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Indonesia & Timor-Leste

International responsibility for justice

In Resolution 1272 (1999), the United Nations (UN) Security Council condemned all acts of violence in Timor-Leste (formerly known as East Timor), demanded that those responsible for the violence be brought to justice and called for all parties to cooperate with investigations into reports of systematic, widespread and flagrant violations of international humanitarian law and human rights law.¹ The violence to which the resolution referred was attacks by pro-Indonesia militia and members of the Indonesian security forces on the population of Timor-Leste who had voted on 30 August 1999, in a UN organized ballot, to bring an end to 24 years of Indonesian rule.

Parallel justice processes for crimes committed in Timor-Leste during 1999 are currently in progress in Timor-Leste and Indonesia. The former has made considerable progress in recent months, but still has much work to do before its task is complete. The process in Indonesia has been extremely limited in scope and has, despite some convictions, to a large extent failed in the objectives of delivering truth and justice.

The following briefing provides a short analysis of both processes. It also gives recommendations on next steps that must be taken to overcome the obstacles to delivering the justice to which the people of Timor-Leste are entitled and that has been demanded by the Security Council and the UN Commission on Human Rights (CHR).

Background - The crimes and international responsibility

It is now estimated that some 1,300 people were killed in Timor-Leste in the months proceeding and in the immediate aftermath of the August 1999 ballot. More than a quarter of a million people, or some 30 per cent of the population, were forcibly deported or fled across the border to West Timor in Indonesia where an estimated 28,000 remain in refugee camps today. An unknown number of people were subjected to other human rights violations, including torture and rape.

These crimes were not spontaneous, but part of well coordinated efforts by members of the Indonesian military, police and civilian authorities to influence the outcome of the ballot and to disrupt the implementation of the result. The creation of, and support for militia, including through the provision of funds and weapons, were central to these efforts.²

¹ Resolution 1272 (1999), adopted by the Security Council at its 4057th meeting on 25 October 1999, S/RES/1272. Resolution 1272 reiterated the demand for justice contained in Resolution 1264 of 15 September 1999, S/RES/1264.

² Various militia groups had existed in Timor-Leste for many years, but in late 1998 and early 1999 a range of new groups were formed. It is estimated that at least 20 different groups were operating across the territory by the middle of the year.

In September 1999, the Security Council Mission which visited Jakarta and Dili reported that: *“The involvement of large elements of the Indonesian military and police in East Timor in organizing and backing the unacceptably violent actions of the militias has become clear to any objective observer and was acknowledged publicly by the [Indonesian] Minister of Defence on 11 September.”*³ While the militia often acted as a proxy for the Indonesian security forces in carrying out acts of intimidation, harassment and violence against independence supporters, there is now well attested evidence that members of the military and police were also direct participants in much of the violence, particularly in the period immediately after the ballot.

Because of the widespread and systematic nature of attacks that took place it is considered that they constituted crimes against humanity. Crimes against humanity are crimes under both customary international law⁴ and conventional international law (arising from treaty obligations). They are recognized for their particular severity and for shocking the conscience of humankind. The extent and gravity of such attacks on humanity are regarded as attacks on the whole international community. Responsibility to bring perpetrators to justice therefore rests not only with the authorities of the country where the crimes were committed, or of which the perpetrators are citizens, but with the whole international community.

The Security Council has recognized its responsibility to ensure that justice for these crimes is delivered, including in Resolutions 1264 (1999) and 1272 (1999). In a special session in September 1999, the CHR also affirmed *“...that all persons who commit or authorize violations of human rights or international humanitarian law are individually responsible and accountable for those violations and that the international community will exert every effort to ensure that those responsible are brought to justice...”*⁵

The special responsibility of the UN was further highlighted by the International Commission of Inquiry on East Timor (ICIET), which was established by the Secretary-General of the UN on the recommendation of the CHR. It concluded that the organized opposition to a decision of the Security Council acting under Chapter VII of the Charter requires specific international attention and response. It added that: *“The UN, as an organization, has a vested interest in participating in the entire process of investigation, establishing responsibility and punishing those responsible and in promoting reconciliation. Effectively dealing with these issues will be important for ensuring that future Security Council decisions are respected”*.⁶

³ UN Document S/1999/976, 14 September 1999.

