

Observations

- 3.1 The visit by the Joint Standing Committee on Foreign Affairs, Defence and Trade to East Timor on 2 December 1999 provided an unparalleled opportunity for members of the Committee to gain a first-hand appreciation of the situation facing the East Timorese, INTERFET, the United Nations and Non Government Organisations. The circumstances that had faced INTERFET at the beginning of October were described by the Secretary-General in his report to the Security Council on 4 October 1999:

The situation in East Timor is critical. ... The civil administration is no longer functioning. The judiciary and court systems have ceased to exist. Essential services, such as water and electricity, are in real danger of collapse. There are no medical services and hundreds of thousands of displaced persons are in dire need of emergency relief.¹

- 3.2 While in the two months that INTERFET has operated in East Timor some of these circumstances have begun to improve, the elements of the situation described by the Secretary-General remain. This section of the report provides an overview of some key observations made by the Committee on both military and humanitarian issues in East Timor.

Infrastructure

- 3.3 Without exception, members of the Committee were shocked by the level of systematic devastation evident in both Dili and Suai. Dili has been left with little remaining infrastructure and many of the buildings have been

1 <http://www.un.org/peace/etimor/docs/sg1024.htm>

reduced to burnt out shells. Prior to the 'popular consultation' Dili was a city of 130,000 people. Today, the majority of buildings have been destroyed and there is a distressing lack of shelter for the thousands of returning residents.

- 3.4 Like Dili, Suai has been devastated. The population of this western regencies town was some 10,000 before the 'popular consultation' but when INTERFET troops arrived in the town in early October it was deserted. Houses have been unroofed and burned and neither running water nor electricity is available in the town. The 5000 residents who have returned to the town are sheltered in a small number of surviving buildings, grass huts and buildings which have been hastily repaired.
- 3.5 The flights from Dili to Suai and return highlighted the extent of the devastation in East Timor as, even in remote mountain locations, there was evidence of the destructive nature of the pro-integration reprisals following the 'popular consultation'. Throughout the visit the Committee noted the lack of roofing on those houses that remained standing. The Committee was advised that looting of the galvanised iron sheets used for roofing had been prevalent during the pro-integration reprisals. As a result, galvanised iron sheeting is at a premium in East Timor.
- 3.6 During the flight from Suai to Dili the Black Hawk helicopters transporting the Committee were forced to divert around a significant tropical storm. The speed with which the storm approached and the intensity of activity within the storm front provided a first hand experience to the Committee of the type of climatic challenges faced by INTERFET with the onset of the wet season.

INTERFET

- 3.7 Throughout the visit to East Timor the Committee was hosted and escorted by INTERFET. The commander of INTERFET was an Australian, Major General Peter Cosgrove, AM MC. His deputy was a Thai officer, Major General Songkitti Jaggabatara.
- 3.8 As a multinational force established under Chapter VII of the Charter of the United Nations INTERFET was tasked to:
- a) restore peace and security in East Timor;
 - b) protect and support UNAMET in carrying out its tasks; and,

- c) within force capabilities, to facilitate humanitarian assistance operations.²

- 3.9 The composition of INTERFET had varied significantly since the multinational force was established on 20 September 1999. When the Joint Standing Committee on Foreign Affairs, Defence and Trade (JSCFADT) visited in December 1999 the force comprised some 9000 personnel from 20 nations. The Australian contribution to this force included more than 5,500 personnel from the Navy, Army and Air Force.
- 3.10 At the time of the JSCFADT visit on 2 December 1999, INTERFET had accomplished remarkable results. In effect the force had achieved the component of the mission calling for the restoration of peace and security in East Timor. While INTERFET forces were still actively involved in the maintenance of peace and security, particularly in the western regencies, the focus of effort had begun to shift towards the facilitation of humanitarian assistance.
- 3.11 The militia threat in East Timor has dissipated in response to INTERFET operations. The Committee was advised that any militia left within East Timor are in hiding and that the greatest threat to the militia is not from INTERFET but from the local population. Internally Displaced Persons (IDP) returning to East Timor are keenly scrutinised by a local population keen to identify members of the militia. This has provided a challenge for INTERFET as it is important for troops to intervene if summary justice from the local population is to be prevented when an alleged member of the militia is identified.
- 3.12 It was quite clear to the Committee that the requisite conditions of peace and security exist in East Timor to allow the transition to UNTAET to be effected. That transition is expected to commence in mid January 2000 with the transition to be completed not later than the end of February 2000. At the time of the JSCFADT visit on 2 December 1999, the plan for the transition to UNTAET had not been finalised. The successful transition to UNTAET and its military component will end the INTERFET mandate and will culminate in the dispersion of the force.
- 3.13 The JSCFADT was firmly convinced that INTERFET has been extraordinarily successful in promoting peace and stability in East Timor. There is no doubt that the success of the mission has stemmed from both excellent leadership and the professionalism of the INTERFET troops.

