel, in which Team Alfa members killed eight persons, including nuns and religious workers. The Indonesia Attorney General's office named a total of 23 suspects in September and October (one of whom, an East Timorese militia commander, militia members killed in early September). Those accused included several Indonesian army and police generals, but not then-Indonesian Armed Forces Commander General Wiranto, former Indonesian Armed Forces intelligence chief Zacky Anwar Makarim, or other senior members of the Indonesian military leadership who were named as responsible parties in the KPP-HAM report. Progress on these cases was slow, and the number of suspects named small in comparison to the number of persons believed responsible.

There were also efforts to hold persons accountable for killings of suspected militia members in 1999. For example, four suspected militia members reportedly were murdered in Bobonaro town on September 29, 1999. A suspect was arrested during the year and investigation of this case was ongoing as of year’s end.

During the year, the U.N. began investigating the 1975 murders of five journalists in East Timor (see Section 2.a.).

b. Disappearance

There were no reports of politically motivated disappearances during the year.

There were numerous reports of abductions and disappearances in East Timor following the flight and forced relocation of more than 250,000 East Timorese civilians in September 1999. In addition dozens of East Timorese prisoners, including political prisoners, previously held in Becora prison in Dili, reportedly were taken
to West Timor in September 1999. By year's end, nongovernmental organizations (NGO's) had tracked down the vast majority of the former prisoners. Some had returned to East Timor, while others remained in West Timor.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

UNTAET regulations provide that all persons undertaking public duties or holding public office shall observe internationally recognized human rights standards, as reflected in the U.N. Convention Against Torture and other Cruel, Inhumane or Degrading Treatment or Punishment. In the early part of the year, there were isolated cases of local residents mistreating returning refugees who were suspected of being former militia members or militia sympathizers. Such mistreatment occasionally took the form of interrogations, stonings, beatings, and forced labor (see Section 6.c.). Irregular CNRT-sponsored security groups sometimes facilitated the abuse of such returning refugees, and CIVPOL and local UNTAET officials often permitted the CNRT security groups to screen returnees to determine if they had been associated with militias or Indonesian intelligence or had committed abuses. This screening usually occurred once the returnees had arrived back in their home areas. Those returnees that were suspected of having committed abuses sometimes were beaten during these sessions, at times severely. For example, in early February a CNRT investigation unit (which was questioning returnees about past militia affiliations) beat and stabbed a militia member in Liquica. However, the returning refugees generally were reintegrated without significant problems (see Section 2.d.).

Throughout the year, pro-Indonesia militias clandestinely entered East Timor from West Timor and threatened, robbed, and sometimes beat and killed local villagers (see Sections 1.a. and 2.d.).

Rivalries between members of the politically dominant CNRT and the small opposition group known as the Democratic Republic of East Timor (RDTL) occasionally led to intimidation and violence. Some members of the CNRT reportedly extorted protection money from businesses.

There were numerous acts of rape and sexual abuse that TNI-supported militia groups perpetrated against displaced East Timorese women in 1999, in addition to the widely reported rapes of women whom the Aitarak militia group kept as sex slaves in their Dili headquarters, also during 1999 (see Section 5). The Dili court indicted one militia member on a rape charge stemming from the September 1999 violence in Suai, and a Serious Crimes Investigation Unit (see Section 1.e.) special team established to address sexual violence was investigating numerous other rape cases. In 1999 the KPP stated that it received reports that the TNI and the militias raped 60 women in East Timor during the September 1999 wave of violence. Cases of East Timorese women whom Indonesian soldiers and civilian personnel allegedly raped in previous years remained unresolved.

Prison conditions meet the basic food, sanitation and health requirements of prisons.

UNTAET permits visits by independent human rights monitors to prisons.

d. Arbitrary Arrest, Detention, or Exile

UNTAET regulations, which are based on the U.N. Convention on Civil and Political Rights, explicitly preclude arbitrary arrest and detention, and require a hearing within 48 hours of arrest to review the lawfulness of the arrest and detention. UNTAET regulations provide the right to a trial without undue delay.