⁴ Article VI(c) of the International Law Commission’s Principles of International Law recognized the Charter of the Nuremberg Tribunal and in the Judgement of the Tribunal (1950). The principles articulated in the Nuremberg Charter and Judgement was recognized as international law principles by the UN General Assembly in 1946, UN GA Res. 95.1. The contemporary customary international law definition is found in Article 7 of the Rome Statute of the International Criminal Court.

⁵ Resolution adopted by Special Session on East Timor. E/CN.4/S-4/L.1/Rev.1. Fourth Special Session, 23-24 September 1999.

⁶ Report of the International Commission of Inquiry on East Timor to the Secretary-General, January 2000. UN Doc A/54/726 and S/2000/59, 31 January 2000.

Doubts about the capacity or willingness of Indonesia to bring the perpetrators to justice led the ICIET to recommend the establishment of an international tribunal. This reiterated the recommendation of the UN Special Rapporteurs on extrajudicial, summary or arbitrary executions, on torture and on violence against women, its causes and consequences. Following a joint mission to Timor-Leste in September 1999, the three Special Rapporteurs recommended that: *“Unless, in a matter of months, the steps taken by the Government of Indonesia to investigate TNI [Tentara Nasional Indonesia, the Indonesian Armed Forces] involvement in the past year’s atrocities bear fruit, both in the way of credible clarification of the facts and the bringing to justice of the perpetrators - both directly and by virtue of command responsibility - the Security Council should consider the establishment of an international criminal tribunal for the purpose.”*⁷

The Indonesian response

The Indonesian government rejected allegations of the institutional involvement of the Indonesian security forces in the violence, although it has acknowledged the possibility that individual military or police personnel might have committed acts of violence in contravention of Indonesian policy. In a letter to the UN Secretary-General in January 2000, the then Indonesian Minister of Foreign Affairs, Dr Alwi Shihab, rejected the recommendation of the ICIET for an international tribunal. He insisted that *“Indonesian laws are the only applicable laws to those violations and the Indonesian judicial mechanism is the exclusive mechanism for bringing the perpetrators of the violations of human rights to justice.”*⁸

To this end, a National Commission of Inquiry on Human Rights Violations in East Timor (KPP-HAM) was set up and legislation drafted for the establishment of Human Rights Courts with jurisdiction over crimes against humanity and genocide. In its report, published in January 2000, the KPP-HAM concluded that gross human rights violations were committed in Timor-Leste between January and October 1999; that they were conducted systematically and as part of a planned effort; and that the military, the police and the civilian administration had close ties to the militia groups who committed much of the violence.

In a summarised version of the report, 32 Indonesian officials and militia leaders were publicly named as suspects. Five cases were investigated by the Office of the Attorney General and, after lengthy delays, indictments against 18 suspects were issued in January 2002. Only eight of those indicted were among those publicly named by the KPP-HAM.

⁷ Report on the joint mission on East Timor undertaken by the Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions, the Special Rapporteur of the Commission on the question of torture and the Special Rapporteur of the Commission on violence against women, its causes and consequences, in accordance with Commission resolution 1999/S-4/1 of 27 September 1999. UN Document A/54/60, 10 December 1999.

⁸ Letter dated 26 January 2000 from the Minister for Foreign Affairs of Indonesia to the Secretary-General. UN Doc A/54/727 and S/2000/65, January 2000.

Twelve separate trials have taken place or are in progress. The first began in March 2002. As of the beginning of April 2003, 11 of the 18 defendants have been acquitted. Five others have been convicted and sentenced to prison terms of between three and 10 years. All those found guilty are free pending the outcome of the appeals. Among them are a number of individuals who are still in active service in the Indonesian military or the police.

Amnesty International has closely monitored the trials.⁹ While the organization recognizes that the process has resulted in a number of important legal and institutional developments which, in the future, could serve as the basis for successful prosecutions of perpetrators of human rights violations, it does not consider the Indonesian process related to crimes in Timor-Leste to have been truthful, honest or fair. Moreover, it doubts that the Indonesian authorities currently have the capacity or will to carry out the substantial legal and institutional reform needed to make fair and credible trials for crimes committed in Timor-Leste a possibility in the foreseeable future.

