

# AMNESTY INTERNATIONAL PRESS RELEASE

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## **Indonesia/Timor-Leste: International responsibility for justice**

Amnesty International reminded the United Nations (UN) of its responsibility to ensure that perpetrators of crimes against humanity and other serious crimes in Timor-Leste (formerly known as East Timor) are brought to justice.

"The trials conducted by Indonesia have not been truthful, honest or fair" said Amnesty International in a report *"Indonesia & Timor - Leste: International responsibility for justice"* issued today. "It is now time for the UN to find alternative ways to ensure that justice is delivered in an effective and credible process".

At the height of the violence in 1999 when militia, supported by the Indonesian security forces, launched widespread and systematic attacks against the population of Timor-Leste, both the UN Security Council and the UN Commission on Human Rights (CHR) adopted resolutions demanding that perpetrators be brought to justice.

A special session the CHR was convened in September 1999. It condemned "the widespread, systematic and gross violations of human rights and international humanitarian law". It also called upon the Indonesian authorities to ensure that "persons responsible for acts of violence and flagrant and systematic violations of human rights are brought to justice".

The Security Council also demanded that those responsible for the violence be brought to justice and called on all parties to cooperate with investigations into reports of systematic, widespread and flagrant violations of international humanitarian and human rights law.

An International Commission of Inquiry on East Timor, established by the UN Secretary-General on the recommendation of the CHR, recommended that an international tribunal be established to bring to trial perpetrators. It also noted that the UN has a vested interest in participating in the entire process of investigation, establishing responsibility and punishing those responsible and that dealing effectively with these issues is important for ensuring that future Security Council decisions are respected.

Rather than establishing an international tribunal the UN accepted Indonesia's assurances that it would investigate and bring to trial perpetrators in its own courts. In the meantime, the UN peacekeeping mission in Timor-Leste established a Serious Crimes Unit to investigate crimes committed in 1999 and Special Panels with jurisdiction over genocide, crimes against humanity and war crimes, to hear the cases.

The latter has made considerable progress in recent months, but still has much work to do before its task is complete. In contrast, the legal proceedings in Indonesia have been extremely limited in scope

and have, despite some convictions, to a large extent failed to deliver either truth or justice. Moreover, there is no confidence that the Indonesian authorities have either the capacity or the will to carry out the substantial legal and institutional reform needed to ensure that the remaining trials proceed with integrity.

"The Commission on Human Rights Chairperson's statement must condemn Indonesia for its failure to undertake the process with good faith and due diligence. It must also demand that alternative measures be initiated, among which could be an international tribunal," Amnesty International emphasized.

The organization is also calling upon the Security Council to institute an independent review by international legal experts to evaluate the legal proceedings to date in both Indonesia and Timor-Leste. The review should look at the full range of possible legal options for bringing perpetrators to justice -- including strengthening the process in Timor-Leste, an *ad hoc* tribunal established by the Security Council and trials in third states. Such options could be pursued simultaneously.

### **Background**

It is estimated that some 1,300 people were killed in Timor-Leste in the months proceeding and in the immediate aftermath of a UN organized ballot on independence on 30 August 1999. More than a quarter of a million people 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.

A total of 18 people have been put on trial in a specially convened *ad hoc* Human Rights Court in Indonesia. Eleven defendants have so far been acquitted and five have been convicted and sentenced to terms of imprisonment of between three and ten years. The trials of two senior military officers are ongoing.

In Timor-Leste, the Serious Crimes Unit has issued indictments against more than 230 individuals. Many of the suspects are charged with crimes against humanity. They include high ranking Indonesian officials, including the former Commander of the Armed Forces and Defence Minister, General Wiranto and the Commanders of the Regional and Timor-Leste Military Commands, Major General Adam Damiri, Brigadier General Suhartono Suratman. The Indonesian authorities have refused to cooperate with investigations and prosecutions in Timor-Leste, including by refusing to transfer suspects for trial.

A copy of the report: "*Indonesia & Timor-Leste: International responsibility for justice*" can be downloaded on:  
<http://web.amnesty.org/library/index/endasa030012003>

### Public Document

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