

# AMNESTY INTERNATIONAL PRESS RELEASE

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## **Indonesia/Timor-Leste: Justice for Timor-Leste: UN dragging its heels while perpetrators walk free**

### **Joint statement by Amnesty International and the Judicial System Monitoring Program**

Perpetrators of crimes against humanity and other serious crimes committed in Timor-Leste during 1999 will escape justice unless the United Nations (UN) acts to fulfil its commitment to bring them to account, Amnesty International and the Judicial System Monitoring Program (JSMP)\* said in a joint report issued today.

Two separate processes were set up to investigate and judge individuals suspected of grave breaches of international humanitarian and human rights law in Timor-Leste in 1999, but one has proved fundamentally flawed and the other is unlikely to complete its task.

The report, *Justice for Timor-Leste: The way forward*, details problems with the specially established *ad hoc* Human Rights Court in Indonesia. It concludes that the problems were so serious, and the outcomes of the few trials held so unsatisfactory that there should be no further proceedings in Indonesia until fundamental reforms have taken place. In the meantime, other measures must be taken by the UN to ensure there is no impunity.

The report also looks at the parallel serious crimes process in Timor-Leste which, despite some recent progress, has little chance of succeeding in investigating fully the events of 1999 or bringing to trial all those responsible.

The work of the Serious Crimes Unit and Special Panels in Timor-Leste is hampered by limited capacity, the uncertain commitment of the Timor-Leste government to the process and, crucially, Indonesia's refusal to cooperate with it. Over three quarters, or 281, of the 369 suspects indicted in Timor-Leste are at large in Indonesia. Indonesia has so far refused to transfer them to Timor-Leste for trial.

"In 1999, the UN and individual governments expressed horror at the violence in Timor-Leste, but four years on interest in supporting investigations and prosecutions has waned. Moreover, Indonesia appears to be under little pressure to cooperate," Amnesty International and JSMP said.

The two organizations are urging the UN Security Council to make real its demand for justice by extending and increasing its support to the serious crimes process in Timor-Leste and by exploring effective alternatives to the *ad hoc* Human Rights Court in Indonesia.

"While the UN is dragging its heels, those responsible for grave crimes in Timor-Leste are free and, in many cases are in active military or police service. It is therefore no surprise that the patterns, if not the scale, of violations witnessed in Timor-Leste have since been repeated elsewhere in Indonesia."

As a first step, the two organizations are calling upon the UN to immediately establish an independent committee of experts to assess the technical and political obstacles to achieving justice for Timor-Leste. The Committee should provide recommendations to the UN Security Council about what further measures are needed to ensure that credible and effective investigations and trials take place within the shortest possible time.

Among the options that must now be seriously considered is the establishment of an international criminal tribunal as recommended by the UN's own International Commission of Inquiry on East Timor (ICIET) in January 2000.

Amnesty International and JSMP are also urging individual governments to take action by providing technical and financial support to the Serious Crimes Unit and Special Panels in Timor-Leste. Governments should also be prepared to arrest and extradite to Timor-Leste individuals indicted by the Timor-Leste General Prosecutor or bring them to trial in their own courts.

## **Background**

On 30 August 1999, the population of the Democratic Republic of Timor-Leste (formerly known as East Timor) voted for independence from Indonesia in a UN organized ballot. In the months before and immediately after the ballot, militia supported by the Indonesian security forces mounted a systematic campaign of murder, violence and intimidation. Around 1,400 people, mainly independence supporters, are believed to have been killed, and an unknown number of people were subjected to other human rights violations, including torture and rape. More than a quarter of a million people, or some 30 per cent of Timor-Leste's population, were forcibly deported or fled across the border to West Timor in Indonesia where around 28,000 remain today.

The ICIET, established by the UN, concluded that gross violations of human rights and breaches of humanitarian law had taken place, and recommended the establishment of an international criminal tribunal. However, assurances given by Indonesia in early 2000 that suspects would be prosecuted through the national system were accepted by the UN Secretary-General and Security Council.

Eighteen people were brought to trial in Indonesia in the *ad hoc* Human Rights Court on East Timor. Six were found guilty and sentenced to prison terms of between three and 10 years. The six are all free pending appeal. A number of them remain in active military or police service.

In the meantime, a parallel process was established in 2000 in Timor-Leste by the UN Transitional Administration in East Timor (UNTAET). To date, 81 indictments have been issued against 369 people. Fifty-five of the indictments contain charges of crimes against humanity against 339 persons. A total of 49 defendants have been convicted by the Special Panels and one defendant has been acquitted.

The mandate of the current peacekeeping operation in Timor-Leste, the UN Mission of Support in East Timor (UNMISSET) is due to expire in May 2004. It is likely that it will be extended and that there will be continued but limited support to the serious crimes process, focussed primarily on the defence and judiciary. Lack of investigative capacity means that hundreds of killings and other grave human rights violations will not be investigated.

\*JSMP was set up in early 2001 in Dili, Timor-Leste. It undertakes court monitoring and provides legal analysis and thematic reports aimed at contributing to strengthening Timor-Leste's judicial system.

For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566 or visit the website at <http://www.amnesty.org> or JSMP in Dili, Timor-Leste on (+670)(390)323 883 or visit the website at <http://www.jsmp.minihub.org>

For a full copy of the report *Justice for Timor-Leste: The way forward* please go to:  
<http://news.amnesty.org/library/index/engasa210062004>

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