



## **FOR IMMEDIATE RELEASE**

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### **Indonesia and Timor-Leste:**

#### **New Commission's Defects Must be Remedied to Achieve Justice and Truth for Victims**

NEW YORK, March 9, 2005—The parliaments of Indonesia and Timor-Leste must make significant amendments to the terms of the newly established Commission for Truth and Friendship (CTF) if it is to achieve justice and truth for victims, the International Center for Transitional Justice (ICTJ) stated today.

The terms of reference for the CTF were agreed to today in Jakarta by the President of Indonesia and the President and Prime Minister of Timor-Leste, and referred to the countries' parliaments for ratification. The terms preclude the Commission from recommending the prosecution of perpetrators or reparations for victims, and allow it to offer amnesties to individuals responsible for committing serious abuses.

The CTF was established to investigate the violence surrounding the 1999 UN-supervised referendum on independence in Timor-Leste, during which more than 1,400 people were killed by pro-Indonesian militias supported by the Indonesian army. The militias also shot, stabbed, beat and raped thousands of other victims, forcibly displaced 250,000 people and destroyed much of Timor-Leste's infrastructure, including more than 60,000 houses.

Two independent inquiries launched in 1999 concluded that the Indonesian army and its militias were implicated in grave violations of human rights and international humanitarian law, and recommended prosecuting those responsible. Despite these findings, all but one of the accused subsequently brought before the Ad Hoc Human Rights Court in Jakarta were acquitted. A Serious Crimes Investigation Unit (SCIU) established by the UN in Timor-Leste convicted 74 Timorese perpetrators, but was unable to extradite more than 300 indictees living in Indonesia.

The ICTJ urges the Indonesian and Timorese parliaments to amend the CTF's terms of reference immediately, in order to:

- Empower the Commission to recommend the prosecution of individuals suspected of committing war crimes and crimes against humanity, and to recommend reparations for victims.
- Exclude the possibility of granting amnesties to individuals responsible for committing serious abuses.
- Guarantee the independence of the Commission, avoiding any advisory role by the Indonesian and Timorese governments.
- Ensure access to the archives of the Indonesian army and other relevant sources in Indonesia.
- Ensure the integrity of archives held by the SCIU and the Commission for Reception, Truth and Reconciliation (CAVR) in Timor-Leste, and protect the confidentiality of witnesses identified in the archival materials.

Further, the ICTJ strongly recommends that the CTF be installed and its members selected in an open and transparent process, through close consultation with civil society groups, particularly Timorese victims.

Moreover, the governments must not allow the CTF to overshadow the investigation of a UN panel of experts set up to examine efforts to achieve justice for victims of the 1999 violence, nor can it let the Commission marginalize the CAVR, due to present its final report in July 2005.

“The Commission for Truth and Friendship must address past failures to achieve justice and respond to the needs of victims, and not be trumped by the bilateral diplomatic interests of the Indonesian and Timorese governments,” said ICTJ President Juan E. Méndez.

### **The ICTJ in Indonesia and Timor-Leste**

The ICTJ has been working in Indonesia and Timor-Leste since the organization's inception, consulting with the UN, governments, civil society groups, and academics on a variety of transitional justice initiatives.

Released in August 2003, “Intended to Fail,” the ICTJ's analysis of the trials before the Ad Hoc Human Rights Court in Jakarta, suggests that Indonesia never intended to fulfill its promise of holding perpetrators accountable for the violence surrounding the East Timorese vote for independence in 1999. Senior Associate Eduardo Gonzalez continued to work with local and international NGOs to request that the UN develop an appropriate response to this failure.

The ICTJ has also monitored parliamentary efforts to establish a truth commission and coordinated with local partners to ensure that the proposed body respects victims' rights and promotes accountability. In January 2005, the Center disseminated a study of the

Indonesian law establishing the Truth and Reconciliation Commission (TRC), and in February, co-sponsored a conference in Jakarta for civil society leaders and activists to develop a strategy to respond to the TRC law.

The ICTJ has actively supported efforts in Timor-Leste to address the human rights violations and impunity left by 24 years of Indonesian occupation by assisting the work of the CAVR and the SCIU. To help inform the debate about accountability, the Center produced a report in August 2003, “Crying Without Tears: In Pursuit of Justice and Reconciliation in Timor-Leste,” which examines the perspectives of a cross-section of Timorese citizens on issues of violence, truth, justice, and reconciliation.

The Center urged the UN Secretary-General to convene an international Commission of Experts to examine the situation of impunity for the crimes committed in 1999 and to devise workable, efficient, and fair strategies to ensure accountability.

In January 2004, the Center released “The Struggle for Truth and Justice,” a report that maps nearly 200 transitional justice initiatives undertaken by Indonesian civil society organizations. The Center publishes a monthly newsletter in Bahasa Indonesia to disseminate transitional justice information throughout the region.

### **About the ICTJ**

The ICTJ assists countries pursuing accountability for past mass atrocity or human rights abuse. The Center works in societies emerging from repressive rule or armed conflict, as well as in established democracies where historical injustices or systemic abuse remain unresolved. It provides comparative information, legal and policy analysis, documentation, and strategic research to justice and truth-seeking institutions, nongovernmental organizations, governments, and others.

The ICTJ assists in the development of strategies for transitional justice comprising five key elements: prosecuting perpetrators, documenting violations through nonjudicial means such as truth commissions, reforming abusive institutions, providing reparations to victims, and advancing reconciliation. The Center is committed to building local capacity and generally strengthening the emerging field of transitional justice, and works closely with organizations and experts around the world to do so.

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