

East Timor: UNTAET, justice and refugees one year after the ballot

The highest standards of human rights must be upheld by the UN in East Timor, Amnesty International said in a new report on the United Nations Transitional Administration in East Timor (UNTAET). The UN must apply the same human rights standards it expects other governments to apply elsewhere.

"When in the face of massive intimidation, the East Timorese turned out to vote for independence, they demonstrated their determination to claim their human rights and decide their own destiny -- they should not be made to wait any longer to have these rights fulfilled," the organization said.

One of the keys to the success of UNTAET's mission will be to create the conditions for the East Timorese to participate fully in the building of their country. The UN's role is not to deliver a country and a system to the East Timorese but to enable them to decide for themselves what kind of country they want.

Amnesty International welcomed recent steps to extend East Timorese involvement in government but raised concerns that meaningful processes of consultation and participation with East Timorese civil society have not yet been fully developed.

The absence of a fully functioning criminal justice system means that there is still a law and order vacuum. This has worrying implications for the security of returning refugees, the rights of detainees to a fair trial and the rights of victims to justice.

In recent months, Amnesty International has received reports of harassment, intimidation, beatings, torture and unauthorised detention carried out by vigilante groups against people suspected of supporting Indonesia in last year's vote, and against ethnic and religious minorities.

"As the months go by, the courts are still not fully operational and the police still don't have the resources to carry out their duties effectively. People are beginning to take law and order into their own hands," said Amnesty International. "This is a dangerous development which UNTAET must confront directly before it becomes institutionalised."

UNTAET must ensure that its own operations meet with the highest standards of international humanitarian and human rights law. As well as training its officials in international human rights standards, including the international civilian police force and the peace-keeping force, UNTAET should also set up independent monitoring systems.

Redress

"A year ago the world looked on in horror as the Indonesian military and pro-Indonesian militias wreaked revenge on the population of East Timor for rejecting Indonesian rule. Despite the international outcry against the killings, torture and forced expulsions, no one has been brought to justice," Amnesty International said.

Mass killings, forcible expulsion and other crimes against humanity and war crimes that were committed by the Indonesian security forces and pro-Indonesia militias in the context of last year's vote, remain unresolved.

The UNTAET and Indonesian investigations are important steps toward ensuring that perpetrators are held to account. However Amnesty International has expressed concern about the slow pace of the investigations and that weaknesses in the Indonesian legal and judicial system could compromise justice and result in trials which fall short of international standards.

"Addressing past violations is one of the cornerstones of building a future for East Timor based on the rule of law. Investigations and prosecutions should proceed swiftly if the East Timorese are to have any confidence in processes of justice."

Refugees

Some 100,000 East Timorese refugees who fled or were forcibly expelled during the violence are still in refugee camps in West Timor, Indonesia. Militia activity in the camps has forced the frequent suspension of repatriation programs in the last weeks. Indonesia has stated that it will deal with the problem by closing down the camps, which will force the remaining refugees to decide whether to return to East Timor or stay in Indonesia.

"Indonesia continues to act irresponsibly towards the refugees it forced in to West Timor, and is in contravention of its international obligations. By allowing militias to operate in the camps it is multiplying the suffering of the refugees and making it impossible for them to choose freely whether to return or stay."

Background

A UN administered ballot took place on 30 August 1999 in East Timor in which 78.5 per cent of the voting population rejected continued integration with Indonesia. Authority over East Timor was transferred to the United Nations by Indonesia on 25 October 1999. The UN Security Council established UNTAET as the transitional authority with responsibility for the administration of East Timor during the transition to independence.

In the months prior to the vote, pro-Indonesian militia groups, supported by the Indonesian security forces, waged an organized campaign of terror against the population in an attempt to force the population to choose to remain a part of Indonesia. In the aftermath of the vote the violence escalated dramatically. Hundreds of East Timorese civilians were unlawfully killed, over two hundred thousand people were forcibly expelled from the territory and hundreds of thousands of others became internally displaced.

Security only began to be restored after a multi-national force was deployed. By the time the Indonesia security forces and militia withdrew from East Timor in late September 1999, virtually the whole of East Timor's infrastructure had been destroyed and all institutions of government and administration had ceased to function.

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