

#### 8.6.4 Responsibility of the United States of America

The Commission finds that the United States of America failed to support the right of the East Timorese people to self-determination, and that its political and military support were fundamental to the Indonesian invasion and occupation. The support of the United States for Indonesia was given out of a strategically-motivated desire to maintain a good relationship with Indonesia, whose anti-communist regime was seen as an essential bastion against the spread of communism in South-East Asia. President Gerald Ford met President Soeharto twice in 1975.

The second meeting was in Jakarta on 6 December, the day before the Indonesian invasion of Dili, when the impending invasion was discussed. The Commission finds on the basis of the available documentary evidence that the United States was aware of Indonesian plans to invade and occupy Timor-Leste. It also finds that the United States was aware that military equipment supplied by it to Indonesia would be used for this purpose. However, in the light of the its assessment of the importance of good relations with Indonesia, the United States decided to turn a blind eye to the invasion, even though US-supplied arms and military equipment were sure to be used.

US-supplied weaponry was critical to Indonesia's capacity to intensify military operations from 1977 in its massive campaigns to destroy the Resistance in which aircraft supplied by the United States played a crucial role. These were the campaigns which resulted in severe suffering and hardship to tens of thousands of civilians sheltering in the interior at the time. The campaigns forced the mass surrender of tens of thousands of civilians, whom it then held in the highly restrictive conditions of the resettlement camps where thousands of civilians died from starvation and illness. During the famine of this time US administration officials refused to admit that the primary reason that East Timorese were dying in their thousands was the security policies being pursued by the Indonesian military. Instead they maintained that that the deaths were due to drought, an argument which the Commission finds to have been without merit.

Successive administrations, even those such as the Carter administration which made much of its commitment to human rights, were driven by hard-nosed realism in their policy towards Timor-Leste: they all consistently stressed the overriding importance of the relationship with Indonesia and the supposed irreversibility of the Indonesian takeover, even as they acknowledged that the people of Timor-Leste had been denied their right to self-determination.

Although the United States suspended its military cooperation programme with Indonesia after the Santa Cruz massacre in 1991, its policy on Timor-Leste on that and other occasions was reactive rather than proactive. In response to the massive violations that occurred in Timor-Leste in September 1999 President Clinton threw the considerable influence of the United States behind efforts to press the Indonesian Government to accept the deployment of an international force in the territory, demonstrating the considerable leverage that it could have exerted earlier had the will been there.

In the Commission's view, the support given by the United States to Indonesia was crucial to the invasion and continued occupation of Timor-Leste. This was so not only because weapons and equipment purchased from the United States played a significant role in Indonesian military operations in Timor, but also because it never used its unique position of power and influence to counsel its Indonesian ally against embarking on an illegal course of action.

The actions of the Government of the United States of America in supporting Indonesia's invasion of Timor-Leste was in violation of its duties, under the general principles of international law, to support and refrain from undermining the legitimate right of the East Timorese people to self-determination<sup>17</sup> and to take positive action to facilitate the realisation of that right.<sup>18</sup>