

# TIMOR-LESTE

**STILL NO JUSTICE FOR PAST  
HUMAN RIGHTS VIOLATIONS**

*Amnesty International  
Submission to the UN Universal  
Periodic Review, November  
2016*

**AMNESTY  
INTERNATIONAL**



# CONTENTS

Executive summary .....	2
Follow up to the previous review .....	2
Impunity for past human rights abuses .....	2
Enhancing the rule of law .....	4
Enforced Disappearances .....	4
The national human rights framework .....	5
The human rights situation on the ground .....	5
Impunity for past human rights abuses .....	5
Human rights violations by the security forces .....	7
Right to freedom of expression and peaceful assembly .....	8
Media restrictions.....	8
Domestic violence .....	9
Recommendations for action by the State under review .....	10
Annex .....	12

## EXECUTIVE SUMMARY

This submission was prepared for the Universal Periodic Review (UPR) of Timor-Leste taking place in November 2016. In it, Amnesty International evaluates the implementation of recommendations made to Timor-Leste during its previous UPR, noting that important recommendations have yet to be implemented.

Amnesty International is concerned about the failure by Timor-Leste to ensure truth, justice and reparations for the victims of past human rights violations and their relatives, and the fragile justice system in the country.

Amnesty International is also concerned about the persistence of human rights violations by Timorese security forces and the pattern of impunity for these violations; the restrictions imposed on the right to freedom of assembly, expression and the media by legislative provisions; and the 2010 Law against Domestic Violence, which does not adequately meet the standards of the Convention on the Elimination of All Forms of Discrimination against Women.

In the final section of this document, Amnesty International makes a number of recommendations to Timor-Leste to address the human rights concerns raised in the submission.

## FOLLOW UP TO THE PREVIOUS REVIEW

### IMPUNITY FOR PAST HUMAN RIGHTS ABUSES

In its last UPR in 2011, Timor-Leste partially accepted recommendations<sup>1</sup> to address crimes against humanity and other human rights violations that occurred during the Indonesian occupation of Timor-Leste (then East Timor) between 1975 and 1999 and in the lead-up to, and aftermath of, Timor-Leste's independence referendum in 1999.<sup>2</sup> The overwhelming majority of these violations were perpetrated by the Indonesian security forces and their auxiliaries. However, over 300 individuals indicted by the Special Panels for Serious Crimes in Timor-Leste are believed to be living in Indonesia and therefore outside the territorial jurisdiction of Timor-Leste.<sup>3</sup>

During the 2011 UPR, Timor-Leste noted the "invaluable contributions"<sup>4</sup> of the

---

<sup>1</sup> Human Rights Council, *Report of the Working Group on the Universal Periodic Review - Timor-Leste*, A/HRC/19/17, 3 January 2012, recommendations 79.27 (Austria), 79.28 (Canada), 79.29 (New Zealand), 79.30 (United Kingdom of Great Britain and Northern Ireland), 79.31 (South Africa). See also Human Rights Council, *Report of the Working Group on the Universal Periodic Review (Addendum) - Timor-Leste*, A/HRC/19/17/Add.1, 15 March 2012, para 13.

<sup>2</sup> See also Amnesty International, *We cry for justice: impunity persists 10 years on in Timor-Leste* (Index: ASA 57/001/2009); Amnesty International, *Timor-Leste: Justice Delayed, Justice Denied: Amnesty International submission to the UN Universal Periodic Review, October 2011* (Index: ASA 57/003/2011).

<sup>3</sup> See UNTAET Regulation 2000/15 on the Establishment of Panels with Jurisdiction over Serious Criminal Offences, (UN Doc. UNTAET/REG/2000/15), 6 June 2000.

<sup>4</sup> Human Rights Council, *Report of the Working Group on the Universal Periodic Review*

Commission for Reception, Truth and Reconciliation in East Timor (CAVR)<sup>5</sup> and the bilateral Commission of Truth and Friendship (CTF).<sup>6</sup> Both of these mechanisms had been established to uncover the truth about past human rights violations in Timor-Leste. However, to date the Parliament has yet to publicly debate the findings and recommendations of the CAVR and CTF.

