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**SPECIAL SESSION OF THE COMMISSION ON HUMAN RIGHTS
ON EAST TIMOR**

Open Letter to all members of the Commission on Human Rights from Amnesty International's Secretary General, Pierre Sané

Given the extreme gravity of the human rights situation in East Timor and the particular responsibility of the UN for this Non-Self-Governing Territory, I wrote on 9 September 1999 an open letter to all members of the Security Council urging it to take immediate and effective steps to uphold the fundamental rights of all the people of East Timor - most notably the right to life¹.

Amnesty International welcomes the special session of the Commission on Human Rights to be held on 23 and 24 September as a further means of highlighting the severity of the human rights crisis in East Timor and the imperative need to act quickly in order to stop and prevent further grave and massive human rights violations.

If this special session of the Commission on Human Rights is to have a substantive impact on the plight of thousands of victims of human rights violations in East Timor, Amnesty International calls on members of the Commission, in the resolution that they will adopt, to :

1. condemn in the strongest terms the widespread or systematic violations of human rights and international humanitarian law in East Timor, which constitute crimes against humanity and war crimes, and to call on the Indonesian army and the pro-integration militias to cease these crimes and breaches immediately;
2. call on the Government of Indonesia to condemn publicly and take measures to put an end to all violations of human rights and international humanitarian law by all persons within its jurisdiction or under its control and to ensure that the human rights of all East Timorese, be they in East or West Timor, are fully respected;

¹ See East Timor: Open letter to members of the UN Security Council from Amnesty International's Secretary General, Pierre Sané (AI Index: ASA 21/142/99, 9 September 1999)

3. call on the Security Council to promptly create a Committee of Experts to gather evidence of widespread or systematic violations of human rights and international humanitarian law

in East and West Timor, and to make recommendations with a view to establishing individual responsibility for international crimes and bringing perpetrators to justice, including through the establishment of an international criminal tribunal;

Amnesty International considers that a Committee of Experts created under the authority of the Security Council provides the strongest guarantees that the Committee will be able to fulfil its mandate rapidly and effectively because it will have the strongest political backing, adequate funding and resources, the necessary investigatory powers and effective means to follow up on its recommendations;

Furthermore, the call for the establishment of such a Committee of Experts is in keeping with the recommendations of members of the Security Council Mission in their report to the Security Council, that the latter “... *institute action for the investigation of apparent abuses of international humanitarian law on the ground in East and West Timor ...*”²;

4. call on all States to cooperate fully with such an inquiry, including by providing all information and intelligence on human rights violations and abuses and on those allegedly responsible;
5. call on all States to uphold their international obligations to prosecute those responsible for crimes against humanity or war crimes, in conformity with the international principle of universal jurisdiction;
1. call on the experts of the Commission on Human Rights, who issued a joint statement to the Indonesian authorities on 13 September 1999, to carry out a mission to East and West Timor as soon as possible. The Representative of the Secretary-General on Internally Displaced Persons, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the question of Torture, the Working Group on Arbitrary Detention, as well as the Working Group on Enforced or Involuntary Disappearances should, to the extent feasible, carry out joint missions, in order to maximize the effectiveness of their visit;

Following each of these visits, the above mentioned experts should submit a preliminary report of their findings and recommendations to the Commission on Human Rights no later than four weeks from the adoption of the resolution. The Secretary-General should make their reports available to the General Assembly and the Security Council;

1. call on the Indonesian authorities to provide for immediate and unconditional access by humanitarian agencies and independent monitors to the refugees in West Timor and other parts of Indonesia and the internally displaced people (IDPs) in East Timor. The Indonesian authorities should explicitly guarantee their security and facilitate their work;

² S/1999/976, para 27 (vii)

2. demand that the Indonesian authorities immediately suspend from duty and withdraw from East Timor all Indonesian army (TNI) commanders who had military responsibility in East Timor since the 5 May 1999 Agreements on the territory's future were signed, and who are alleged to have been implicated in violations of human rights or international humanitarian law, or took no measures to prevent them from occurring, pending investigation of their individual responsibility;
3. call on the Indonesian authorities to ensure the rights of those East Timorese who have been forcibly transferred to West Timor, or who fled there or elsewhere of their own will, to return to East Timor under safe conditions and with effective reparation for the violations suffered;
4. call on the Indonesian authorities to immediately and unconditionally release all persons who are arbitrarily detained in contravention of international human rights standards and international humanitarian law;
5. call on the Security Council to ensure that human rights protection is central to the mandate of the Multinational Force (MNF) to be deployed to re-establish peace and security in East Timor and that special measures are taken to ensure the security of UN and other associated personnel, and particularly local staff. All MNF personnel must apply and uphold the highest human rights and international humanitarian law standards, including relevant international standards of law enforcement and criminal justice;
12. call on all UN member states to prevent all supplies of military, security or police equipment, training and personnel, including related logistical and financial support, to Indonesia until it can reasonably be demonstrated that such transfers will not be used to commit human rights abuses by pro-Indonesian militia, the TNI or the police, through an effective end-user verification system.