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Timor-Leste: Tackling impunity in Timor-Leste and Indonesia – Justice is the only way

Joint statement by ANTI (The Timor-Leste National Alliance for an International Tribunal) and Amnesty International to commemorate 12 November 2012

The United Nations (UN) and the international community must ensure justice for serious crimes committed during the Indonesian occupation of Timor-Leste (1975-1999) and in the context of the 1999 referendum, said ANTI (The Timor-Leste National Alliance for an International Tribunal) and Amnesty International.

Today, 12 November 2012, the people of Timor-Leste reflect on twenty-one years since the 1991 Santa Cruz massacre, when Indonesian security forces opened fire on a peaceful procession of some 3,000 Timorese people to the Santa Cruz cemetery in Dili, leading to the deaths of many Timorese. At the same time, thousands of miles away in New York, the UN Security Council will meet to discuss the UN's future engagement in Timor-Leste. ANTI and Amnesty International repeat longstanding calls to the governments of Timor-Leste and Indonesia and to the international community, to take responsibility and ensure justice, truth and reparations for human rights violations committed during the Indonesian occupation and in the context of the 1999 referendum.

Impunity persists for perpetrators of serious crimes committed by the Indonesian security forces and their auxiliaries during the occupation of Timor-Leste and in 1999. These crimes included unlawful killings, enforced disappearance, rape and other crimes of sexual violence against women and girls, torture and other ill-treatment. Many of these crimes amount to crimes against humanity and violate international law and standards.

To date no one is imprisoned – either in Indonesia or in Timor-Leste – for these past crimes. Over 300 people indicted for crimes against humanity and gross human rights violations continue to evade justice in Indonesia. The Indonesian authorities have refused to co-operate with the UN-sponsored justice system in Timor-Leste and to extradite their nationals suspected of crimes against humanity to stand trial in Timor-Leste. In Indonesia, all 18 defendants originally tried for crimes committed in Timor-Leste during 1999 by the *ad hoc* Human Rights Court in Jakarta were acquitted by the Human Rights Court or later on appeal.

To date there has been no formal process to bring to justice those responsible for crimes against humanity and gross human rights violations committed between 1975 and 1998.

Based on the above information, ANTI and Amnesty International call for the following immediate actions:

- The UN must state clearly that there will be no impunity for crimes against humanity and gross human rights violations committed in 1999 and during the Indonesian occupation (1975-1999), and further, must ensure that justice for serious crimes committed in Timor-Leste remains on the UN Security Council agenda beyond the planned withdrawal of the UN peacekeeping mission in December 2012.

- The UN must take concrete and effective steps to establish a long-term comprehensive plan to end impunity for all the perpetrators of human rights violations committed in 1999 and during the Indonesian occupation.
- The UN Security Council should discuss and implement the recommendations of the 2005 Commission of Experts, including that the UN Security Council adopt a resolution under Chapter VII of the UN Charter to create an *ad hoc* international criminal tribunal for Timor-Leste when domestic mechanisms have failed to bring those responsible for past crimes to a credible legal process. Such a tribunal should have jurisdiction over all crimes under international law committed by Indonesian security forces and their auxiliaries in Timor-Leste between 1975 and 1999.
- The Timorese and Indonesian governments should ratify the International Convention for the Protection of All Persons from Enforced Disappearance and take effective steps to implement the recommendations of the bilateral Commission of Truth and Friendship (CTF) to establish the fate and whereabouts of disappeared persons.

Together, ANTI and Amnesty International demand that the UN and the governments of Timor-Leste and Indonesia take responsibility to ensure justice for crimes against humanity and human rights violations which took place in Timor-Leste between 1975 and 1999. They must ensure that victims of the Santa Cruz massacre, and all those who suffered during the Indonesian occupation and in the context of the 1999 referendum, have access to justice, truth and reparation. Continued inaction will further entrench a culture of impunity, and leave a dark stain on the UN's record in Timor-Leste.

ANTI is made up of the following organizations:

1. National Victim Association
2. HAK Association
3. Committee of 12th November
4. La'õ Hamutuk (Walking Together)
5. Luta Hamutuk (Struggle Together);
6. OPVG (Organização Popular da Vitima da Guerra/Popular Organization of Victims of War)
7. FONGTIL (Timor-Leste NGO Forum)
8. FTM (Forum Tau Matan/Forum for Monitoring)
9. KSI (Kdadalak Sorumutuk Institute)
10. FOKUPERS (Women organization)
11. KBH (Knua Buka Hatene/Home for Searching Knowledge)
12. Judicial System Monitoring Program (JSMP)
13. CDI (Community Development Interest)
14. Front Mahasiswa Timor-Leste (FMTL, Student Front)
15. Institute Edukasaun Popular (IEP)
16. Klibur Solidariedade
17. Mata Dalan Institute (MDI)
18. Ita ba Paz