Both the CAVR and the CTF recommended that the Indonesian and Timorese governments should work together to establish the fate and whereabouts of the missing and disappeared and provide reparation for the victims and the relatives of victims of past human rights violations. However, despite numerous bilateral meetings between Timor-Leste and Indonesia,<sup>7</sup> a Commission for Disappeared Persons as recommended by the CTF has yet to be established.<sup>8</sup>

The two truth mechanisms also recommended establishing a reparation programme for the victims of past human rights violations and a Memory Institute. However, the debate of the draft laws to establish these has been continually postponed since they were first presented for debate in September 2010.

The lack of reparation for victims of human rights violations during the Indonesian occupation stands in stark contrast to the compensation given to the victims of the 2006 violence<sup>9</sup> and the generous program of assistance to veterans of the resistance movement.<sup>10</sup>

---

*(Addendum) – Timor-Leste, A/HRC/19/17/Add.1, 15 March 2012, para 13.*

<sup>5</sup> The Timorese government set up the CAVR in 2001 based on the UN Transitional Administration in East Timor (UNTAET) Regulation 2001/10 mandated to document crimes against humanity and other human rights violations which occurred between 1974 and 1999. The final report of the CAVR, a 2,800 page report entitled “Chega!”, in 2005 estimated that around 18,600 unlawful killings and enforced disappearances had occurred. See Section 7.2 Unlawful Killings and Enforced Disappearances in the CAVR report, *Chega*, 2005, Web link: <http://www.cavr-timorleste.org/chegaFiles/finalReportEng/07.2-Unlawful-Killings-and-Enforced-Disappearances.pdf>, accessed on 10 March 2016.

<sup>6</sup> The CTF was set up by the governments of Indonesia and Timor-Leste in 2005 to “establish the conclusive truth in regard to the events prior to and immediately after the popular consultation in 1999, with a view to further promoting reconciliation and friendship, and ensuring the non-recurrence of similar events”. The CTF published their report “*Per Memoriam Ad Spem*” in 2008.

<sup>7</sup> Human Rights Council, *Report of the UN Working Group on Enforced or Involuntary Disappearance (Addendum), Missions to Mexico and Timor-Leste*, 11 September 2015, UN Doc. A/HRC/30/38/Add.4, p. 200.

<sup>8</sup> Final report of the Commission of Truth and Friendship Indonesia and Timor-Leste: *Per Memoriam Ad Spem*, recommendation 5, p. 303, Web link: <http://www.chegareport.net/wp-content/uploads/2014/10/CTF-report-English-Version.pdf>, accessed on 10 March 2016.

<sup>9</sup> In March 2006, around 600 soldiers, more than a third of the Timor-Leste armed forces, were dismissed after protesting over discrimination and poor conditions of work. Violent confrontations between the sacked soldiers and their supporters, the armed forces and the police broke out throughout April and May in the capital, Dili. An estimated 38 people were killed and some 150,000 people displaced.

<sup>10</sup> See “Concept Paper on a National Reparations Program for Timor-Leste” submitted to Parliamentary Committee A in July 2008 by the joint working group on reparations comprising Fokupers, Hak Association, ICTJ, the Office of the Ombudsman for Human Rights and Justice (*Provedor de Direitos Humanos e Justiça*, PDHJ), Post-CAVR Technical Secretariat and UNMIT’s Human Rights and Transitional Justice Section.

## ENHANCING THE RULE OF LAW

During its first UPR, Timor-Leste accepted recommendations and made voluntary pledges to strengthen its judiciary institutions.<sup>11</sup> While Amnesty International notes efforts made by the government since the last review, the justice system remains hampered by obstacles faced by many Timorese to access the courts and a backlog of court cases.<sup>12</sup> In 2014, the Timorese Parliament and government weakened the judicial system further when they adopted resolutions which led to the expulsion from Timor-Leste of all foreign judges, prosecutors and judicial advisers citing “national interests” as the basis for their removal.<sup>13</sup>

Timor-Leste also accepted a recommendation to pass the law on the Execution of Penal Sanctions,<sup>14</sup> which would regulate the presidential power to grant pardons. However, to date, the draft law has yet to be passed by Parliament.<sup>15</sup>

## ENFORCED DISAPPEARANCES

In the last UPR, the government accepted recommendations to accede to the International Convention for the Protection of All Persons from Enforced Disappearance.<sup>16</sup> To date, however, the government has not followed through on these recommendations.

