

In late May, in advance of the Asia-Europe Meeting of E.U. and Asian foreign ministers in Beijing, the E.U. Council published a revised policy statement on China, declaring that the E.U. must increase its engagement. Chris Patten, E.U. Commissioner for External Affairs, argued that expanded contacts would “support China’s transition to an open society based upon the rule of law and respect for human rights.”

A China-E.U. summit took place in Brussels on September 5, led by Belgian Prime Minister Guy Verhofstadt and Premier Zhu Rongji. Talks focused on China’s prospective WTO membership, illegal immigration and trafficking of Chinese to Europe, and the treatment of North Korean refugees in China. The two sides affirmed their interest in continuing the human rights dialogue, although Zhu insisted that China’s human rights record was the best it had ever been.

Japanese policy towards China was marked by tensions over a decision to allow the former Taiwanese president permission to come to Japan for medical treatment in April, Chinese outrage over official approval of Japanese history textbooks that sanitized Japan’s record during World War II, and a visit to a war shrine by new Japanese Prime Minister Junichiro Koizumi in August. The prime minister went to China in early October, in advance of the APEC summit, to apologize to the Chinese “victims of aggression” and to explain new legislation allowing Japan’s Self Defense Forces to give logistical support for U.S. attacks in Afghanistan. Another session in Japan’s bilateral human rights dialogue with China was agreed to in principle, but as of November, no meeting had taken place.

### **World Bank**

In fiscal year 2001, the World Bank gave over U.S. \$787 million in loans to China, mainly for environmental and infrastructure projects. In fiscal year 2002, which began in July, it estimated that approximately \$950 million in new projects would be approved. The Bank also continued to fund transportation projects in Xinjiang and gave small grants to government-sponsored “NGOs,” including groups working on HIV-AIDS and environmental initiatives. It made some efforts to expand its consultation process with local communities and international NGOs in designing new projects, but did not provide new financial support for legal and judicial reform or use its policy dialogue with China to promote anti-corruption initiatives.

## **EAST TIMOR**

**E**ast Timor made steady progress toward self-government, with full independence scheduled for May 20, 2002. Under the auspices of the U.N. Transitional Administration in East Timor (UNTAET), it held a peaceful election in August for a constituent assembly whose delegates then proceeded to discuss and debate the nature of the new state: how it would be structured, how power would

be shared, what fundamental rights would be guaranteed. In September, an all-East Timorese Council of Ministers was appointed as the effective cabinet. The guerrilla force, Falintil, was transformed during the year into a component of the new East Timorese Defence Force. Policing was increasingly turned over to local graduates of the East Timorese police academy. In October, an East Timorese replaced a Tanzanian expatriate as general prosecutor.

The slow pace of justice continued to be a source of frustration for East Timorese jurists, human rights advocates, and victims alike, with much of the blame focused on UNTAET's Serious Crimes Unit. Nevertheless, prosecutions for serious crimes committed in 1999 did take place, with the first conviction in November 2001 of a former militia leader for crimes against humanity.

East Timorese who fled or were forcibly expelled to West Timor in 1999 began to return home in greater numbers. In May, a fifteen-year-old East Timorese girl was rescued and returned to East Timor from West Timor where she had been held in sexual slavery in a militia-controlled camp. Following the August election, the rate of return increased, with more than 3,000 people returning in October. Although reports continued of militia leaders in the West Timor camps intimidating refugees and spreading disinformation to discourage them from returning, their hold over the camps seemed to be steadily declining.

## **HUMAN RIGHTS DEVELOPMENTS**

East Timor took a giant step toward independence with a widely praised election on August 30, 2001, the second anniversary of the referendum that produced a vote to separate from Indonesia—and devastating violence. The election for a constituent assembly involved sixteen parties competing for eighty-eight seats. Nearly the entire eligible voting population registered and participated, with almost none of the political violence that had been widely predicted. Prior to the elections, in June, the National Council of East Timorese Resistance (CNRT), the pro-independence coalition that had dominated East Timor's political life for the last two years, quietly dissolved itself to make way for a more competitive political system.

Justice for the 1999 violence in East Timor continued to be elusive. By late November, the office of the general prosecutor in Dili, the capital, had filed thirty-three indictments for serious crimes, four of which involved crimes against humanity. But many of the more than seventy suspects named in the indictments were militia members or Indonesian army officers living in Indonesia, and unlikely to be prosecuted there, let alone extradited to East Timor.

