



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/2005/NGO/43
11 February 2005

ENGLISH ONLY

COMMISSION ON HUMAN RIGHTS
Sixty-first session
Item 11 (d) of the provisional agenda

**CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF:
INDEPENDENCE OF THE JUDICIARY, ADMINISTRATION OF JUSTICE,
IMPUNITY**

**Written statement* submitted by the Asian Legal Resource Centre (ALRC),
a non-governmental organisation in general consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[26 January 2005]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Justice for victims of East Timor's 1999 violence

1. The Asian Legal Resource Centre (ALRC) is extremely disturbed by the stance taken by the political leaders of Indonesia and East Timor to allow perpetrators of crimes against humanity to go unpunished for the atrocities they committed during East Timor's independence struggle.

2. On 21 December 2004, the governments of Indonesia and East Timor agreed to the formation of a Truth and Friendship Commission. The Commission's intent is to examine the referendum-related violence that took place in 1999, the purpose of which is to bring closure to this period and resolve all related problems. However, details of the Commission are not available and the proposal itself has not been formulated in consultation with the people of East Timor, who suffered most.

3. The proposal for the Truth and Friendship Commission is to bring the UN Tribunal in Dili, East Timor to an end. The Tribunal has convicted 72 persons of offenses committed during the transition to independence yet all convictions were of low-level East Timorese functionaries. Though senior officers have been indicted as bearing principle responsibility for the violence, they remain in Indonesia and are protected by their government. Thus, the real purpose of the Truth and Friendship Commission appears to be to undermine the Dili tribunal and avoid justice being sought against those responsible for the most serious of crimes.

4. UN Security Resolution 1272 demanded that all those responsible for the violence be brought to justice. However, this resolution failed to be realised, as those who bear the principle responsibility for the events of 1999 have not been brought to trial. There had been a move at the highest UN level to investigate the quality of the trials and there are efforts to establish a Commission of Experts to assess whether these trials were impartial and in the standards of international law. If the Commission of Experts finds that the trials have fallen short of international standards, then there would be international moves to upgrade the quality of these trials.

5. The birth of the small nation of East Timor, the latest sovereign state growing out of colonialism, was watched with a sense of hope by people around the world. The UN Mission in East Timor, designed to establish a legitimate government, was supported in all corners of the globe. However, the long struggle for freedom against colonialism, including 25 years of occupation by Indonesia, culminated in the Indonesian National Army (TNI) and its Timorese militias going on a campaign of murder, arson, and forced expulsion after the people of East Timor voted for independence in a UN-administered referendum. It was the hope of the local population as well as the international community that the violence and crimes against humanity committed during this time would be brought before legitimate tribunals and be properly dealt with, ushering in an era of justice for the people of East Timor.

6. Present developments to bring these matters to an end by way of compromises and to ensure impunity will defeat the commitments given to the East Timorese people by local leaders, the United Nations and the international community. The direct consequence of this would be to spread a high level of demoralisation throughout East Timor and also through all Asian countries and around the world. The world will see that even giant steps taken by way of UN peacekeeping missions end up, finally, without achieving substantial results in the field of justice.

7. The Asian Legal Resource Centre urges the Commission to pressure the relevant UN authorities and the international community to take a serious interest in this matter and ensure that the aim of UN Security Council Resolution 1272 is realised.
