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Timor-Leste: Serious Crimes Unit and Special Panels Mandate Must be Extended To Preserve Hope of Accountability

NEW YORK, April 27, 2005—The International Center for Transitional Justice (ICTJ) urgently calls on the United Nations Secretary-General and the Security Council to extend the mandate of the Serious Crimes Unit and Special Panels in Timor-Leste beyond May 13, 2005.

“Shutting down the Serious Crimes Unit and Special Panels now would foreclose yet another critical opportunity to achieve accountability and justice in Timor-Leste,” said Juan E. Méndez, president of the ICTJ. “Such a move would further compound the failures of the Ad Hoc Human Rights Court in Jakarta to punish those responsible for grave abuses,” Méndez added.

The Center also calls on the United Nations Commission of Experts appointed to review the justice processes in Indonesia and Timor-Leste to take action on this matter. The ICTJ asks the Commission to make an emergency recommendation to the Secretary-General that he enable the Serious Crimes Unit (SCU) and Special Panels to continue operating until they complete their work, or until they can be replaced with an effective and credible alternative process.

Dissolving the SCU and the Panels before the Commission of Experts makes its report would deal a further blow to attempts to achieve justice in the region, following unreasonable delays in the establishment of the Commission.

Much work remains to be done by the SCU and Special Panels. Trials are still pending before the Panels, and arrest warrants for indicted suspects have yet to be issued and circulated. Further, additional indictments based on existing evidence have not yet been

finalized and investigations into cases that have not yet been addressed are still pending. Investigators are still waiting to examine witnesses and evidence withheld by Indonesia.

Extending the mandate of the SCU would allow it to properly review all outstanding cases and make decisions about their disposition, including their possible withdrawal, transfer to domestic courts, or preservation for possible future prosecution.

“We are now at a critical juncture. As the Security Council negotiates a final extension of UN activities in Timor-Leste, it must also ensure that the SCU and Special Panels can complete their work of seeking justice for the crimes committed in 1999,” said 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.

All three reports are available on the ICTJ web site at www.ictj.org.

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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