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community, including members of all political parties. The Australian Catholic Bishops Committee for Justice, Development and Peace has called on the Australian Govern- ment:

to move in the United Nations General Assem- bly, currently in session, that Indonesia's action against people assembled at the Santa Cruz cemetery be investigated without delay by repre- sentatives of the UN Commission on Human Rights;

to move that Indonesia's membership of the Commission be suspended until the UN investi- gation into the Santa Cruz incident is completed; and

to move that a United Nations-sponsored pleb- iscite be conducted to determine the wishes of the East Timorese people, with the option of independence being available to East Timor should the people vote for it.

Community Aid Abroad has urged the Govern- ment to adopt the following four point action plan: first, to support the sending of a United Nations force to protect East Timor- ese civilians; second, to dispatch immediately Foreign Minister Evans to Djakarta and Dili to facilitate talks between all concerned parties, including the Indonesian Government, Fretilin and the church; third, to suspend all military aid and defence equipment exports to Indonesia until the satisfactory commence- ment of such talks; and, fourth, to postpone the impending visit of the Prime Minister (Mr Hawke) to Indonesia until the satisfactory commencement of such talks.

Amnesty International is calling for an immediate and impartial investigation into the circumstances of the massacre at Santa Cruz, and for guarantees that those responsible for extrajudicial executions or for the ill treatment of prisoners will be brought promptly to justice. It believes that investigations must be carried out by an independent body with no link to the security forces allegedly respon- sible for the massacre. It urges the Indonesian authorities to permit an investigation to be carried out under the auspices of a recognised international body, such as the United Nations Special Rapporteur on Summary or Arbitrary Executions. Amnesty International is also seriously concerned for the safety of those arrested and is urging that those detained solely for their non-violent political activities

or beliefs be immediately released and that, following their release, their safety be guaran- teed.

What we are seeking in this urgency motion is achievable. It represents the minimum of what we believe should reasonably be done by any civilised country in response not only to this quite appalling massacre but also to 16 years of consistent, brutal human rights abuses in East Timor. I commend the motion to the Senate.

Senator GARETH EVANS (Victoria— Minister for Foreign Affairs and Trade) (4.00 p.m.)—What happened on 12 November in Dili was brutal and unconscionable. There may have been some provocation for a violent military response—in particular, the apparent stabbing of a battalion deputy commander and a private soldier early in the course of the demonstration—but on no version of the events which took place, not even the most extreme military version, could the degree of force that was clearly used on this occasion possibly be justified.

The course of events and the scale of the deaths and injuries associated with them is still not clear. The deaths are best estimated on the available evidence we have at around 75, plus or minus—certainly more than the 19 that have been acknowledged to date by the military authorities. As to the wounded, we now know that there are 89 people in hospi- tal, but there are a number of others wounded who are still in hiding, and the death toll may rise as a result. At least the International Committee of the Red Cross has, in the last 24 hours, had access to those wounded in hospital and to those 47 people who are still in military detention as a result of the demon- stration. That is to be welcomed.

It has to be said that there is no evidence that there was any deliberate or calculated decision or action of government involved in the conduct of this particular massacre, unlike the Tiananmen Square incident in China, where manifestly what happened was the result of a deliberate and calculated act of state policy. It does rather seem to have been aber- rant behaviour by a particular group within the military. Whether that is the case will, of course, hopefully become clearer in the course

of the investigation which is now under way. But our assessment of the situation, as being properly described in these terms, obviously does affect the nature of the response that the Australian Government has made to this situation as it has unfolded.

The Indonesian Government's reaction was initially very defensive. It also extended to an extraordinary and indefensible statement from the military commander-in-chief, to which Senator Bourne has already made reference. But it also has to be acknowledged that more recent statements issued after the first day have been more sensitive and more willing to acknowledge the enormity of the situation. In particular, we now have the presidential decree establishing the national commission of investigation—a really quite unprecedented thing to occur in Indonesian experience and a precedent that we of course welcome very much.

At this stage there is no reason to assume that that national commission of investigation will not produce an inquiry which is, in the language of the presidential decree itself, 'free, accurate, just and thorough'. We certainly hope it is, but we will have to wait and see.