The following are among Amnesty International's concerns with the trial process:

The Legal Framework - The Law on Human Rights Courts (Law 26/2000) under which the *ad hoc* Human Rights Court on Timor-Leste was established is not fully consistent with international law and standards. Concerns include: that the definitions of some crimes contained in Law 26/2000 differ from the accepted definitions found in the Rome Statute of the International Criminal Court;¹⁰ judicial and prosecutorial independence has the potential to be undermined by the selection processes for judges and prosecutors; and some procedures, such as unreasonably short and rigid time limits for investigation and prosecution and for trial and appeal hearings, conspire against thorough investigation and consideration of the facts and could impact on the rights of defendants to prepare a defence.¹¹

The Jurisdiction of the court - The *ad hoc* Human Rights Court on Timor-Leste was established by a Presidential Decision (Decision No. 96/2001). The Decision places unreasonable temporal and territorial restrictions on the jurisdiction of the court such that only a handful out of the many hundreds of serious crimes committed during 1999 can be heard by it.¹²

⁹ It has worked closely with the Timor-Leste based non-governmental organization, the Judicial System Monitoring Program (JSMP) which, supported by the International Platform of Jurists for East Timor (IPJET), had independent international legal observers at the first three trials.

¹⁰ Indonesia has not yet acceded to Rome Statute of the International Criminal Court. However, Chapter 1, Article 7 of Law 26/2000 states that the definitions of the crime of genocide and crimes against humanity are in accordance with the Rome Statute.

¹¹ For further information see: *Indonesia: Comments on the Law on Human Rights Courts (Law 26/2000)*, AI Index: ASA 21/005/2001, February 2001.

¹² The jurisdiction of the *ad hoc* Court is restricted to the months of April and September 1999 and the three districts of Dili, Suai and Liquica. Serious crimes took place throughout the year and were committed in all 13 of Timor-Leste's districts. The KPP HAM was mandated to investigate crimes committed between 1 January and 25 October 1999 (the date when Indonesia formally relinquished its claim over Timor-Leste). There were no geographic restrictions on its work.

Investigations - The members of the investigation team appointed by the Attorney General's Office lacked the skills and experience necessary for the investigation of human rights cases. The participation in the investigation team of members of the military and police cast doubts on its impartiality. A 15-member team of experts, considered by observers to have been more credible and independent, were appointed to act as consultants to the investigation team and to review the work of the investigation, but were reported to have had little input into investigations.

The cases - The Attorney General selected five cases for investigation.¹³ At the time it was unclear if these were to be the first or the only cases to be investigated - it turned out to be the latter. Among the five cases were some of the worst massacres that took place during 1999, but by limiting investigations to these cases alone the possibility of establishing patterns of violence and their widespread or systematic nature (required to demonstrate crimes against humanity) was considerably reduced. In the end, indictments in only four of the cases were issued. The case of the killing of the Dutch journalist, Sander Thoenes, was closed by the Office of the Attorney General which cited insufficient evidence as the reason. The Netherlands' government, having jointly investigated the case with the Serious Crimes Unit (SCU) in Timor-Leste, has disputed this claim and has made evidence available to the Office of the Attorney General. Members of Indonesian army battalion 745 have since been charged by the SCU with killing Sander Thoenes, together with a series of other murders, imprisonment and other inhumane acts constituting crimes against humanity.

The indictments - The indictments were weak, sloppily drafted and in some cases contained contradictory facts. They presented a version of events which did not reflect the widespread and systematic nature of the crimes which took place in Timor-Leste and failed to address the role of the Indonesian security forces in setting up and supporting the militia. With one exception, the defendants were charged not with direct involvement in committing human rights violations, but rather as accomplices or of failing in their command responsibilities. No one was charged with planning or ordering the alleged crimes.

The judges - The judges were appointed to sit on the two panels in the *ad hoc* Court were a mixture of career judges and academics, none of whom had any previous experience in hearing cases of crimes under international humanitarian or human rights law. They received only minimal training. The selection process was criticised by local legal experts for lacking transparency. Despite their lack of experience, the performance of a number of the judges demonstrated a commitment to the task and a high degree of integrity and independence which can be regarded as an encouraging sign for future efforts towards strengthening the judiciary in Indonesia.

