

East Timor: Justice at risk

With only months to go before the mandate of the United Nations Transitional Administration in East Timor (UNTAET) expires its job in East Timor is far from complete. Law and order is barely maintained; justice is not being administered effectively; and the human rights of the East Timorese people cannot be guaranteed, Amnesty International said today in a new report.

A reduced UN presence will remain to assist the future East Timor government after UNTAET's mandate ends on 31 January 2002. Amnesty International today argued for human rights to be integrated into the UN's forward planning for East Timor's future.

"If the UN pulls out now, without leaving in place substantial support for the fledgling judicial system and other key institutions, its investment over the past two years will be jeopardized. The UN is failing in its primary task of ensuring that the new state of East Timor has protection and promotion of human rights at its core," said Amnesty International.

With independence fast approaching, the new judicial system is still only partially functioning and is fragile and vulnerable to interference. Judicial officials lack the necessary support and training to make up for their lack of experience. They have also been subjected to threats and intimidation.

The rights of detainees are regularly contravened because of shortcomings in the criminal justice system. Some detainees have gone for weeks or even months without access to legal counsel, others have been held after detention orders have expired, or been arrested on the basis of laws which contravene international human rights standards.

A two tier system of justice is beginning to operate in East Timor. Individuals who hold positions of responsibility or respect within the community have apparently used their connections to escape justice. Amnesty International's report documents cases in which little or no action has been taken against suspected criminals who are members of unofficial security groups with links to political parties, former members of the armed group Falintil, political leaders or church officials.

"A lack of confidence in formal judicial procedures is contributing to a reliance on alternative forms of justice often to the detriment of the rights of both victims and suspects," Amnesty International said.

In one case a woman from Maliana District who claimed to have been raped repeatedly over a period of several months in 1998 and 1999 by a local government official was forced to accept a dowry from her attacker and told not to report the case to the police.

"Alternative methods of conflict resolution have their place in many societies, but basic human rights, including the right to fair trial, are all put at risk where traditional justice is used without safeguards" Amnesty International said.

Efforts towards reconciliation in East Timor are also being badly undermined by the slow progress and questionable quality of investigations into crimes against humanity and other serious crimes committed by Indonesian security forces and pro-Indonesian militia during 1999. UNTAET's investigations have suffered from a combination of inadequate resources, a shortage of experienced staff, poor management and a lack of political support.

Although trials of some militia members are now taking place in East Timor, even UNTAET's limited target of filing indictments on ten priority cases by the end of the year seems unlikely to be reached. Investigations into the hundreds of other cases of unlawful killing, rape, torture and other crimes will not have been completed or even begun by the time UNTAET leaves.

Indonesia has also not fulfilled its commitment to bring to trial its nationals suspected of committing crimes against humanity in East Timor in 1999 and has also refused to cooperate with UNTAET's investigations.

An explicit mandate and all necessary resources must be given to the UN to continue, improve and accelerate investigations and prosecutions in East Timor. At the same time the international community must make every effort to insist that Indonesia brings its nationals who are responsible for crimes in East Timor to justice in trials which meet with international standards of fair trial.

"Two years on the East Timorese people are still waiting for justice. If credible trials are further delayed, the demands for an international criminal tribunal will inevitably become more insistent".

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