The international reaction to the events in Dili has been strong—probably in no other country stronger than in Australia, which is understandable given the long history of concern with this issue at all levels of the Australian community and on both sides of the Parliament. But clear and unequivocal statements have been emerging from the European Community, the United States Congress and a number of other countries. A number of countries have communicated their concerns more privately than publicly, but the reality of that concern has been no less for that. Clearly, this weighed upon the Indonesian Government in coming to its welcome decision to establish a full and proper inquiry.

The Australian Government's reaction was clearly articulated by the Prime Minister (Mr Hawke) during my absence overseas. It involved us seeking clear expressions of regret from the Indonesian Government, which have now, of course, been forthcoming. It involved seeking that a full and fair inquiry be con-

ducted into all the circumstances of the massacre and, as I have said, that is now under way. We have also made it clear that we regard it as absolutely necessary that there be an appropriate follow-up involving appropriate treatment or punishment of those found guilty of unlawful or excessive conduct.

The Prime Minister, on behalf of the Australian Government, has also made it clear that, beyond that response to the 12 November events themselves, we believe there needs to be a new approach to reconciliation with the East Timor people involving, as the Prime Minister put it, sitting down with the East Timor people—including the resistance forces—and trying to work out a program for achieving peaceable relations.

The options that confront the Government in terms of the current situation are, essentially, either negative or positive in character. We did have available to us a number of negative options and they have been vigorously pressed upon us by a number of lobby groups and individual parliamentarians. They basically involve action being taken to demonstrate concern, abhorrence and hostility at what has happened on the part of the Australian Government or people—measures such as the cancellation of ministerial visits, the cancellation of aid programs and the cancellation of the kind of cooperative military activity which does presently take place; matters of that kind.

However, the Government's position—as I have already indicated at Question Time—is that we believe such measures as this are quite premature to contemplate at this stage, given the embarking by the Indonesian Government on the course of investigation that we have urged upon it. It would be utterly at odds with that course of action for us to cut across the bilateral relationship and to make assumptions of guilt on the part of the Government, as it were, by putting in place negative measures of that kind.

There is always a question as to whether measures of that kind will be, or are, productive or counterproductive for the people we are trying most to assist—in this case, the East Timorese. There is always a question as to whether such measures are in Australia's

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larger national interest. Given the course of the relationship and the significance of that relationship, not only to us but also in terms of multilateral cooperation on issues such as Cambodia and the establishment of APEC, there is always a question as to whether it makes any sense to deliberately embark upon a course of breaking down bilateral relations as an expression of protest.

We do not need to address those questions at this stage. It is not appropriate to be thinking about any such measures. Nonetheless, in the Government's judgment it is appropriate to be thinking about some more positive measures which can be taken at this stage: measures designed to encourage the effectiveness of the investigation process now under way and to achieve a longer term resolution and reconciliation of the Timorese conflict in a way which meets the needs and aspirations of the Timorese people.

Some people will say the only thing that could possibly meet the needs and aspirations of the East Timorese people would be the independence of East Timor following a UN-supervised act of self-determination and, presumably, a vote to that effect. That is probably too narrow a view of the situation. There is evidence, and quite a deal of evidence had been accumulating over the years before this incident, that a great many East Timorese people, perhaps a majority, would be content to have a society which involved them living in peace without an omnipresent military authority; which involved them being able to exercise rights of free speech and association; and which involved them being able to freely practise their religion—they are predominantly Catholic—and to exercise cultural freedom and independence, and gave them a measure of economic opportunity and support.

This was the course of action on which we believed the Indonesian Government was genuinely embarked in order to produce, over time, that kind of society in East Timor. The tragedy of the events of 12 November is that it so comprehensively put at risk the achievement—peacefully and within a reasonable timeframe—of the confident support of the East Timorese people for that kind of situa-

tion. We believe—and Australian policy has been firmly embedded in this particular course since 1979—that the only realistic future for the East Timorese people does lie with their acceptance of Indonesian sovereignty. In the mid-1970s we made very clear our opposition to the circumstances of the Indonesian takeover. In innumerable statements since I have made it perfectly clear that I have not changed my own personal view that what happened in 1975 was indefensible.