Pretrial detention is allowed only for crimes carrying a sentence of over 1 year. In principle a judge must review pretrial detention every 30 days; however, in practice limited resources have hindered this review, and some persons remained in pretrial detention longer than stipulated. The maximum pretrial detention period is not to exceed 6 months for suspects who are charged with crimes carrying a sentence of 5 years or less. In the case of a suspect who is charged with a crime carrying a sentence of more than 5 years, a court panel may extend the pretrial detention for an additional 3 months. For crimes with a sentence of over 10 years, a court panel may order additional pretrial detention beyond 9 months. Upon the expiration of the maximum detention period, a judge may order the release of a detainee. Throughout the year, roughly half of all detainees were overdue for review of their pretrial detention. UNTAET’s general policy is to keep the prison population as low as possible. Consistent with this approach, during the year 236 detainees were released on bail upon review; however, charges against them were not dropped, and their legal status was uncertain. Ninety-seven percent of the total prison population, or 158 persons, were pretrial detainees at year's end. Of the pretrial detainees, three-quarters were charged with murder, manslaughter, rape, or other violent crimes that carried a sentence of over 10 years.

In East Timor, arbitrary detention of persons suspected of proindependence sympathies by prointegration...
militia groups was a continuing problem in the months prior to and shortly after the September 1999 consultation. However, during the year, there were few reports that UNTAET officials arbitrarily detained persons. The one known exception occurred in September when a foreign reporter was arrested for "offending the dignity" of the CNRT president (see Sections 1.e. and 2.a.). There also were no confirmed reports of militia groups having committed such abuses in East Timor. While there were reports that Falintil members detained some persons in their cantonment area at Aileu, it was not clear whether the detainees were in "protective custody" (some suspected militia members ended up in Aileu after being driven from their home areas) or held against their will.

e. Denial of Fair Public Trial

UNTAET regulations—specifically the new Court Law—provide for the establishment of an independent judiciary in East Timor. Section two of the Court Law provides that judges perform their duties "independently and impartially" without "improper influence." Similarly the new Prosecution Law requires that all public prosecutors discharge their duties impartially. These regulations generally were respected during the year; however, the independence of the judiciary occasionally was questioned. For example, following disturbances in Dili in late April, a judge reportedly issued arrest warrants at the request of CNRT officials. In September the Dili District Court ordered the arrest of a Japanese reporter for "offending the dignity" of CNRT President Xanana Gusmao—a crime under the Indonesian Criminal Law Code that the East Timor courts still were using during the year, despite Indonesia's revocation of the law. The reporter later was released, and UNTAET subsequently revoked the Indonesian statute used in the case (see Sections 1.d. and 2.a.). In March UNTAET created a civil law court system with 13 district courts and 1 national Court of Appeal. In June UNTAET established a public prosecutor's office. However, by year's end, only the Dili District Court and Court of Appeals were functioning. By December ETTA had made progress in creating a legal basis for the justice sector, but it still faced serious challenges in recruiting and training enough qualified judges, prosecutors, and defense lawyers. The judiciary's shortage of personnel largely accounts for UNTAET's inability to process criminal cases against most detained suspects within a reasonable time (see Section 1.d.).

UNTAET established a special legal mechanism to prosecute those Indonesian and pro-Indonesian East Timorese persons responsible for the mass killings in 1999 and other serious human rights abuses. In March UNTAET established a special Serious Crimes Panel within the Dili District Court to serve as a de facto international tribunal for the 1999 atrocities. The special panel—which is expected to consist of two international judges and one East Timorese judge—has exclusive and "universal" jurisdiction to adjudicate cases of genocide, war crimes, crimes against humanity, murder, sexual offenses, and torture that occurred between January 1 and October 25, 1999. In June UNTAET created a corresponding Serious Crimes Prosecution Division under the General Prosecutor. This unit then incorporated an internationally staffed Serious Crimes Investigation and Prosecution Unit that originally was created during the early part of the year under the office of Human Rights Affairs. UNTAET also adopted international definitions of genocide, war crimes, crimes against humanity, torture, and command responsibility into a criminal code for the Serious Crimes Panel. On December 11, UNTAET filed the first indictments against Indonesian and pro-Indonesia suspects. Those persons indicted included both Indonesians and East Timorese; as of year's end, some suspects were in detention in Dili while others were at large in Indonesia. UNTAET requested assistance from the Government of Indonesia in extraditing identified suspects at large in Indonesia; however, by year's end, the Government of Indonesia had refused to extradite suspects to East Timor or to allow UNTAET investigators to question suspects in Indonesia.

