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Timor-Leste: All parties must act resolutely to ensure justice for both current and past violations of human rights

Amnesty International welcomes the intention, expressed by the UN Secretary-General during the Security Council open meeting held on 13 June 2006, to create an independent special inquiry commission to review recent violent events in Timor-Leste, as requested by the Timorese government. The setting up and format of this commission will be the responsibility of the UN Office of the High Commissioner for Human Rights. The UN must ensure that this process of inquiry is tied firmly to the future prosecution of those found to be responsible.

In Timor-Leste's short history there has already been a long history of truth-seeking initiatives whose recommendations on justice have been systematically ignored or opposed by the countries involved -- Timor-Leste and Indonesia -- and neglected by the international community, in particular the UN Security Council. Amnesty International therefore fears that this new initiative is at risk of encountering the same fate.

Most of the crimes committed in Timor-Leste in 1999 still remain unaddressed, despite the fact that the vital need for justice was emphasised in Security Council Resolutions 1264 and 1272, nearly seven years ago.

In May 2005 the Security Council terminated the Special Crimes process in the country which was investigating and prosecuting serious crimes committed in 1999, despite a widespread acknowledgement that its work was not completed. Subsequently the Security Council has refused to seriously consider the recommendations of the Commission of Experts, established by the Secretary-General to review the prosecution of serious violations of human rights committed in Timor-Leste in 1999, which were submitted in a report to the Secretary-General in July 2005. Moreover, in September 2005 the Security Council returned the report of the Commission of Experts and asked the Secretary-General to present a new report on justice and reconciliation, with "a practically feasible approach", which would also take into account the views expressed by the governments of Timor-Leste and Indonesia. The resistance that the two governments have displayed towards achieving justice for past violations, coupled with the financial and logistical considerations for the UN, raise fears that only weaker recommendations would be acceptable to the Council. Furthermore, although almost nine months have passed since the Security Council made this request, such a report has yet to be presented.

The UN Secretariat and the Security Council have now an historic opportunity to correct the course and situate themselves squarely on the side of justice for past violations in Timor-Leste.

The present situation in the country is the product of a variety of factors. Nonetheless, the lack of rule of law and the presence of a culture of impunity for past violations are, without doubt, contributing causes. Without accountability for past crimes there can be no reconciliation, which could in turn result in further instability.

This is the cycle in which Timor-Leste has been trapped since its independence.

To break out of this cycle the UN must ensure that the process of investigation into the recent events is accompanied by a firm determination on the part of the Timorese authorities to bring the perpetrators to justice.

Furthermore, the current investigations will lack lasting impact if both the Timorese and Indonesian authorities do not also illustrate determination to ultimately achieve justice for violations committed in 1999.

Finally, the UN must act decisively to meet its responsibilities on behalf of the victims of the violence in 1999.

Resolute action is now crucially required on the part of concerned parties to ensure that all perpetrators of serious crimes in Timor-Leste -- both present and past -- are brought to justice.