The prosecution - The prosecution was drawn from the Office of the Attorney General - an office which is widely acknowledged to be among the most corrupt of

¹³ An attack on a church in Liquica on 7 April 1999; an attack on the house in Dili of pro-independence leader, Manuel Carrascalao on 17 April 1999; an attack on the home of Bishop Carlos Felipe Ximenes Belo on 6 September 1999; an attack on a church in Suai on 6 December 1999; and the killing of a Dutch journalist, Sander Thoenes, in Dili on 21 September 1999.

government departments.¹⁴ The quality of the advocacy was weak. According to an international legal expert who observed three of the trials, “*The prosecution did not challenge witnesses or ask probing questions that showed any intention of proving their case. In fact questions asked appeared designed to draw out evidence of the innocence of the accused. The impression given was that they were acting out a role and mechanically asking irrelevant and unfocussed questions that deliberately avoided the key issues...*”¹⁵

This assessment was reinforced by the prosecution’s selection of evidence and witnesses. Documentary and other well-attested evidence of the role of the suspects in organizing, or in some cases of direct involvement, in committing serious crimes was not presented to the court. Key witnesses, who could have strengthened the prosecution’s case, were not summoned. They included officials of the UN Mission in East Timor (UNAMET). Nor did the prosecution request or use evidence available from the Serious Crimes Unit in Timor-Leste

Victim and witness protection - A Government Regulation (Government Regulation Number 2/2002) on victim and witness protection was issued on 13 March 2002, one day before the first trial in the *ad hoc* Court commenced. There had previously been no protection program in Indonesia and there was therefore no existing national model, experienced personnel, or time to deliver the level of protection required for such highly sensitive trials. Not surprisingly the protection offered to witnesses was inadequate. There was particular concern about the lack of secure accommodation for witnesses from Timor-Leste and about the intimidating and in some cases humiliating treatment to which they were subjected in court. Several witnesses from Timor-Leste refused to testify in person before the *ad hoc* Court because they were not confident that their security could be guaranteed.

The sentences - To date 11 people have been acquitted. Five of the 18 defendants have been found guilty and sentenced to terms of imprisonment of between three and ten years. In each case the sentences are below the minimum sentences for the crimes stipulated in Law 26/2000 on the Human Rights Tribunal. It is unclear on what legal basis a prison term below the minimum required by law can be applied.

Amnesty International is not alone in its assessment of the trials. In his report to the fifty-eighth session of the CHR, the High Commissioner for Human Rights raised concerns about the trials. He noted that a number of serious flaws in the process had already been identified by informed observers. These include, “*the limited geographical and temporal jurisdiction of the Court; the lack of experienced prosecutors and judges; the intimidating*

¹⁴ Two former Attorney Generals, Marzuki Darusman and Baharuddin Lopa, were both publicly critical of the levels of corruption in the Attorney General’s Office and both attempted to initiate reform. The UN Special Rapporteur on the independence of judges and lawyers has stated that he was “*repeatedly told that corruption plagues the police and prosecution services*” during his mission to Indonesia in July 2002 (See Report of the Special Rapporteur on the Independence of Judges and Lawyers, E/CN.4/2003/65/Add.2, 13 January 2003). A survey by the Asian Development Bank carried out in 2000 noted that “*As in other public institutions in Indonesia, the incidence of corruption, collusion and nepotism in the PPS [Public Prosecutors Service] is high.*”

¹⁵ JSMP trial observer.

and, at times, hostile, courtroom treatment of Timorese witnesses by some judges, prosecutors and defence counsel; the causes and consequences of non-attendance of Timorese witnesses at the proceedings; and the lightness of the sentences imposed, which bear no reasonable relationship to the gravity of the offences committed.”¹⁶

Following a mission to Indonesia in July 2002, the Special Rapporteur on the independence of judges and lawyers noted that, because of the restriction on the jurisdiction of the *ad hoc* Court, it lacks jurisdiction to prosecute many serious crimes that took place in the period from 1 January to 25 October 1999. In the words of the Special Rapporteur: “*This restriction amounts to a violation of the principle that prosecutions are to be undertaken in good faith and with due diligence*”.¹⁷ The Special Rapporteur also raised concerns about insufficient investigations and the failure of the prosecution to produce material evidence as well as the unsatisfactory protection afforded to witnesses.

