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Timor-Leste/Indonesia: Calls on truth and reparation made by bilateral truth commission “ignored”

Joint statement by Amnesty International, ANTI (The Timor-Leste National Alliance for an International Tribunal) and KontraS (the Commission for the Disappeared and Victims of Violence)

Amnesty International, ANTI (The Timor-Leste National Alliance for an International Tribunal) and KontraS (the Commission for the Disappeared and Victims of Violence) call on the Indonesian and Timorese authorities to take immediate steps to implement recommendations made five years ago by a bilateral government sponsored truth commission tasked to review human rights violations committed in the context of the 1999 independence referendum in Timor-Leste (then East Timor). The failure to implement many of these recommendations prolongs the suffering of victims and their families and raises serious questions about the commitment of both the Indonesian and Timor-Leste governments to address impunity for past violations.

Relatives of the disappeared and missing persons continue to call on the government of Indonesia and Timor-Leste to search for their missing loved ones. For many families, even if their loved ones chose not to return to Timor-Leste, just knowing that they are alive and well would be enough. If their family members have died, they want to be able to bury them according to their traditions and culture.

The Commission of Truth and Friendship (CTF) was set up by the Indonesian and Timorese governments 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”. On 15 July 2008, the Commission published its final report, in which it concluded that Indonesia bears responsibility for human rights violations committed in 1999.

The Commission’s mandate did not cover the raft of human rights violations including unlawful killings, enforced disappearance, torture, and rape and other crimes of sexual violence committed by the Indonesian security forces and their auxiliaries during the Indonesian occupation 1975-1999. It is estimated that around 18,600 people were killed or disappeared in Timor-Leste between 1974 and 1999. Furthermore, several thousand children are believed to have been sent to Indonesia during this period without the consent of their parents or under coercion.

The 2008 CTF report recommended, among other things, that the Indonesian and Timorese governments work together to establish the fate and whereabouts of those who disappeared and went missing; to establish a “survivor healing programme”, particularly for survivors of rape and other crimes of sexual violence; and for the Indonesian government to acknowledge and apologise for the harm caused in 1999. However, to date the two governments have largely failed to implement many of these recommendations, choosing instead to prioritize reconciliation between the two countries and the strengthening of bilateral ties.

It took three years before the Indonesian President finally issued a regulation (No.72/2011) setting out a plan of action to implement the CTF recommendations. Further, in bilateral meetings between the two countries which were specifically organized to discuss the CTF recommendations, issues surrounding truth and reparation for past crimes – in particular a search for the disappeared and missing – have been sidelined.

A 2011 report by the UN Working Group on Enforced or Involuntary Disappearances (WGEID) following an official visit to Timor-Leste found that “much remains to be done to achieve the rights to truth, justice and reparation for those who disappeared and their families”. Among other things, the WGEID recommended that the governments of Timor-Leste and Indonesia implement CTF recommendations to establish the fate and whereabouts of the disappeared, stating that “the process needs to demonstrate concrete and positive results for victims”. The Timorese Commission for Reception, Truth and Reconciliation (CAVR), also recommended that the two governments take steps to establish the fate and whereabouts of the missing and disappeared. However, this recommendation and many others aimed at securing justice, truth and reparation for victims and their families, remain largely ignored.

Five years on, Amnesty International, ANTI and KontraS call on the Indonesian and Timorese governments to take immediate steps to ensure that the CTF recommendations aimed at addressing past crimes and at addressing the suffering of victims and their families are implemented at the earliest opportunity. In particular, in order to ensure that victims and their families can access justice, truth and reparation for human rights violations committed during the Indonesian occupation, our organizations recommend that both Indonesian and Timor-Leste governments undertake the following:

- Establish a bilateral Commission for Disappeared Persons to uncover the fate and whereabouts of those who were subjected to enforced disappearance during the period of Indonesian occupation (1975-1999), with particular attention to all the Timorese children who were separated from their families;
- Take further steps to ensure that all those responsible for crimes against humanity and other crimes under international law during the Indonesian occupation are brought to justice in trials which meet international standards of fairness without the death penalty;
- Provide full and effective reparation to victims of human rights violations committed in Timor-Leste between 1975 and 1999 for which Indonesia bears responsibility;
- Ratify the International Convention for the Protection of all Persons from Enforced Disappearance, incorporate its provisions in to domestic law and implement it in policy and practice to ensure that this crime is never committed again with impunity in Indonesia or Timor-Leste; and
- Enter into extradition and mutual legal assistance agreements together, and with and other governments.

Amnesty International, ANTI and KontraS also call on the international community to support efforts to ensure justice, truth and reparation for victims of human rights violations and crimes under international law committed during the Indonesian occupation. In particular, the international community should support and contribute to the establishment of a trust fund towards the creation of a comprehensive reparation programme for victims of past crimes.

ANTI is made up of the following organizations:

1. Judicial System Monitoring Program (JSMP)
2. National Victim Association
3. Asosiasaun *Chega* ba Ita (Acbit)
4. HAK Association
5. FONGTIL (Timor-Leste NGO Forum)
6. FOKUPERS (Women organization)
7. Front Mahasiswa Timor-Leste (FMTL, Student Front)