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Timorese Parliament Should Release Truth Commission Report Immediately

NEW YORK, November 28, 2005—Today, President Kay Rala Xanana Gusmão presented the Timorese parliament and Prime Minister Mari Alkatiri with the final report of the Commission for Reception, Truth and Reconciliation in Timor-Leste (CAVR in its Portuguese acronym). The report details the systematic human rights violations committed during the 24-year Indonesian occupation of Timor and the failure to achieve justice for these crimes.

The International Center for Transitional Justice (ICTJ) supports the right of the Timorese people and the international community to know the full truth about past abuses, and calls on the Timorese parliament to publicly release and widely disseminate this landmark report without further delay.

President Gusmão is required by law to submit the CAVR final report to the UN Secretary-General. Upon receipt, the Secretary-General should refer the report to the Security Council, General Assembly, the Special Committee on Decolonization, and the UN Commission on Human Rights.

The Commission delivered its final report to the president on October 31, marking the end of more than three years of intensive work. The CAVR was established to investigate human rights violations committed in East Timor between April 1974 and October 1999, and to facilitate community reintegration and accountability for those who committed less serious offenses. The ICTJ applauds the Commission and the Timorese people for contributing to such a brave and comprehensive report.

After decades marked by suppression of the truth and impunity for human rights abuse, the immediate dissemination of the final report's findings and recommendations is essential. The Commission's legal mandate to research and report the facts, contribute to victims' dignity, and recommend measures to prevent future abuses cannot be discharged without publicizing the final report.

The CAVR final report is a comprehensive and detailed record of the suffering of the Timorese people in their struggle for freedom, based on rigorous analysis and extensive information collected from a wide range of sources, including thousands of witnesses and victims. The report is expected to be a harsh indictment of the 24-year Indonesian occupation, the violence during the 1999 referendum on independence, and the indifference of the international community.

The report is said to contain exhaustive evidence of massive, widespread, and systematic human rights violations carried out against the Timorese population by Indonesian forces and accuses Indonesian government officials and high-level military commanders of deliberately violating international humanitarian law. The report also recommends measures to ensure that justice is done and reparations are made to Timorese victims and their families.

The Commission's final report will serve as a stark reminder that Indonesian perpetrators continue to enjoy impunity for the brutal violations they committed and to highlight the international community's moral and legal obligations to bring these perpetrators to justice.

"The people of Timor-Leste must not be denied their right to know the full truth about this period of their country's history," said ICTJ Senior Associate Eduardo Gonzalez, head of the Center's Timor-Leste and Indonesia programs. "Any delay in making the final report public only prolongs the failure to adequately address the past and further entrenches impunity in Timor and Indonesia. The Timorese parliament must publicly release the Commission's final report immediately."

The ICTJ in Indonesia and Timor-Leste

The ICTJ has been working in Indonesia and Timor-Leste since the organization's inception in 2001, 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 (CAVR) and the Serious Crimes Unit (SCU). 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.

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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