The sentences handed down by the panel of East Timorese and international judges in the Dili District Court reflected the seriousness of the crimes. On January 25, Joao Fernandes became the first person convicted of murder in connection with the 1999 violence. He received a sentence of twelve years. (He then escaped, but was eventually recaptured.) Augustino da Costa, who was convicted in July of killing a local employee of the United Nations Mission in East Timor (UNAMET) on August 31, 1999, received a fifteen-year prison sentence. Defendants who cooperated fully

with the court and were shown to have themselves been under threat of death from their commanders when they killed were given similarly heavy sentences.

While such terms for serious crimes would ordinarily have occasioned little comment, some senior East Timorese officials, including Xanana Gusmao, former resistance leader and East Timor's president-in-waiting, questioned whether prosecuting East Timorese served the interests of justice when the Indonesian architects of the 1999 violence were not even indicted.

The Serious Crimes Unit's need to clear the backlog of cases, involving long-detained suspects, also meant that investigators and prosecutors had no time to prepare cases against top militia commanders believed to have been responsible for crimes against humanity—cases which should have been prepared as a top priority when UNTAET first arrived in Dili. This meant that some commanders, such as Cancio de Carvalho and his brother, Nemencio, could negotiate their return to East Timor from West Timor on the understanding they would face trial, yet without any serious prospect of prosecution.

Criticism of the Serious Crimes Unit surfaced repeatedly during the year, notably poor administration and weakness of its senior staff, and several good prosecutors and investigators left in frustration.

Problems also continued with the Dili court due to its lack of good interpreters, poor or nonexistent translations of dossiers, inadequate court reporters, and inexperienced defense counsel and other court personnel. In Baucau, East Timor's second largest city, the district court was briefly closed in May after assaults on a judge and prosecutor. Court personnel complained that the U.N. police had failed to provide adequate security in the face of threats, apparently from people unhappy with court decisions.

On October 4, a U.S. Federal Court judge ruled in response to a lawsuit based on the Alien Torts Claim Act that Indonesian General Johnny Lumintang should pay damages of U.S. \$66 million for his role in the human rights violations committed by the Indonesian army following the August 30, 1999, referendum in East Timor.

On October 16, during a seminar in Dili on "Justice and Accountability in East Timor," East Timorese nongovernmental organizations called for an international ad hoc tribunal to be set up to prosecute war crimes and crimes against humanity in East Timor occurring after Indonesia's 1975 invasion of the country. One week later, on October 23, Jakarta's chief justice of the Supreme Court promised that the long-delayed ad hoc human rights court to try the East Timor cases would be up and running in Jakarta by December.

In April East Timor's provisional legislature, the National Council, approved the establishment of a Truth, Reception, and Reconciliation. It was designed both to facilitate the return of former militia members from West Timor and to ease the burden on the formal judicial system by allowing those responsible for less serious crimes, such as arson, to confess their crimes before a commission panel and receive a punishment of community service.

There were some instances of attacks on Muslims during the year, but they were quickly condemned by East Timorese and UNTAET officials. On January 1 and 2, 2001, stones were thrown at Muslims living in the An-Nur mosque in Dili, and on March 7, the mosque in Baucau was destroyed.

A long-awaited labor law was finally passed by the National Council in July. Drafted with the help of the International Labor Organization, it established a system of labor relations in accordance with ILO standards.

## **DEFENDING HUMAN RIGHTS**

East Timor's human rights defenders operated freely and played an active role in lobbying UNTAET and transitional government institutions. In July, the country's premier human rights organization, Yayasan Hak, led an effort to challenge UNTAET regulations that it felt compromised the independence of the judiciary in East Timor; the regulations were changed as a result. There were no attacks on human rights defenders. UNTAET's Human Rights Unit provided human rights training programs for East Timorese NGOs.

## **THE ROLE OF THE INTERNATIONAL COMMUNITY**

Australia continued to play a particularly significant role in the reconstruction of East Timor given its proximity to the new country, and Japan was the largest single donor. East Timor in general, however, enjoyed strong support from the international donor community.

In November 2000 and June 2001, international donor conferences were held in Dili with the specific aim of providing assistance to the East Timorese Defence Force. Australia was expected to provide major aid to the new force; lusophone countries were prominently represented at the conference, including Portugal, Angola, and Mozambique.

The E.U., U.S., Canada, and Australia were among the most active donors with regard to supporting justice projects.

Portugal and the lusophone countries, notably Brazil, continued to provide important assistance to East Timor, particularly in the field of education and culture. Some three hundred students from East Timor went to Portugal for post-high school studies, and some 150 Portuguese schoolteachers arrived in East Timor.