The world inevitably, and sometimes unfortunately, moves on. Things which appear to be realistically achievable at one time become less so over time. The truth of the matter has been that the international community, from the late 1970s onward, lost interest in East Timor, and the prospect of achieving the process of self-determination, which was so widely called for in the mid-1970s, is probably no longer realistic.

It may be that the events of 12 November will change all that in terms of the international reaction but, on the evidence so far, I honestly do not think that is the case. I believe it makes more sense to operate within the framework of an acknowledgment of that reality which we have accepted on both sides of politics since 1979 and to try to improve the conditions of the East Timorese people within that framework.

There are some constructive things we can do, both in respect of improving the conditions of the people in the aftermath of the 12 November incident and also, as I have said, encouraging the investigation to be conducted effectively. Those things include, perhaps, a visit to Indonesia by me as Foreign Minister within the next few weeks, in recognition that diplomatic dialogue is likely to be a more productive way of achieving results than any available alternative course of action at this stage, particularly given the nature of the relationship and the degree of diplomatic capital, if you like, which has accumulated as a consequence of the good state of those relations in recent years.

The second course that might be possible for us to take constructively is the exploration of a possible role for the United Nations, or more particularly its Secretary-General, in

encouraging these developments. At the present time, there are problems—procedural and otherwise—in seeking any action in the General Assembly or in the Third or Fourth Committee or the UN Human Rights Commission. A more realistic approach in this respect would seem to be the utilisation of the good offices role of the Secretary-General, which is something we have publicly supported in the past and which the Indonesian Government has been prepared to accept.

Another constructive thing we can do is to support actively the role of the Red Cross as a permanent monitoring presence, possibly by way of targeted financial assistance. The Red Cross has been playing a very important role in recent days in putting pressure on the Indonesian authorities to make information available, with some results which I indicated earlier suggesting that that cooperation is now more forthcoming.

Finally, it is proposed that, as a constructive measure, we seek the establishment of an Australian consulate in Dili. It will, of course, depend on the Indonesian authorities as to whether that can go ahead, but it will be an important permanent presence in the province if it is able to be secured, with advantages flowing fairly obviously from that.

Our attitude to the motion moved by Senator Bourne is reflected in what I have just said. In some ways we think the motion goes a little far in talking in terms of immediately sending fact-finding delegations to East Timor to investigate the Dili massacre. I think that is both unrealistic and unwarranted in terms of the action that is taking place now under the auspices of the Indonesian Government. I add, however, that the Australian Embassy has had people on the ground there for most of the period since the massacre, and the Australian Ambassador proposes to make early and regular visits to East Timor with this sort of thing in mind. Similarly with the reference to the UN facilitating talks, that may be a little more ambitious than is achievable or necessarily desirable at this immediate stage.

The basic point I make about the motion is that we believe it is possible to say rather more than has been said by Senator Bourne

and Senator Vallentine in their motion and to say it in a way that generates some of the balance I have been trying to put into the remarks I have just put on the record—the balance as between recognising the steps that have been taken, using language that makes unequivocally clear our condemnation of what has occurred, language that suggests that a rethinking of some aspects of Australian policy may well be justified if that investigation does not proceed satisfactorily, and language that identifies some of the constructive steps I have just spelt out. A weakness of the Opposition's foreshadowed amendment is that it goes only very selectively to the subject matter I have just described. In particular, it falls short of addressing both the constructive measures and what might appropriately happen in the event that the investigation is not satisfactorily conducted.

I urge that the Senate adopt the amendment I shall seek to move using the procedures of this place. I make it clear for the record that this amendment has been adopted by the Labor Party room this morning and will be moved as a separate motion in the House of Representatives in another debate today. In terms of stating a clear consensus position, hopefully, across the parliamentary chambers, it would be useful to have this amendment adopted.

I conclude by seeking leave to move an amendment to the urgency motion, the effect of which would be to substitute a substantive motion for the urgency motion in the terms that have been circulated.

