



## **FOR IMMEDIATE RELEASE**

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### **UN Commission Recommends Ultimatum on Justice for Timor Victims**

NEW YORK, June 27, 2005—The International Center for Transitional Justice (ICTJ) expresses strong support for the findings and recommendations of the UN Commission of Experts appointed to review the justice processes in Indonesia and Timor-Leste. The UN Secretary-General submitted the Commission’s report to the UN Security Council today.

The report is critical of failed attempts by the government of Indonesia and the United Nations to achieve justice and accountability for systematic atrocities committed by the Indonesian army and local militias against Timorese citizens in 1999.

The Commission’s report condemns the prosecutions before the Ad Hoc Human Rights Court established by Indonesia as “manifestly inadequate” and accuses it of “scant respect for or conformity to relevant international standards.” The Commission found that the work of the prosecutors was inadequate, verdicts were inconsistent, and perpetrators were not held accountable. The report calls on Indonesia to re-open cases tried before the Ad Hoc Court, and to consider trying General Wiranto, Indonesian Minister of Defense at the time of the 1999 atrocities.

The experts further urged the UN Security Council to use its authority under Chapter 7 of the UN Charter to establish an international criminal tribunal to try perpetrators, if the government of Indonesia fails to take substantive action within a six-month period set by the UN Secretary-General.

The report acknowledged that the UN-backed serious crimes process —halted in May 2005 as part of the downsizing of the UN Mission of Support in East Timor— had attained a “notable degree of accountability,” but observed that it had been hampered by poor planning, inadequate resources, insufficient support from the Timorese government, and a lack of cooperation by Indonesia. The Commission recommended that the Serious

Crimes Unit and Special Panels for Serious Crimes be revived at least until July 2007, with a clear strategy for the handover of their functions to local institutions.

Finally, the Commission expressed serious reservations about the joint Commission of Truth and Friendship (CTF) announced by Indonesia and Timor-Leste over the unanimous objections of civil society organizations. The experts found that the CTF's terms of reference contradict international and domestic law, and offer no mechanisms for addressing serious crimes. The report recommends that the governments revise the terms of reference as a precondition to receiving international support for this initiative.

At the time of Timor-Leste's 1999 vote for independence from Indonesia, more than 1,400 Timorese were killed by pro-Indonesian militias supported by the Indonesian army. Thousands more were beaten, raped, and forcibly displaced, and much of the country's infrastructure was destroyed. These atrocities marked the end of a brutal and violent 27-year Indonesian occupation, during which tens of thousands died.

In its report, the Commission stressed that the Timorese people overwhelmingly demand that justice be served. The ICTJ believes that victims have waited long enough, and must not be made to endure further flawed and inadequate justice processes, such as the CTF as it is presently conceived. "The UN Security Council should be prepared to exercise its authority and establish an international tribunal, in the event of non-compliance by the government of Indonesia," said ICTJ Senior Associate Eduardo Gonzalez. "The government's persistent failure to honor its responsibilities to victims indicates that such a tribunal may be the only way to ensure accountability."

### **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.

In June 2005, the Center released a report on the serious crimes process in Timor-Leste entitled "Justice Abandoned?" The report concluded that the quest for justice in Timor-Leste had begun with good intentions, but was not backed up by the strategic planning and effective political support necessary to counter the damaging effects of Indonesian lack of cooperation.

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 worked 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 Commission for Reception, Truth, and Reconciliation and the Serious Crimes Unit.

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 four reports are available on the ICTJ web site at [www.ictj.org](http://www.ictj.org).

### **About the ICTJ**

The International Center for Transitional Justice (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.

In order to promote justice, peace, and reconciliation, government officials and nongovernmental advocates are likely to consider a variety of transitional justice approaches including both judicial and nonjudicial responses to human rights crimes. The ICTJ assists in the development of integrated, comprehensive, and localized approaches to transitional justice comprising five key elements: prosecuting perpetrators, documenting and acknowledging violations through nonjudicial means such as truth commissions, reforming abusive institutions, providing reparations to victims, and facilitating reconciliation processes.

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. The ICTJ works in the field through local languages and provides comparative information, legal and policy analysis, documentation, and strategic

research to justice and truth-seeking institutions, nongovernmental organizations, governments and others.

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