## **United Nations**

The United Nations administered East Timor for a second year, and despite criticism within East Timor of some aspects of its role there, it continued to be seen as a major peace-keeping success story. Given the enormity of the task at hand, UNTAET, the U.N. Security Council, the international donor community, and above all, the East Timorese themselves deserved credit for the enormous progress made in institution- and capacity-building. One question outstanding at the end of the year, however, was what human rights role the United Nations would have post-independence; it appeared by November that the Office of the High Commissioner for Human Rights had secured agreement for a team of human rights monitors to be assigned to East Timor after UNTAET formally comes to an end.

The Security Council continued to take an active interest in East Timor. In November 2000, in the aftermath of the killings of three workers from the U.N. High Commissioner for Refugees office in Atambua, West Timor, a Security Council delegation visited Indonesia and East Timor. In January 2001, through resolution 1338, the Security Council voted to extend UNTAET's mandate through January 2002. On November 1, the Council endorsed May 20, 2002, as the date for East Timor's independence and agreed to keep peacekeepers, some civilian staff, and police trainers in East Timor for up to two years after independence.

### **United States**

In February, legislation was introduced in both houses of the U.S. Congress to facilitate East Timor's transition to independence through assistance for democracy building, support for reconciliation programs, steps to enhance trade and investment, and training of self defense forces. The bill was incorporated into the State Department authorization legislation for fiscal year (FY) 2002; final adoption, which was expected, was pending in late November. In the FY 2002 foreign operations appropriations bill, the U.S. Congress renewed and strengthened human rights conditions on International Military Education and Training (IMET) and government military sales to Indonesia. One condition was progress on accountability for abuses committed in East Timor.

Xanana Gusmao visited Washington, D.C. in May and met U.S. Secretary of State Colin Powell. In August, James Kelly, U.S. assistant secretary of state for East Asia and the Pacific, visited East Timor. He used the opportunity to criticize the Indonesian government for its lack of progress on accountability for abuses committed in East Timor in 1999.

### **European Union**

The European Commission remained one of East Timor's major donors. In addition to providing significant humanitarian and development aid during the year, the European Union also fielded the largest delegation of observers—thirty members in all—for the constituent assembly elections in August.

### **Japan**

Japan supported the creation in Indonesia of an ad hoc human rights court for East Timor. In August and September, it sent monitors to East Timor and provided \$ 1.19 million in emergency grants to the United Nations Development Program (UNDP) to assist with monitoring and training of local election administrators in Indonesia. In November 2001, it decided to dispatch seven hundred members of Japan's Self-Defense Forces to East Timor as peacekeepers, mainly for operations in areas bordering West Timor; an assessment mission was due to visit East Timor later in the month to finalize plans for the deployment. East Timorese NGOs opposed the deployment on the grounds that Japan had never compensated East Timorese victims of atrocities during World War II.

## World Bank

The World Bank continued to play an instrumental role in financing development and reconstruction projects through the Trust Fund for East Timor (TFET). TFET is administered jointly by World Bank and the Asian Development Bank. World Bank personnel have also been active in working with East Timorese leaders on setting benchmarks for political and economic goals, for the transition to independence and beyond. UNDP was active in supporting programs to assist the electoral process and to aid the administration of justice.

## INDIA

**I**n 2001, India held steadfast to its distinction as the region's most stable and vibrant democracy even as its neighbors underwent dramatic and often violent shifts in power. With the onset of the war in Afghanistan, and as relations with Pakistan deteriorated and violence in Kashmir and elsewhere escalated, the Indian government faced heightened national security concerns. Some measures taken in response, including the cabinet approval of the Prevention of Terrorism Ordinance, came under sharp attack by various sectors of Indian civil society for opportunistically curtailing civil liberties in the name of fighting terrorism. Increased violence in the state of Uttar Pradesh, where the Hindu nationalist Bharatiya Janata Party (BJP) hopes to achieve a comeback election victory early in 2002, highlighted the dangerous results of exploiting communal and caste tensions for political ends.

Police violence, attacks on the country's minority communities including Muslims, Christians, Dalits and tribals, and violence against women continued to be serious problems, though some positive steps were taken to help better ensure women's and children's rights. Human rights defenders came under legislative assault through changes to laws and procedures aimed at restricting their ability to travel, hold conferences, and receive foreign funds. The U.N. World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR), held in South Africa from August 31 to September 8, paved the way for unprecedented international as well as national scrutiny of the problem of caste discrimination.

## HUMAN RIGHTS DEVELOPMENTS

On January 26, a devastating earthquake rocked the northwest state of Gujarat, the country's worst natural disaster in recent history. Within days at least 30,000 were declared dead and over one million were left homeless. While the government allocated equal amounts of monetary compensation and food supplies to members