Leave granted.

Senator GARETH EVANS—I move:

Omit all words after "That" substitute:

"the Senate

- (a) expresses its deepest sympathy to the people of East Timor for the appalling tragedy they experienced with the Dili massacre of 12 November 1991;
- (b) condemns in the strongest terms the resort by the Indonesian military to force which on every account was wholly excessive;
- (c) regards as deeply repugnant the reported comments of the Indonesian Commander-in-Chief on the day following the massacre that the "disruptors . . . had to be shot";

- (d) notes the Indo establish a Na tion to invest and calls upo to ensure to t Timorese and
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- (d) notes the Indonesian Government's decision to establish a National Commission of Investigation to investigate all aspects of the massacre, and calls upon it to take every necessary step to ensure to the satisfaction of both the East Timorese and international communities:
- (i) that the inquiry is "free, accurate, just and thorough", as promised;
 - (ii) that it is conducted fairly and impartially, with all witnesses guaranteed protection against intimidation or retaliation; and
 - (iii) that appropriate action is taken against those found to be responsible for unlawful or excessive acts;
- (e) further calls upon the Indonesian Government:
- (i) to provide immediate access by humanitarian and aid groups, especially the International Committee of the Red Cross, to those wounded or detained as a result of the events of 12 November and other recent incidents in East Timor, without any prejudice to those so visited;
 - (ii) to respond promptly to requests for information in relation to detained or missing persons about whom concern has been expressed following the events of 12 November and other recent incidents;
 - (iii) to release all political prisoners detained because of their opposition to the integration of East Timor with Indonesia; and
 - (iv) to guarantee that individuals who express peaceful opposition to the integration of East Timor with Indonesia are free from intimidation, harassment or detention;
- (f) requests the Government to instruct the Australian Ambassador to Indonesia to make an early visit, and subsequently regular visits, to East Timor to report fully on all aspects of the present situation and the progress of the National Commission of Investigation;
- (g) requests the Australian Government, having regard to the full range of its policies toward and bilateral contacts with Indonesia, to give consideration to the steps which it might take to review these policies and contacts in the event that the Indonesian investigation and follow-up action is unsatisfactory, for example the suspension of military training programs;
- (h) notes the importance of any Australian Government response to the 12 November massacre not only reflecting the deep concern of the wider Australian community but also being consistent with Australia's own national interests and above all with the interests and welfare of the East Timorese people;
- (j) calls, accordingly, upon the Government to explore all possible constructive avenues for
- (i) guaranteeing the effectiveness of the investigation process and its follow-up;
 - (ii) achieving a peaceful resolution of the ongoing conflict, including by requesting the Indonesian Government, in the Prime Minister's words, to "sit down with the people of East Timor including the resistance forces and try and work out a program of achieving peaceable relations"; and
 - (iii) meeting the longer-term needs and aspirations of the East Timorese people; and
- (k) in particular in these respects, the Senate requests that:
- (i) the Foreign Minister make an early visit to Indonesia to discuss all aspects of the East Timor situation, including the events of 12 November and options for effective longer-term reconciliation;
 - (ii) active steps be taken to explore the role which might now be played, with wide international support, by the United Nations and its Secretary General;
 - (iii) strong support be given to the role of the International Commission of the Red Cross in protecting and promoting human rights in East Timor, through continued representations to the Indonesian authorities and if possible targeted financial assistance; and
 - (iv) approval be sought for the establishment of a resident Australian Consulate in Dili."

Senator HILL (South Australia—Leader of the Opposition) (4.15 p.m.)—There is a great deal of common sentiment in the chamber this afternoon in relation to this issue. We join with the Australian Democrats and the Government in expressing our deepest distress over the incident in East Timor on 12 November 1991, which is the subject of this motion. Not only do we express our deepest sympathy for those who died, we think also of those who were injured and are presently hospitalised and of the families who have lost relatives in this tragic event.

I do not wish to debate the facts because they are only partly known at this time. They will become more apparent as time proceeds. They were put, in a form, by the Democrats' spokesman this afternoon. From my observation of the film to which she referred, which