---

<sup>11</sup> A/HRC/19/17, recommendations 77.30 (Japan), 77.31 (Portugal), 77.32 (Poland), 77.33 (Hungary), 77.34 (Ireland), 77.35 (Spain). See also: National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1 - Timor-Leste, 19 July 2011, A/HRC/WG.6/12/TLS/1, para. 117.

<sup>12</sup> Institute for Policy Analysis of Conflict (IPAC), *Justice at the Crossroads in Timor-Leste*, 7 September 2015, p. 9-10, Web link: [http://file.understandingconflict.org/file/2015/09/Timor\\_Justice.pdf](http://file.understandingconflict.org/file/2015/09/Timor_Justice.pdf), accessed on 30 March 2016.

<sup>13</sup> Amnesty International, *Timor-Leste: Victims' rights and independence of judiciary threaten by arbitrary removal of judicial officers* (Index: ASA 57/003/2014).

<sup>14</sup> A/HRC/19/17, recommendation 79.26 (Canada).

<sup>15</sup> Asia Justice and Rights (AJAR), *Remembering My Beloved, Remembering My Pain: Victims of atrocities collect photographs and stories to push for change*, 2013, p. 25, Web link: <http://asia-ajar.org/files/REMEMBERING%20MY%20BELOVED%20...%20--%20WEB.pdf>, accessed on 11 March 2016. Amnesty International, *Timor-Leste: Submission to the United Nations Committee on the Elimination of Discrimination against Women, 62<sup>nd</sup> Session, Pre-Sessional Working Group, 9-13 March 2015* (Index: ASA 57/0001/2015), 1 January 2015, p.8. Amnesty International, *Timor-Leste; Justice in the Shadow* (Index ASA 57/001/2010), p. 27-28.

<sup>16</sup> A/HRC/19/17, recommendations 79.1 (Uruguay), 79.3 (France), 79.7 (Spain), 79.8 (Argentina).

# THE NATIONAL HUMAN RIGHTS FRAMEWORK

Timor-Leste has ratified seven core human rights treaties which have been incorporated into domestic law as set out in the Constitution.<sup>17</sup> It has also ratified the Rome Statute of the International Criminal Court. However, it has yet to enact legislation providing for co-operation with the International Criminal Court. As it stands, provisions in the Penal Code are not sufficient to challenge impunity for past crimes, and some aspects of the Penal Code are not consistent with the Rome Statute and other human rights treaties, nor with customary international law. In particular, the Penal Code does not include guarantees against national amnesties, pre-conviction pardons or similar measures of impunity for crimes under international law, in violation of international law.<sup>18</sup>

A major barrier to the Timorese general public understanding the human rights provisions in national legislation is the fact that laws and legal documents are mostly written in Portuguese despite the fact that the overwhelming majority of Timorese do not speak or understand Portuguese.

The Office of the Provedor for Human Rights and Justice (PDHJ) has a mandate to monitor and investigate all reports of human rights abuses in Timor-Leste and may refer its reports to the Prosecutor's Office for further criminal proceeding.<sup>19</sup> However, the PDHJ faces difficulties in fulfilling its mandate due to insufficient budget and a lack of investigators and legal advisers. Some NGOs in Timor-Leste have raised concerns about the failure of the PDHJ to speak out effectively on a number of human rights issues in recent years, in particular on the alleged human rights violations surrounding Mauk Moruk's death in August 2015 (see also below).

## THE HUMAN RIGHTS SITUATION ON THE GROUND

### IMPUNITY FOR PAST HUMAN RIGHTS ABUSES

Since the last UPR in 2011, attempts to bring to justice those suspected of criminal responsibility for past crimes in Timor-Leste have been insufficient. In 2000, the UN established the Serious Crimes Unit (SCU) and the Special Panels for Serious Crimes in Timor-Leste, mandated to investigate and prosecute crimes against humanity and other gross human rights violations that occurred in Timor-Leste between 1 January and 25 October 1999. The Special Panels, consisting of both international and Timorese judges, conducted 55 trials involving 87 defendants, of whom 85 were found guilty. However, those tried were all low-level

---

<sup>17</sup> Article 9 of the Timor-Leste Constitution, Web link: [http://timor-leste.gov.tl/wp-content/uploads/2010/03/Constitution\\_RDTL\\_ENG.pdf](http://timor-leste.gov.tl/wp-content/uploads/2010/03/Constitution_RDTL_ENG.pdf), accessed on 29 March 2016.

<sup>18</sup> Amnesty International, *Justice in the Shadow*, p. 27-28.