The Transitional Authority's ability to employ fully this legal mechanism and to begin prosecutions by year's end was constrained severely by insufficient staff and funding and by procedural and organizational disputes within UNTAET. In particular, the UNTAET Serious Crimes Investigation Unit was understaffed and underfunded, limiting its ability to investigate the five priority incidents related to the 1999 atrocities.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence

UNTAET allows for these rights, as provided by relevant U.N. human rights covenants. However, the CNRT receives material support and derives legitimacy from its close relationships with UNTAET; other political entities do not enjoy such advantages (see Section 3). There were credible charges that the CNRT used its political position to influence the allocation of jobs in education, possibly including illegally adding names to payrolls.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

UNTAET regulations provide for the freedom of speech and press as stipulated in the U.N. International Covenant on Civil and Political Rights. There are two independent newspapers in the territory, published in
several languages, whose editorials freely criticize UNTAET, the CNRT, and other political entities. One of the newspapers was founded during the year. While insufficient financial resources and facilities have constrained the development of independent print and broadcast media, there are no political or legal impediments to new entries to the media market. In September a foreign reporter was arrested for “offending the dignity” of the CNRT president; he later was released (see Sections 1.d. and 1.e.). In Indonesia no one was held accountable for the September 1999 killing of Dutch journalist Sander Theones in Dili by assailants believed to have been members of the Indonesian Battalion 745. In September it was announced that the U.N. was investigating the October 1975 murders of five Australia-based journalists in East Timor (see Section 1.a.).

UNTAET operates one television and one radio station. The Catholic Church operates one radio station, and there are several small community radio stations that were founded during the year.

Although the telecommunications infrastructure largely is underdeveloped, there are no legal or administrative restrictions on Internet access.

UNTAET respects academic freedom. The University of East Timor reopened in a new location in November after the university's previous facilities were destroyed in September 1999.

b. Freedom of Peaceful Assembly and Association

UNTAET allows for freedom of assembly, and this right exists in practice. Many peaceful demonstrations occurred throughout the year. Most demonstrations centered on complaints over allocation of jobs, salaries, severance pay issues, and admission of students to the university.

UNTAET allows for the freedom of association, and strongly advocates for the freedom of political parties (see Section 3). Many NGO's were established during the year (see Section 4).

c. Freedom of Religion

UNTAET regulations provide for freedom of religion. Representatives of the Roman Catholic Church, Protestant churches, and the Islamic community, occupy appointed seats on the National Council. More than 90 percent of the population of East Timor is Roman Catholic. The relatively few Protestant churches in East Timor previously were identified with the Indonesian military forces and pro-Indonesia East Timorese. Accusations that Protestant clergymen were linked to pro-Indonesia East Timorese militias sometimes led to violent incidents. East Timor's small Muslim community consists of ethnic East Timorese as well as ethnic Malay migrants from other parts of Indonesia. The former group was well-integrated into East Timorese society, but the latter group experienced some harassment. Some Muslim groups at times were victims of harassment, and in December gangs attacked the main mosque in Dili. Local gangs attacked the main mosque in Dili on December 31, injuring three persons in the mosque. The mosque members’ resistance to the gang's demand for a car apparently precipitated the violence. There were no arrests in cases related to religious violence or attacks against churches and mosques (see Section 5). UNTAET's ability to respond to such attacks was hindered by insufficient prison space and judicial resources (see Sections 1.c. and 1.e.).

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

UNTAET respects the rights of freedom of movement, foreign travel, emigration, and repatriation.

Throughout the year, pro-Indonesia militias entered East Timor from West Timor and attacked, threatened, and sometimes killed local villagers (see Sections 1.a. and 1.c.). The fear of such violence sometimes led East Timorese residents to abandon their villages temporarily. For example, in August militia members who penetrated East Timor as far as the Manufahi district, in the central sector, caused more than 1,000 local residents to flee their villages for fear of militia attacks.

