

# AMNESTY INTERNATIONAL

## Public Statement

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### **Timor-Leste: Security Council must ensure perpetrators are held to account**

#### **A new UN mission for Timor Leste -- but what of the future of the serious crimes process?**

On 28 April, the United Nations Security Council adopted resolution 1599(2005) creating a "special political mission in Timor-Leste (formerly East Timor), the United Nations Office in Timor-Leste (UNOTIL)", to replace the existing United Nations Mission of Support in East Timor (UNMISSET), whose mandate expires on 20 May 2005. The move represents a new step in the process of reducing the UN presence in the country.

Although Amnesty International welcomes the Security Council's reaffirmation of the need for "credible accountability for the serious human rights violations committed in East Timor in 1999", the organization is concerned that yesterday's resolution made no provision for the continuation of support to the serious crimes process. This withdrawal of support for the serious crimes process comes at a time when there is no alternative credible and effective mechanism in place to ensure that justice is delivered for the victims of grave human rights violations committed in Timor-Leste in 1999.

#### **The Serious Crimes Unit and Special Panels are set to close but the job is not complete**

In the wake of the extreme violence that took place surrounding the vote for independence, the Security Council demanded in resolutions 1264(1999) and 1272(1999) that those responsible for serious crimes committed in Timor-Leste during 1999 be brought to justice. The Serious Crimes Unit and Special Panels for Serious Crimes were subsequently established in Timor-Leste to investigate and try those responsible. While their work is far from complete, as a result of deadlines set by the Security Council last May, the Serious Crimes Unit terminated all investigations on 30 November 2004 and filed its last indictment on 17 December 2004. The Special Panels for Serious Crimes are attempting to complete all pending trials by 20 May 2005.

The Secretary-General of the United Nations recognises that the serious crimes process is not ending because the task is complete. On the contrary, the Secretary-General acknowledged in his most recent progress report on UNMISSET that "the serious crimes process may not be able to fully respond to the desire for justice of those affected by the violence of 1999 within the limited time and resources that remain available". He added that "a significant number of cases will not have been investigated or prosecuted as a result of the need to comply with the deadlines set by the Security Council".

#### **Responsibility remains with the Security Council to ensure that justice is delivered**

Indeed justice for serious crimes committed in 1999 remains largely illusory. Some 303 of the almost 400 people indicted for serious crimes by Timor-Leste's Prosecutor General remain outside the jurisdiction, with the Indonesian authorities continuing to refuse to transfer suspects for trial. The highly unsatisfactory trials conducted within Indonesia itself failed to deliver either truth or justice, with not a single member of the security forces held to account. The bilateral Commission for Truth and Friendship established by the governments of Timor-Leste and Indonesia, to deal with issues related to the violence of 1999, offers no prospect of accountability. While the Commission for Truth and Friendship is empowered to recommend amnesties for those responsible for human rights violations and to rehabilitate those who have been "wrongly accused", it has no mandate to recommend reparations and, according to its terms of reference, its process "will not lead to prosecutions".

The international community has recognised its obligation to ensure justice for the serious crimes, including crimes against humanity, committed in Timor-Leste in 1999. That responsibility is not abrogated by obstacles which face the justice process. On the contrary, the unwillingness of the Indonesian authorities to fulfil the Security Council's demands for justice, as demonstrated by their failure to cooperate with the serious crimes process in Timor-Leste, merely underscores the necessity for the continuing involvement of the international community in efforts to provide justice.

Responsibility now rests with the Security Council to support the establishment of an alternative mechanism to ensure that all remaining perpetrators are held to account. The Secretary-General has established a Commission of Experts to make recommendations on the way forward for justice for Timor-Leste. Amnesty International hopes that the recommendations of the Commission will address the outstanding need for justice and accountability, and that the Security Council will fulfil its commitment to ensure that justice is delivered by giving sustained support to any effective mechanism that is recommended.