2 UN Security Council Resolution 1264 (4045th meeting on 11 September 1999)

Civil Military Operations

- 3.14 The role of the CMOC is to coordinate and facilitate the relationship between INTERFET, NGO, and international and humanitarian agencies. The CMOC has played an important role in the facilitation of humanitarian assistance operations since the commencement of the INTERFET presence in East Timor. The CMOC is a combined unit staffed by personnel from Australia, the United States, the United Kingdom and Norway. The Australian commitment to the unit was limited by the lack of expertise and dedicated equipment within the Australian Defence Force.
- 3.15 Tasks performed by the CMOC have included:
- a) the conduct of humanitarian assistance (HA) assessments and the preparation of HA plans;
 - b) the preparation of IDP management plans;
 - c) the management of military support requests from NGO, and international and humanitarian agencies; and
 - d) the provision of HA and civil affairs advice to Headquarters INTERFET.
- 3.16 The CMOC function is essential as the INTERFET focus of effort shifts towards the facilitation of humanitarian assistance. However, the role of CMOC will be subsumed by the Transitional Authority during the changeover from INTERFET to UNTAET.
- 3.17 The Committee was advised that the planned withdrawal of the United States and United Kingdom elements of the CMOC in mid December 1999 would place considerable strain on the small Australian contingent that would remain to continue CMOC activities. The issue of civil military operations it will be examined further during the Defence Sub-Committee's inquiry into *The Suitability of the Australian Army for Peacetime, Peacekeeping and War*.

Personnel

- 3.18 The Committee was extremely impressed by the professionalism and endeavour of the Australian troops in East Timor. Many of the troops

visited by the Committee had been in country since the inception of INTERFET in late September 1999. In that time they have operated seven days a week in difficult living conditions. Conditions in East Timor have improved since the arrival of INTERFET but living arrangements remain spartan.

- 3.19 Regardless of their time in East Timor and the spartan living conditions, morale amongst the Australian troops encountered by the Committee was very high. Without exception the Australian troops encountered by members of the Committee remained fervently committed to the INTERFET mission. It was clear to the Committee that a strong influence on both morale and, as a result, commitment to the mission was a high level of Australian public support for INTERFET.
- 3.20 While recognising that separations are always difficult for ADF families, the Committee believes that the strong support of the Australian public for the INTERFET mission has contributed to the overall well being of the Australian troops in East Timor. Commanders, at all levels, met during the visit advised the Committee that they had encountered surprisingly few welfare problems amongst their troops. For Dili based troops, access to the Telstra mobile telephone network had allowed personnel to remain in contact with family and friends and contributed to reducing the incidence of personal welfare issues.

Equipment

- 3.21 With a few minor exceptions, the equipment employed by Australian troops in East Timor has proven to be well suited to the task. Of particular note are:
- a) the night fighting capability of the Australian combat elements deployed with INTERFET;
 - b) the ability of Kiowa and Black Hawk helicopters to operate on night vision equipment at night;
 - c) the mobility provided by the Bushmaster, M113 APC, Light Armoured Vehicle (LAV) and the Black Hawk helicopters; and
 - d) the impact of armoured vehicles in the low threat, peace enforcement environment encountered by INTERFET in East Timor.