During the year, UNTAET worked closely with the U.N. High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM) to provide for the repatriation of IDP's from West Timor to East Timor, including the provision of transportation, shelter, and food. Working in cooperation with NGO's, UNTAET, the IOM, and the UNHCR have resettled in East Timor an estimated 170,000 of the approximately 250,000 former residents who fled, or whom pro-Indonesia militia removed forcibly to West Timor and elsewhere, in September 1999.

There were no reports of the forced return of persons to a country where they feared persecution.
Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

In January 1999, the Government of Indonesia announced its willingness to consider broad-based autonomy or independence for East Timor, paving the way for a U.N.-sponsored agreement concluded between Indonesia and Portugal in May of that year. The agreement provided for the holding of a popular consultation on the issue of East Timorese independence, under the supervision of the U.N. Following the agreement, the U.N. Mission in East Timor (UNAMET) was established in order to oversee the preparatory arrangements leading to, and implementation of, the referendum. After three postponements due to a fragile security situation, the referendum was held on August 30, 1999. Indonesian armed forces-backed militia groups attempted, through numerous killings, attacks, rapes, and other abuses to intimidate the East Timorese population into voting for autonomy (and, in effect, against independence), or to prevent them from voting at all; nevertheless, some 98 percent of registered voters cast their ballots, and 78.5 percent of the voters opposed the autonomy proposal. In early September 1999, the U.N. Secretary General declared that the ballot results were "an accurate reflection of the views of the East Timorese people." However, in the period after the announcement of the results, incidents of mass killing, violence, and destruction were reported widely throughout the province (see Sections 1.a., 1.c., 2.d., 4, and 5). Indonesian security forces allowed armed militia groups that opposed independence for East Timor to intimidate and kill at will, and the Indonesian military and prointegration militias allegedly systematically forced the relocation of East Timorese refugees into West Timor, Indonesia, partly in order to undermine the legitimacy of the U.N. consultation. However, in October 1999, the Indonesian Parliament approved revocation of the 1978 parliamentary decree that annexed East Timor, allowing for the establishment of UNTAET. In late October 1999, UNTAET became responsible for maintaining a police and military apparatus in East Timor.

UNTAET is mandated by the U.N. Security Council to establish a democratic government in East Timor. During the early part of the year, UNTAET governed East Timor, and the NCC advised the Transitional Administrator. The National Consultative Council consisted of 15 members, including 4 UNTAET officials, 7 representatives of the CNRT, 3 representatives of pro-Indonesia political groups, and 1 representative of the Roman Catholic Church. In July UNTAET established a new governing structure, the East Timor Transitional Administration. The ETTA cabinet consists of nine ministries after the addition in October of a Ministry of Foreign Affairs. UNTAET officials head the ministries of Internal Security; Justice; Political, Constitutional and Electoral Affairs; and Finance. East Timorese head the ministries of: Internal Administration; Infrastructure; Economic Affairs; Foreign Affairs; and Social Affairs. UNTAET appointed members of the NCC and the cabinet in close consultation with the CNRT, a political umbrella of proindependence parties, which functioned as the main East Timorese political interlocutor for UNTAET.

UNTAET responded positively to initial East Timorese criticism that it failed to integrate the views of East Timorese and their representatives sufficiently. An UNTAET-appointed 36-member National Council replaced the NCC in late October. The NC, a body of representatives appointed by UNTAET, also in close consultation with the CNRT, is responsible for exercising important policy decisions concerning East Timor's transition process. The NC is comprised entirely of East Timorese, representing the 13 districts, the CNRT, other political groups, and a variety of NGO, youth, and religious groups. In the latter part of the year, disagreement within the CNRT complicated the political situation. Following the CNRT Congress in August, the leaders of the two largest pre-Indonesian era parties, Fretilin and the Timorese Democratic Union (UDT), broke relations with the CNRT leadership and refused to participate in the CNRT-successor organization, the CNRT/National Congress.

In December in his capacity as President of the CNRT, Xanana Gusmao presented to the NC a proposed timeline for the process leading to the election of a constituent assembly, the drafting and adoption of a constitution, and eventual independence. By year's end, UNTAET, the CNRT, and the NC, were overseeing the promulgation of East Timor's first constitution and subsequent government.