<sup>19</sup> Articles 23 and 42 of Law on the Statute of the Office of the Ombudsman for Human Rights and Justice (No. 7/2004).

perpetrators leaving those most responsible for the crimes still at large. In May 2005, the activities of the SCU and the Special Panels were effectively terminated, despite them not having completed their work.

In 2006, the UN established the Serious Crimes Investigation Team (SCIT) which started its work only in 2008.<sup>20</sup> However, at the end of 2012, the SCIT was also shut down when the UNMIT (United Nations Integrated Mission in Timor-Leste) mandate ended, but before it could complete its investigations.<sup>21</sup> The investigations were subsequently handed over to the Timor-Leste Prosecutor General and trials of low-level perpetrators have continued.<sup>22</sup>

However, the expulsion of foreign judges, prosecutors and other judicial officers in 2014 has stalled the prosecution of those accused of crimes against humanity and gross human rights violations. Article 22.1 of the UNTAET Regulation No. 2000/15, which is still applicable in the country, stipulates that trials of crimes that occurred during 1999 require two international judges and one Timorese judge.<sup>23</sup>

Amnesty International regrets the lack of justice, truth and reparation for women and girls who were subjected to sexual violence and gender-based violence by members of the Indonesian security forces and their auxiliaries, as well as by Timorese men, during the Indonesian occupation and the independence referendum, between 1975 and 1999.<sup>24</sup> In its concluding observations in November 2015, the UN Committee on the Elimination of Discrimination against Women observed that many survivors of sexual and gender-based violence continued to experience social stigma and ostracism resulting in feelings of “shame”. The Committee expressed concern about a range of areas where Timor-Leste has failed to meet its obligations under the Convention on the Elimination of All Forms of Discrimination against Women and recommended that it “ensure there will be no impunity for rape, sexual slavery and other forms of sexual violence committed during the Indonesian occupation in 1999”.<sup>25</sup>

---

<sup>20</sup> Unlike the preceding SCU, the SCIT, mandated to complete investigations of serious crimes committed in 1999, had no prosecutorial functions.

<sup>21</sup> UNMIT was set up by the UN Security Council Resolution 1704 in August 2006 to support the Timor-Leste government to restore peace and order after the internal armed conflict between April and May 2006.

<sup>22</sup> In December 2012, the Dili District Court imprisoned three former Besi Merah Putih militia members for crimes against humanity committed in the context of the 1999 independence referendum. Miguel Soares and Salvador de Jesus were sentenced to nine and 16 years respectively for murder, while Faustino de Carvalho was sentenced to six years for forcible transfer of a population and the illegal detention of women and children. In August 2014, the Court of Appeal upheld the sentence of a former AHI (*Aileu Hametin Integrasaun*) militia member imprisoned for crimes against humanity committed in Aileu district around the 1999 independence referendum.

<sup>23</sup> See: United Nations Transitional Administration of East Timor (UNTAET), Regulation No. 2000/15 on the establishment of panels with exclusive jurisdiction over serious criminal offences, 6 June 2000, UNTAET/REG/2000/15.

<sup>24</sup> Amnesty International, *Submission to the United Nations Committee on the Elimination of Discrimination against Women* (Index: ASA 57/001/2015).

<sup>25</sup> United Nations Committee on the Elimination of Discrimination against Women, Concluding observations on the combined second and third periodic reports of Timor-Leste, 24 November 2015, CEDAW/C/TLS/CO/2-3, recommendation 19(a). See also: Amnesty International, *Timor-Leste: UN CEDAW Committee urges authorities to ensure comprehensive*

## HUMAN RIGHTS VIOLATIONS BY THE SECURITY FORCES

Human rights violations by the security forces have persisted since the last review and accountability mechanisms remain weak. In particular, Amnesty International continues to receive reports of unnecessary and excessive use of force and firearms by the police Public Order Battalion.<sup>26</sup> Despite the Decree Law to Limit the Use of Force enacted in 2011, NGOs in Timor-Leste have informed Amnesty International that there is a lack of knowledge among the police about the law.

