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Timor-Leste: No justice ten years after independence vote

The UN Security Council should establish an International Criminal tribunal with jurisdiction over all grave human rights violations surrounding Timor-Leste's 1999 independence referendum and in the previous 24 years of Indonesian occupation, said Amnesty International in a report published today to mark the 10th anniversary of independence vote.

A decade after Timor-Leste voted for independence, a culture of impunity continues to haunt the country's people.

Based on a mission to Timor-Leste in June, Amnesty International's report 'We Cry for Justice, Impunity persists 10 years on in Timor-Leste', outlines how most perpetrators of crimes committed between 1975 and 1999, including those in command at the time, have yet to be prosecuted before a credible, independent and impartial tribunal, either in Indonesia or Timor-Leste.

"Despite national and internationally sponsored justice initiatives, the people of Timor-Leste continue to be denied justice and reparations. In 1999 the Indonesian military and their anti-independence militias killed more than a thousand Timorese in front of the world but there has not been proper accountability for these atrocities," said Donna Guest, Amnesty International's Asia-Pacific deputy director.

"Disappointed Timorese victims provided testimonies time and time again to various mechanisms, but they have still not seen significant signs of accountability," said Donna Guest.

While a number of low-level perpetrators have been convicted, most of those suspected of crimes against humanity are still at large in Indonesia.

The Timorese and Indonesian governments have chosen to avoid justice for the victims of the grave human rights violations in Timor-Leste by pursuing initiatives such as the joint Indonesia – Timor-Leste Truth and Friendship Commission in 2005, which does not provide for prosecutions of perpetrators.

"The path pursued by these two governments has weakened the rule of law in both countries," said Donna Guest. "The victims need a clear commitment by the Indonesian and Timor-Leste governments and the United Nations to investigate all allegations and bring to justice those responsible for the grave human rights violations committed between 1975 and 1999."

The UN Security Council, which had previously been a vocal proponent of justice for victims of the 1999 violence, has failed in recent years to follow up on its commitments to the Timorese people. Amnesty International urges the UN Security Council to put in place a long-term comprehensive plan to end impunity for these crimes, including establishing an international criminal tribunal with jurisdiction over all crimes

committed in Timor-Leste under Indonesian occupation, between 1975 and 1999.

Background Information

On 30 August 1999, the Timorese people voted overwhelmingly in favour of independence. At least 1,200 people died in the lead-up to the polls and its aftermath, which were marred by crimes against humanity, and other serious human rights violations at the hands of pro-Indonesian militias backed by the Indonesian military. They included unlawful killings, enforced disappearances, sexual violence, arbitrary arrests, threats and intimidation of Timorese people. These abuses have been well documented by human rights organizations and expert bodies, in particular the 2,800 page ‘Chega!’ report by the Commission for Reception, Truth and Reconciliation (CAVR).

Among the justice initiatives put in place since 1999 are the ad hoc Human Rights Court established by Indonesia and the UN Special Panels in Timor- Leste. All 18 defendants originally tried for crimes committed in Timor-Leste during 1999 by the ad hoc Human Rights Court have been acquitted in proceedings criticized as being fundamentally flawed. In Timor-Leste only one person convicted by the UN Special Panels is still serving a prison sentence.

For a copy of the report *We Cry for Justice, Impunity persists 10 years on in Timor–Leste*, please see: <http://www.amnesty.org/en/library/info/ASA57/001/2009/en>