Under UNTAET regulations, Indonesian law applies throughout East Timor except in areas where UNTAET specifically has repealed laws or superseded them with its own regulations.

UNTAET advocates the freedom of political parties and adheres to the U.N. International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights. However, the CNRT receives material support and derives legitimacy from its close relations with UNTAET; other parties do not enjoy the same advantages. During the year, there were credible charges that the CNRT used its political position to influence the allocation of jobs (see Section 1.f.).

UNTAET and the CNRT have made significant efforts to include women in appointed political bodies, and there are 13 women on the National Council; however, women remain underrepresented in the government and politics, especially at top leadership levels.
Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are no restrictions on the right of persons to form NGO's. Numerous NGO's were established during the year, devoted to a wide variety of civil society issues.

UNTAET adheres to the Universal Declaration on Human Rights, and actively has promoted investigation of human rights abuses occurring in East Timor. On October 15, 1999, the U.N. High Commissioner for Human Rights appointed the International Commission of Inquiry on East Timor (ICIET), which issued a report in January that made several recommendations, including that an international tribunal be established to prosecute those responsible for the mass abuses. UNTAET facilitated visits to East Timor of members of the KPP-HAM (see Section 1.a.). Within UNTAET itself there is a Human Rights Unit and a Serious Crimes Investigation Unit to investigate past human rights violations and to bring the perpetrators of past abuses to justice (see Section 1.e.). UNTAET also has engaged a special rapporteur to produce a comprehensive report on human rights abuses in East Timor since 1975. Nevertheless, resource constraints as well as procedural and organizational disputes within UNTAET have hampered progress on these investigations (see Section 1.e.).

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

UNTAET regulations prohibit all forms of discrimination. Nonetheless, violence against women is a problem, as is discrimination against women and religious and ethnic minorities.

Women

Domestic violence against women is a significant problem in East Timor. It is alleged widely that TNI-backed militias raped numerous women during the September 1999 violence in East Timor, and kept many as sex slaves (see Section 1.c.). Kirsty Sword Gusmao, wife of East Timorese independence leader Xanana Gusmao, reported to the international press in November that 33 pregnant East Timorese women returned to East Timor and claimed that they had been abducted and forced to serve as sex slaves for the TNI in West Timor, Indonesia. Rape is a punishable offense, as specified by Indonesian law. Few cases of rape have been prosecuted in the courts, although there was one indictment and numerous charges during the year (see Section 1.c.). The NGO FOKUPERS offers some assistance to women who have been victims of violence.

Customary practices in East Timor discriminate against women. For example, in some regions or villages where traditional practices hold sway, women may not inherit or own property. More importantly women's groups are concerned that the CNRT is encouraging women to resolve rape and domestic violence cases through traditional rules, which usually provide only for compensation to be paid to the victim. UNTAET regulations implement the U.N. Convention on the Elimination of All Forms of Discrimination Against Women; however, discrimination complaints were not a priority during the year, and no cases are known to have been reported.

There were no reports of gender-based employment discrimination during the year. Women usually deferred to men when job opportunities arose at the village levels.

East Timor Women against Violence (ETWAVE) is an East Timorese human rights NGO that advocates on behalf of women. FOKUPERS, a women's organization, has set up a women's and children's shelter for victims of domestic violence and incest.

Children

Primary education is compulsory and free; however, while the majority of children returned to school during the year after having fled their villages during the 1999 violence, a shortage of schools and educational materials still remained at year's end. The government is rebuilding and replacing the educational infrastructure destroyed by the Indonesian military and pro-Indonesia militias in September 1999. The government heavily relies on international aid in its efforts to rebuild educational infrastructure. The government has coordinated widespread inoculation programs and provided free medical care in many areas of the territory.

People with Disabilities

There are no reports of discrimination against disabled persons in employment, in education, or in the provision of other government services. However, UNTAET has not enacted legislation or otherwise
mandated a provision of accessibility to buildings for the disabled.