Amnesty International is also concerned about the lack of accountability for reports of arbitrary arrests, torture and other ill-treatment of dozens of individuals by the security forces as part of joint security operations between the PNTL (*Polícia Nacional de Timor-Leste*, Timorese national police) and FDTL (*Forças Defesa Timor Lorosa'e*, Timorese military force) in Baucau district, during the periods February-May 2014 and March-August 2015. These operations had been launched in response to attacks allegedly carried out by Mauk Moruk (Paulino Gama), a strong critic of the current government, and his banned Maubere Revolutionary Council (KRM), against police in Laga and Baguia sub-districts.

Local human rights organizations have documented dozens of cases where individuals, accused of being followers of Mauk Moruk, were beaten and kicked repeatedly by the security forces during arrest and detention, some while their hands and legs were tied. Most were released after brief periods of detention and interrogation. There are also reports that the security forces also destroyed property belonging to individuals suspected of supporting Mauk Moruk, including windows, furniture and other household items. Some also allege that food and money were stolen from their houses. Hundreds have been traumatised by these operations.<sup>27</sup>

The Provedor for Human Rights and Justice monitored the human rights situation during the two rounds of joint security operations and issued two reports, in August 2014 and in July 2015, respectively. The reports confirmed allegations of human rights violations in both joint operations, including arbitrary arrest and detention, torture and other ill-treatment, and violations of the right to life and the right to freedom of movement.<sup>28</sup>

In August 2015, Mauk Moruk was shot and killed. Amnesty International is not

---

*reparations for victims of conflict related sexual violence* (Index: ASA 21/2973/2015).

<sup>26</sup> Belun, EWER (Early Warning and Response): Situation Review - June 2014, Web link: <http://belun.tl/en/situation-review-june-2014/>; Belun, EWER: Situation Review - November 2015, Web link: <http://belun.tl/en/early-warning-and-early-response-ewer/>, accessed on 21 March 2016.

<sup>27</sup> Amnesty International, *Timor-Leste: Dozens arrested and tortured in Timor-Leste* (Index: ASA 57/1630/2015).

<sup>28</sup> PDHJ (*Provedoria Direitus Umanus no Justisa*), Public Report regarding State Actions in 10 Districts based on: Parliamentary Resolution No. 4/2014 4<sup>th</sup> March, Government Resolution No. 8/2014 1<sup>st</sup> March and Government Resolution 13/2014 7<sup>th</sup> May, with special focus on the PNTL and F-FDTL Joint Operations in the District of Baucau, 14 August 2014, p. 39-41 and *Relatoriu hosi Ativadade sira Monitorizasaun Direitus Umanus nian relasiona ho Operasaun Komandu Konjunta; Monitoriza implementasaun husi PNTL-FDTL nia Operasaun Komandu Konjunta iha Munisipiu Baukau fulan-Marsu to'o fulan-Maiu tinan-2015* [Reports of Human Rights Monitoring of Activities related to the Joint Command Operations; Monitoring of the implementation of the Joint Command Operations PNTL-FDTL in the municipality of Baucau, between March and May 2015, 22 July 2015, p. 54-56.

aware of any independent and impartial criminal investigation into the allegations of human rights violations by the Timor-Leste security forces during the joint operations.

## **RIGHT TO FREEDOM OF EXPRESSION AND PEACEFUL ASSEMBLY**

The Timor-Leste Constitution and laws guarantee the rights to freedom of expression and peaceful assembly.<sup>29</sup> Article 42 of the Constitution further stipulates that freedom to “assemble peacefully and unarmed” does not require prior authorization.<sup>30</sup> However, the Timorese National Police continue to interpret the Law on Freedom of Assembly and Demonstration (No. 1/2006) as requiring the organizers of a demonstration to obtain a permit and have banned a number of peaceful gatherings linked to demands for accountability for past crimes and to an end to corruption by government officials.

In January 2016, during a visit by Indonesian President Joko Widodo to Timor-Leste, the security forces harassed human rights activists from Yayasan HAK, a national human rights NGO based in Dili. This occurred after Yayasan HAK had signed on to a joint statement by the NGO coalition ANTI (the Timor-Leste National Alliance for an International Tribunal) calling on the Timorese and Indonesian governments to establish accountability for crimes against humanity committed during the Indonesian occupation between 1975 and 1999.<sup>31</sup>

The Law on Freedom of Assembly and Demonstration also places unreasonable restrictions on the right to freedom of assembly by prohibiting assemblies and demonstrations “within less than 100m from offices of organs of sovereignty, residences of officeholders of organs of sovereignty, military and militarised installations, prison buildings, offices of diplomatic missions and consulates, and offices of political parties”.<sup>32</sup> Because of the close proximity of government buildings and diplomatic missions in the capital Dili, and its location close to the sea, the requirement under the Law on Freedom of Assembly and Demonstration makes it virtually impossible for protesters to organise a demonstration within sight and sound of their target.