- 3.22 The suitability, availability and sustainability of the equipment employed by Australian troops in East Timor is an issue of significant interest to the Committee. Although members had limited opportunities to pursue this issue during the visit it will be examined further during the Defence Sub-Committee's inquiry into *The Suitability of the Australian Army for Peacetime, Peacekeeping and War*.

Suitability of the Australian Army for INTERFET Role

- 3.23 At the time of the visit to East Timor on 2 December 1999 the Defence Sub-Committee of the JSCFADT was in the process of conducting an inquiry into *The Suitability of the Australian Army for Peacetime, Peacekeeping and War*. Accordingly the suitability of the Australian Army for the role required by involvement in INTERFET was an issue that the Committee was keen to pursue.
- 3.24 The Commander INTERFET was strong in his conviction that it was the proficiency in warfighting skills which has underpinned the successful Australian effort. He suggested that, having been trained for warfighting, Australian troops were able confidently to respond to threats encountered in their peace enforcement role and equally to assume a role more focussed on humanitarian assistance. This position was reinforced by the Commander 3rd Brigade who was convinced that a basis in warfighting provided an excellent grounding for success in any military operation.
- 3.25 The Committee encountered no contrary opinions on this issue during its visit to East Timor. However some commanders suggested that once the warfighting basis has been established, elements that may be required to conduct peacekeeping or peace enforcement activities should be focussed on and trained for that task. This issue will be examined further during the Defence Sub-Committee's inquiry into *The Suitability of the Australian Army for Peacetime, Peacekeeping and War*.

Human Rights

- 3.26 The broad issue of human rights violations in East Timor is the subject of examination by the United Nations Commission on Human Rights under Resolution 1999/S-4/1 passed on 27 September 1999. A number of

thematic rapporteurs have been appointed and have visited the province.³ When violence erupted after the announcement of the result of the referendum, on 10-13 September, the High Commissioner for Human Rights, Mary Robinson, visited both Darwin and Jakarta. She sought to assess the situation first hand, to discuss with the authorities involved actions necessary to ensure protection of human rights of civilians, children, women and men, and to gather information that might assist the Commission, the Secretary-General, the Security Council and others in their handling of the situation.

- 3.27 In addition, the Commission has appointed a special Commission of Inquiry on East Timor (CIET) which, in conjunction with the special rapporteurs and the Indonesian National Commission on Human Rights, has been asked to 'gather and compile systematically information on possible violations of human rights and acts which may constitute breaches of international humanitarian law committed in East Timor since the announcement of the vote in January 1999'.
- 3.28 The Committee appreciated the opportunity to meet with the UN Commission of Inquiry. It comprises five representatives: Chairperson Sonia Picado Sotela, from Costa Rica, Judith Sefi Attah of Nigeria, Justice A.M. Ahmadi of India, Justice Mari Kapi of Papua New Guinea and Sabine Leutheusser-Schnarrenberger of Germany. The mandate of the commission is to report to the Secretary-General and make recommendations for further action by 31 December 1999.
- 3.29 CIET reported that it had met the Indonesian National Human Rights Commission in Darwin, but there had been no exchange of information. At the time of the committee's meeting, they had obtained no visa to visit Jakarta. Access to West Timor was also consistently denied. These prohibitions are contrary to the assurances given by Indonesian authorities to the United Nations that:
- Displaced persons would have the right to exercise their right of return voluntarily; and
 - The UN High Commissioner for Refugees and other international humanitarian agencies could have free and secure access to displaced people in West Timor.

3 Specifically the following special rapporteurs have been appointed: the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Representative of the Secretary-General on internally displaced persons, the Special Rapporteur on the question of torture, the Special Rapporteur on violence against women, its causes and consequences, and the Working Group on Enforced or Involuntary Disappearances

