

AMNESTY INTERNATIONAL PUBLIC STATEMENT

Index: ASA 57/002/2012
3 February 2012

Timor-Leste: Parliament must stop ignoring victims' rights

Today Amnesty International and the Judicial System Monitoring Programme (JSMP) called on the Timorese Parliament to immediately consider two draft laws on measures to provide justice for victims of human rights violations between 1975 and 1999.

The two draft laws, first submitted to parliament in June 2010, seek to establish a national reparations programme and a "Public Memory Institute". The drafts provide an important starting point for debate. However, significant amendments must be made to both laws to fully implement victims' rights to an effective remedy, including full reparation required by international human rights law.

Eighteen months on, Parliament has not even debated the draft laws, let alone made the changes needed. An extraordinary session of the Timor-Leste Parliament had been scheduled to consider the drafts on 1-3 February 2012. However, parliament later cancelled debate of these laws in order to discuss a draft law on parliamentary pensions and a land law. Such a prolonged delay shows disregard for the suffering of the victims and their families.

The continued failure to debate, amend and pass these laws contributes to impunity and injustice in Timor-Leste. It raises further serious questions about the willingness of the government and other political parties to ensure justice, truth and reparation for crimes against humanity and other human rights violations committed during Indonesia's occupation of Timor-Leste (then East Timor).

It is unacceptable that victims and their families have waited twelve years – and in many cases much longer.

Amnesty International and JSMP urge Parliament to make essential amendments required to bring the laws in line with international standards. They include:

- expanding the scope of beneficiaries, which is currently limited to an arbitrary list of "vulnerable victims";
- providing that all recognized forms of reparation can be made available to victims; and
- providing for specific measures to ensure that women can access effective reparation, including challenging the stigma and discrimination experienced by survivors of sexual violence and gender stereotypes that underlie violence against women.

Amnesty International and JSMP also call on the Parliament to take steps to ensure that Indonesia fulfils its responsibility under international law to provide full reparation to Timorese victims of crimes under international law and other human rights violations committed by its forces or agents between 1975 and 1999.

The debate and passage of the two laws is an important step towards implementing the recommendations of the Commission for Reception, Truth and Reconciliation (CAVR) and the joint Indonesia and Timor-Leste Commission of Truth and Friendship (CTF). For many years, civil society groups and victims in Timor-Leste have called for justice and reparations for victims of human rights violations committed during the Indonesian occupation.

In October 2011, Timor-Leste's human rights record was assessed under the UN Universal Periodic Review (UPR). Five states called for Timor-Leste to implement recommendations made by the CAVR and the CTF. Timor-Leste agreed to consider these recommendations. The UPR report on Timor-Leste will be adopted in March 2012.

In his most recent report to the UN Security Council, the UN Secretary-General recommended that the Timorese Parliament debate the two draft laws. The Secretary-General also stated that further progress towards implementing recommendations of the CAVR and CTF would have a positive impact on long-term peace and stability in Timor-Leste. Similarly, in a December 2011 report, the UN Working Group on Enforced or Involuntary Disappearances (WGEID), which visited Timor-Leste from 7 to 14 February 2011, called on the Timorese Parliament to debate and pass the two laws.

Parliament must stop ignoring victims by failing to consider these draft laws. It must ensure that the laws are properly debated and amended to comply with international law and standards and enacted at the earliest opportunity.