Religious Minorities

There were isolated instances of communal and sectarian violence during the year, although such incidents also have strong political and cultural undertones. Local, presumably Roman Catholic, residents attacked Protestant churches in East Timor, which had been associated closely with the pro-Indonesia cause, and Roman Catholics often accused Protestant clergymen of being linked to pro-Indonesia East Timorese militias. In June villagers burned three Protestant churches in Aileu district after a dispute between Catholic and Protestant youths.

East Timor's small Muslim community consists of ethnic Timorese and ethnic Malay migrants from Indonesia. Ethnic East Timorese Muslims generally are well-integrated into society, but ethnic Malay East Timorese Muslims are not integrated very well and experienced some societal harassment during the year. In the early months of the year, a group of approximately 250 ethnic Malay Muslims residing at the mosque compound in Dili were harassed by local youth gangs who were throwing stones at the mosque and surrounding structures. Such harassment appeared to have abated during the latter part of the year; however, on December 31, local gangs attacked the main mosque in Dili, injuring three persons. The mosque members' resistance to the gang's demand for a car reportedly precipitated the violence.

There were no arrests in cases related to attacks on churches or mosques, largely because of insufficient resources (see Sections 1.c., 1.e., and 2.c.).

National/Racial/Ethnic Minorities

Ethnic Chinese businessmen have been subjected to extortion and harassment, sometimes from elements reportedly associated with the CNRT which accused the ethnic Chinese businessmen (who make up less than 1 percent of the population) of, among other things, financially backing rival groups. Local gangs have harassed Muslims who are ethnic Malays. In addition there have been tensions between the Makasai-speaking group of East Timorese origin located in the eastern part of the island and Tetum-speaking and other ethnic groups around Dili.

The CNRT has proclaimed Portuguese the official language of East Timor, although only a small minority of the population speaks it. The majority of non-Portuguese speakers, especially members of the younger generation educated under the Indonesian system, complain that non-Portuguese speakers are discriminated against when political and civil service positions are filled.

Section 6 Worker Rights

a. The Right of Association

UNTAET generally applies Indonesian labor statutes, with some modifications to suit local conditions. Indonesian law permits private sector workers to form worker organizations without prior authorization, and unions may draft their own constitution and rules and elect their representatives. No labor unions had been organized in East Timor by year's end. Workers in East Timor generally have little experience negotiating contracts, promoting worker rights, or engaging in collective bargaining and negotiations. As a result, dissatisfied workers or disappointed job applicants frequently resorted to strikes, demonstrations, and sometimes destruction of property. Disputes usually centered on demands for higher salaries or severance pay for jobs in which short-term contracts had expired. Without organized labor unions, many of these disputes were resolved through the arbitration of local NGO's or UNTAET.

b. The Right to Organize and Bargain Collectively

It is estimated that roughly two-thirds to three-quarters of East Timor's work force is in engaged in subsistence agriculture, and thus is not employed for pay. While collective bargaining is permitted, attempts to organize workers only were beginning by year's end.

c. Prohibition of Forced or Compulsory Labor

Indonesian law still in effect in East Timor prohibits forced labor. However, during the year, local leaders informally required a number of returnees accused of involvement in the post-consultation destruction of September 1999 to engage in compulsory labor as a means of punishing them for their alleged offenses (see
Section 1.c. Examples of such compulsory labor included repairing damaged structures and participating in clean-up operations. UNTAET tolerated this practice.

Forced or bonded labor by children is not known to occur (see Section 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment

Indonesian law prohibits children under the age of 15 from working more than 4 hours per day. UNTAET has not addressed this issue and numerous children in East Timor, especially in rural areas, work in the agricultural sector. Forced or bonded child labor is not known to occur.

e. Acceptable Conditions of Work

There is no minimum wage. Indonesian laws still in effect provide for minimum standards of worker health and safety, days off, and other standard benefits. There are no restrictions on the rights of workers to file complaints and seek redress.

f. Trafficking in Persons

Applicable Indonesian law prohibits the trafficking in women and children, whether for the purposes of prostitution or for forced labor; however, trafficking of women and children from Indonesia to East Timor is a problem.

There were numerous international media reports that in 1999 over 40 East Timorese children were flown from refugee camps in West Timor, Indonesia, for the domestic sex trade.

[End.]