The justice process in Timor-Leste

Pursuant to Security Council Resolution 1272, the UN Transitional Administration in East Timor (UNTAET) promulgated a regulation that provided for the establishment, within Dili District Court, of Special Panels with exclusive jurisdiction over genocide, war crimes, crimes against humanity and other serious crimes committed between 1 January and 25 October 1999. A Serious Crimes Unit (SCU) was also set up by UNTAET to conduct investigations and prosecutions of these crimes. Under UNTAET’s successor mission, the UN Mission of Support in East Timor (UNMISSET), the SCU is mandated to assist the authorities in Timor-Leste in the conduct of serious crimes investigations and proceedings. In reality, the lack of resources, capacity and expertise in Timor-Leste means that the work of the SCU and Special Panels is almost entirely dependent on UN staff and UN and other international funding.

Although the process in Timor-Leste got off to a slow start and was initially much criticised for its poor performance, efforts to resolve management, personnel and resource problems have yielded positive results. By the end of February 2003, the SCU had filed 58 indictments against a total of 225 individuals. Around 90 per cent of the suspects are charged with crimes against humanity, including murder, sexual offences, torture, inhuman acts, persecution, deportation and unlawful imprisonment.

In late February 2003, nine indictments were filed charging some 50 individuals with crimes against humanity. These indictments, which are a testimony to the recent work of the SCU, were particularly significant because they name as suspects a number of high ranking Indonesian officials, only some of whom have been put on trial in Indonesia and in some cases have been acquitted. Importantly, they also address the institutional responsibility of the

¹⁶ Question of the violation of human rights and fundamental freedoms in any part of the world. Situation of human rights in Timor-Leste, Report of the UN High Commissioner for Human Rights. E/CN.4/2003/37, 4 March 2003.

¹⁷ Report of the Special Rapporteur on the independence of judges and lawyers on the mission to Indonesia, 15-25 July 2002. E/CN.4/2003/65/Add.2, 13 January 2003.

Indonesian security forces for the violence. A number of military commanders are specifically charged with participating in the establishment of militia by cooperating on a policy of funding, arming, training and directing the militia. They are accused of having had effective control over militia groups operating in Timor-Leste and responsibility for crimes they committed. They are also accused of responsibility for the acts or omissions of their subordinates in the Indonesian military due to their failure to take reasonable measures to prevent crimes or punish the perpetrators.

Among those named in the indictments are the former Defence Minister and Commander of the Armed Forces, General Wiranto and the Security Task Force Advisor, Major General Zacky Anwar Makarim, both of whom were named as suspects by the KPP HAM, but have not been charged in Indonesia; the former chief of the Regional Military Command which cover Timor-Leste, Major General Adam Damiri and the former Timor-Leste Military Commander, Brigadier General Suhartono Suratman, both of whom are still on trial in the *ad hoc* Court in Indonesia; the Commander of the Sub-Regional Command 164 from 13 August, Colonel Mohmanned Noer Muis, who has been sentenced to five years' imprisonment by the *ad hoc* Court; and the former Chief of Police for Timor-Leste, Brigadier General Timbul Silaen and Commander of the Intelligence Task Force of Sub-Regional Command 164, Lieutenant Colonel Yayat Sudrajat, both of whom have been acquitted by the *ad hoc* Court.

The investigations carried out so far by the SCU account for under half of the killings that are estimated to have taken place in Timor-Leste during 1999. Many of the outstanding cases will not be investigated if the SCU withdraws at the end of UNMISSET's mandate in May 2004 and interim plans proceed to reduce the number of investigators in the SCU from the current level of 13 to nine and by a further two in March 2004. Other cases will also not be investigated, including cases of attempted murder, incidents of torture including rape, and deportation.

As of mid-February 2003, 32 convictions had been handed down by the Special Panel. However, lack of capacity means they are not expected to have completed all the cases in which there are already indictments by 31 May 2004. Lack of capacity among the prosecution and case managers in the SCU may also prevent trials from progressing on schedule. In the meantime, urgent assistance to strengthen the defence, which is provided by local lawyers, is required to ensure that defendants receive a fair trial.

Since mid-2002 the Serious Crimes Unit has delivered intensive training courses for Timorese in specific areas of its work. However, it is unrealistic to expect Timor-Leste staff to continue this complex work to the standard required for the investigation and prosecution of crimes against humanity without the active involvement and support of international experts.