## **MEDIA RESTRICTIONS**

Amnesty International is concerned that the Media Law (National Parliament and RDTL Office of the President Decree No. 10/III), passed in May 2014, could stifle freedom of expression in the country. While explicitly recognizing the rights to freedom of expression and press freedom, the Media Law stipulates that in order to work as a journalist, individuals are required to have undergone a six months internship in a media organization and be accredited by a Press Council, the establishment of which is also provided for in the law. These restrictions mean that freelance media workers, citizen journalists, student journalists, bloggers and others could be barred from carrying out journalistic work. The law also bars individuals working for political parties, NGOs or government departments from being registered and accredited as journalists. The law also applies to foreign journalists, who would

---

<sup>29</sup> Articles 40 and 42 of the Constitution of Timor-Leste. Web link: [http://timor-leste.gov.tl/wp-content/uploads/2010/03/Constitution\\_RDTL\\_ENG.pdf](http://timor-leste.gov.tl/wp-content/uploads/2010/03/Constitution_RDTL_ENG.pdf), accessed on 29 March 2016.

<sup>30</sup> Supranote No. 27.

<sup>31</sup> Amnesty International, *Timor-Leste: Harassed for organizing peaceful rally* (Index: ASA 57/3334/2016).

<sup>32</sup> Article 25 of Law on Freedom of Assembly and Demonstration (No. 1/2006).

require Press Council accreditation to work in Timor-Leste although they would not be required to undergo an internship.<sup>33</sup>

The law also requires the media to promote “the national culture, values and identity” of Timor-Leste, “social stability and harmony” and to “encourage and support economic policies”.<sup>34</sup> Any breaches of these provisions could trigger fines against journalists and media outlets. Amnesty International is concerned that the vague language in the law could be used to prevent media outlets from being critical of the government.<sup>35</sup>

In August 2014, the Court of Appeal rejected some of the provisions of the Media Law, including those pertaining to fines for breaches; however, other problematic provisions still remain in the law.

## DOMESTIC VIOLENCE

During the 2011 review, Timor-Leste accepted a number of recommendations to ensure the immediate and effective implementation of the Law against Domestic Violence, adopted in 2010.<sup>36</sup> In November 2015, the UN Committee on the Elimination of Discrimination against Women raised a number of concerns regarding the implementation of the Law against Domestic Violence, including the lack of reliable data on reporting, prosecution and conviction rates, lenient sentencing in domestic violence cases,<sup>37</sup> failure to implement the Witness Protection Law (2009) resulting in very limited protection of witnesses of domestic violence, limited medical, legal and psychological assistance to survivors, and inadequate training of relevant authorities on the application of the law leading to the stigmatisation and re-victimisation of women.<sup>38</sup> Moreover, the Law against Domestic Violence does not adequately meet the standards of the Convention on the Elimination of All Forms of Discrimination against Women.

---

<sup>33</sup> Freedom House, *Freedom of the Press 2015*; Timor-Leste, Web link: <https://freedomhouse.org/report/freedom-press/2015/east-timor>, accessed on 21 March 2016.

<sup>34</sup> Article 3(1) of the Media Law, Web link: <http://www.laohamutuk.org/misc/MediaLaw/Leilmprensa25June2014en.pdf>, accessed on 29 March 2016.

<sup>35</sup> Amnesty International, *Timor-Leste: Unconstitutional media law threatens freedom of expression* (Index: ASA 57/002/2014).

<sup>36</sup> A/HRC/19/17, recommendations 77.21 (France), 77.22 (Italy), 77.23 (Austria), 77.24 (Malaysia), 77.25 (Spain), 78.14 (Republic of Korea), 78.15 (Germany), 78.16 (Canada).

<sup>37</sup> The majority of domestic violence cases are charged under Article 145 (“simple assault”) and not Article 146 (“serious assault”) despite the severity of injuries sustained by the victim (including the use of weapons in the assault) which is punishable by suspended sentences or a fine.

<sup>38</sup> CEDAW Committee’s Concluding Observations can be accessed via the following link: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fTLS%2fCO%2f2-3&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fTLS%2fCO%2f2-3&Lang=en), accessed on 24 March 2016.