- 3.30 When the Committee visited East Timor, the CIET was in the final phase of its work in the province. The Chairperson explained that it had interviewed and collected depositions from dozens of people throughout East Timor. The witnesses were impressive and credible. Further information was gathered from non-government agencies and Amnesty International. However, the members of the special commission believed that many journalists held valuable evidence, in particular film of events or their own eye-witness accounts, to which CIET would like access. The CIET informed the Committee that they had formally requested Australian intelligence information to assist in their inquiries.
- 3.31 The commission was accompanied by a forensic doctor who had examined the bodies, exhumed in West Timor, of those who had been killed in Suai. However, the work of assessing evidence was made more difficult by a lack of forensic expertise attached to INTERFET. This was urgently needed if there were to be any future action on the killings that had taken place.
- 3.32 CIET were unable to say how many people had been killed or even how many had disappeared. In order to make an account of the population, they sought access to the Australian Electoral Commission (AEC) rolls, made for the purpose of the referendum. These rolls were the most reliable, recent list of the population of East Timor. CIET also sought information from the Australian Government on the numbers of refugees currently in Australia. Nevertheless, the process of reconciling the AEC rolls with the people still in East Timor and those returning was going to be slow. The flow of refugees back from West Timor was spasmodic, inhibited by continuing harassment and intimidation both within the camps and on buses travelling to the border.
- 3.33 While the CIET mandate required the representatives to report detailed findings first to the Secretary-General, they were prepared to say that it was clear that many people had been killed; that there had been systematic terrorising of the population by the militia and their supporters; and, as was obvious to the Committee, there had been almost complete destruction of property in East Timor.

Judicial Arrangements

- 3.34 The Committee sought information on the judicial arrangements operating in the gap created by the early departure of the Indonesian civil authorities following the 'popular consultation'. Under current

arrangements UNTAET⁴ is endowed with overall responsibility for the administration of East Timor and is empowered to exercise all legislative and executive authority, including the administration of justice in accordance with the report of the Secretary-General.⁵

- 3.35 The four major areas of responsibility for judicial affairs specified in the Secretary-General's report are: the administration of courts, prosecution services and prisons; the development of legal policies; the review and drafting of legislation for the goals and purposes of UNTAET; and the assessment of the quality of justice in East Timor, including training requirements.⁶ The Secretary-General's report also allowed for the provision of interim law enforcement services and the rapid development of a credible, professional and impartial East Timor police service.⁷
- 3.36 The first elements of INTERFET arrived in East Timor on 20 September with a mandate under Chapter VII of the Charter of the United Nations to, inter alia, restore peace and security in East Timor. Law breaking was viewed as a breach of the peace and security. In cases involving major crime, INTERFET acted to conduct a hearing to determine if sufficient evidence existed to warrant the conduct of a trial. If a trial was warranted the accused was remanded to the Force Detention Unit in Dili awaiting trial. The evidentiary basis for such remand is reviewed every seven days with a view to either continuing to detain or to release the accused. INTERFET now acts under Regulation 1 of the UNTAET mandate.
- 3.37 The Committee is aware that there could be a further problem in relation to the land tenure system in East Timor. This situation has been exacerbated by the dislocation of so many people and will require settlement as quickly as possible if the rebuilding of the province is to proceed expeditiously.

Aid

- 3.38 Throughout the visit all members of the Committee noted the significant level of aid being provided to assist the East Timorese in rebuilding their shattered homeland. Indeed many people encountered by the Committee

4 Under UN Resolution 1272 (1999) adopted at the 4057th meeting on 25 October 1999

5 Report Of The Secretary-General On In East Timor (S/1999/1024; 4 October 1999)

6 *ibid*, para 50

7 *ibid*, para 57

expressed their appreciation for the generosity of the Australian people. However, it was made clear to the Committee that toys and other goods, while well intentioned, were not the best means of providing assistance to the East Timorese people. Without doubt the most effective means of helping is via donation to any of the aid agencies working in East Timor.

General Observations

- 3.39 There is little doubt that the East Timorese people have suffered terribly to secure their independence. During the violence surrounding the 'popular consultation' many were killed and thousands were displaced. Yet despite this the people the Committee encountered on the streets of Dili and Suai smiled and waved and shouted support for INTERFET. These were people who, despite everything, show a remarkable determination and enthusiasm to rebuild their country and their lives. The Committee was inspired by the courage of the East Timorese people and grateful to the members of INTEFET, UNTAET, NGO and international agencies who are helping these people to a new and independent future.

A handwritten signature in black ink, appearing to read "Alan Ferguson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Senator A B Ferguson
Chairman