Lack of cooperation by Indonesia with the Timor-Leste investigations and trials

The majority of individuals indicted by the SCU remain at large in Indonesia. They include Indonesian nationals who are members of the Indonesian security forces as well as militia leaders and members who, while originally from Timor-Leste, are now resident in Indonesia. Indonesia has so far refused to transfer these suspects to Timor-Leste for trial. After the indictment was issued against General Wiranto and others, the Indonesian Foreign Minister was quoted in the media as saying that the Timor-Leste court “... *is not at all an international tribunal... they don't have international jurisdiction and for that matter legally they don't have the capacity to reach non-East Timorese*”.¹⁸ The Minister's statement, while indicative of prevailing attitudes in Indonesia, is legally incorrect since, both because the crimes were committed in Timor-Leste which therefore has territorial jurisdiction over them and because, according to the principle of universal jurisdiction, any state may and should judge those suspected of crimes against humanity regardless of the place where the crimes were committed, the nationality of the person responsible and the nationality of the victim.¹⁹

However, this response is consistent with Indonesia's refusal thus far to cooperate with the investigation and prosecution of serious crimes in Timor-Leste. A Memorandum of Understanding (MoU) in which it was agreed to provide mutual assistance in investigations and court proceedings, was signed in April 2000 between Indonesia's Attorney General and the Special Representative of the UN Secretary-General in Timor-Leste. UNTAET made efforts to fulfil its side of the agreement, including by assisting several visits to Timor-Leste by Indonesian investigators and prosecutors. This assistance has not been reciprocated by Indonesia. Amnesty International considers that Indonesia's longstanding refusal to cooperate with the serious crimes process in Timor-Leste is another serious breach of its commitment to bring perpetrators to justice.

Recommendations

Pursuant to Resolutions 1264 and 1272 in which it condemned the violence in Timor-Leste and demanded that those responsible be brought to justice, and recalling the recommendations of the ICIET and the Special Rapporteurs on extrajudicial, summary or arbitrary executions, on torture and on violence against women, its causes and consequences for the establishment of an international criminal tribunal on Timor-Leste, Amnesty International urges members of the Security Council to:

¹⁸ *Interview on the indictment of eight Indonesian officials by the Timorese General Prosecutor's Office*, ABC Radio, 25 February 2003.

¹⁹ This principle has been recognized under international law for more than two centuries. See Amnesty International, *Universal jurisdiction: The duty of states to enact and implement legislation*, AI Index: IOR 53/002-018/2001, September 2001.

- Express serious concern that Indonesia has failed to fulfil its stated commitment and duty to bring to justice, in a credible manner that conforms to international standards for fair trial, perpetrators of serious crimes, including crimes against humanity, committed in Timor-Leste during 1999.
- Express serious concern at the continued reluctance of the Indonesian authorities to cooperate with the serious crimes investigation, prosecution and trials process in Timor-Leste.
- Call upon the UN Secretary-General to commission an independent review to evaluate the progress of investigations and trials in both Indonesia and Timor-Leste to identify the technical and political obstacles to the process and to recommend how best these can be overcome to ensure that credible and effective investigations and trials take place in the shortest possible time. The independent review should explore the strength and weaknesses of the full range of alternatives, including an international criminal tribunal for Timor-Leste and the possibility of prosecutions in third countries able and willing to prosecute crimes against humanity, war crimes and other crimes which are subject to universal jurisdiction. The review should be carried out by independent legal experts of high standing. They should be mandated to provide a detailed review of both of the legal processes to date and of the broader legal, institutional and political environment in which they are taking place.
- In the meantime, the Indonesian authorities should be urged to cooperate fully with the process of investigating and bringing to trial individuals suspected of committing serious crimes in Timor-Leste, including by transferring suspects against whom there are indictments to Timor-Leste or to other states able and willing to prosecute and punish crimes against humanity, war crimes and other crimes.
- All states, including Indonesia, should enter into effective extradition and mutual legal assistance agreements with Timor-Leste and provide investigative assistance to Timor-Leste. Indonesia should, pending entering into a permanent mutual legal assistance agreement with Timor-Leste, make the Memorandum of Understanding legally enforceable in its courts.
- Since these crimes are crimes against the international community, not just against the people of Timor-Leste, continuing financial and technical support to the Serious Crimes Unit and Special Panels in Timor-Leste should be provided, with particular attention to the areas of case management, translation, forensic capabilities and the defence where capacity is currently inadequate. In view of the considerable work that will be left undone and the number of victims who will therefore be denied justice if the process were to end prematurely, consideration should be given to reviewing downsizing schedules and to continuing the work of the SCU and Special Panels beyond the end of UNMISSET's mandate.