# RECOMMENDATIONS FOR ACTION BY THE STATE UNDER REVIEW

## **Amnesty International calls on the government of Timor-Leste to:**

### *Impunity of past human rights violations*

- Discuss publicly in Parliament and in other public institutions the recommendations and findings in the reports of the Commission for Reception, Truth and Reconciliation in East Timor and the Commission of Truth and Friendship and agree action to give effect to these recommendations;
- Enact legislation to establish the Framework of the National Reparations Programme and the Public Memory Institute at the earliest opportunity, in accordance with international law and standards;
- Expedite the establishment of a Commission for Disappeared Persons, in collaboration with the government of Indonesia, as recommended by the Commission of Truth and Friendship in 2008;
- Amend UNTAET Regulation No. 2000/15 or take other measures to enable the investigation and, if there is sufficient admissible evidence, prosecution of those accused of crimes against humanity and gross human rights violations committed in the context of the 1999 independence referendum in Timor-Leste;
- Ensure that victims of gender-based violence can access justice, truth and reparation, including challenging the stigma and discrimination experienced by survivors of sexual violence and gender stereotypes that underlie violence against women in Timor-Leste.

### *Enhancing the rule of law*

- Amend the Penal Code or pass new legislation, through transparent and broad consultation with civil society groups, to ensure that national law is brought into line with the Rome Statute of the International Criminal Court and other international law obligations;<sup>39</sup>
- Review the decision to terminate the foreign judicial officers serving in Timor-Leste to ensure the integrity of the judiciary and the effective functioning of the judicial system in Timor-Leste. Any decision to remove judges, prosecutors or other judicial officers should be taken in accordance with procedures established in law, and be subject to independent review;
- Enact legislation to explicitly prohibit the use of amnesties and other measures of impunity for crimes under international law;
- Ensure that all legislation, draft legislation and other legal documents are widely available in both Portuguese and Tetum;
- Strengthen accountability mechanisms to deal promptly, impartially and effectively with suspected human rights violations by members of the security forces, in particular during the joint operations against Mauk Moruk and his followers, to bring to justice those suspected of criminal

---

<sup>39</sup> For further information see Amnesty International, *Timor-Leste: Justice in the Shadow* (Index: ASA 57/001/2010).

responsibility in fair trials before ordinary civilian courts, and to ensure the victims receive reparation.

*Media restrictions*

- Revise the new Media Law and bring it into line with international law and standards, in particular to ensure that it will not restrict the legitimate work of journalists and the right of people in Timor-Leste to freedom of expression, including the right to receive information.

*Enforced disappearances*

- Promptly accede to the International Convention for the Protection of All Persons from Enforced Disappearance, recognizing the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims or other states parties, and implement the Treaty in national law and practice.

*Domestic violence*

- Take all necessary steps to implement the 2015 recommendations by the UN Committee on the Elimination of Discrimination against Women relating to domestic violence to ensure that laws, policies and practices are in line with Timor-Leste's obligations under the Convention on the Elimination of All Forms of Discrimination against Women.

# ANNEX

## AMNESTY INTERNATIONAL DOCUMENTS FOR FURTHER REFERENCE<sup>40</sup>

*Timor-Leste: Harassed for organizing peaceful rally* (Index: ASA 57/3334/2016)

*Timor-Leste: Dozens arrested and tortured in Timor-Leste* (Index: ASA 57/1630/2015)

*Submission to the United Nations Committee on the Elimination of Discrimination against Women* (Index: ASA 57/001/2015)

*Timor-Leste: Victims' rights and independence of judiciary threaten by arbitrary removal of judicial officers* (Index: ASA 57/003/2014)

*Timor-Leste: Unconstitutional media law threatens freedom of expression* (Index: ASA 57/002/2014)

*Timor-Leste: Justice Delayed, Justice Denied: Amnesty International submission to the UN Universal Periodic Review, October 2011* (Index: ASA 57/003/2011)

*Timor-Leste: Justice in the shadow* (Index: ASA 57/001/2010)

*We cry for justice: impunity persists 10 years on in Timor-Leste* (Index: ASA 57/001/2009)

---

<sup>40</sup> All of these documents are available on Amnesty International's website:  
<https://www.amnesty.org/en/countries/asia-and-the-pacific/timor-leste/>