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Timor-Leste: Letter to President Jose Ramos-Horta on post-conflict justice

Amnesty International has written today to President Jose Ramos-Horta to follow up on his meeting on 5 March 2010 in the United Kingdom with Amnesty International's interim Secretary General, Claudio Cordone. The letter also took note of President Ramos-Horta's remarks at the UN Human Rights Council in Geneva on 11 March.

In the letter, Amnesty International addressed the role of criminal justice in dealing with the crimes of the past in Timor-Leste, including the proposal to set up an international tribunal to investigate and prosecute those responsible for the crimes committed during Indonesia's occupation of Timor-Leste between 1975 and 1999.

Amnesty International acknowledged President Ramos-Horta's long-standing objections to such a tribunal, while noting his statement that "if the Security Council decides to establish such an International Tribunal, he will not oppose it", as cited in a press release issued by his office on 10 March relating to the meeting with Amnesty International on 5 March.

Amnesty International noted President Ramos-Horta's views reiterated before the Human Rights Council on 11 March that "in the efforts to bring about peace between long-standing rival communities, often we have to compromise on justice."

While acknowledging the challenges of ensuring justice after a conflict, Amnesty International stressed that its advocacy for an international tribunal stemmed primarily from its strong belief that confidence in the rule of law is necessary for a stable and peaceful society, and that the continued impunity for crimes of the scale and nature such as those committed under Indonesian occupation can only undermine such confidence. International justice mechanisms, such as an international tribunal, can play a role to address impunity given the continuing inadequate responses of national courts in Timor-Leste and Indonesia. The tribunal has been recommended by UN justice experts and Timor-Leste's own Commission for Reception, Truth and Reconciliation in 2005, as well as by Timorese victims most recently in September 2009.

The right of victims of crimes under international law to obtain justice, truth and full reparations has long been recognized under international law. In this perspective peace and justice are not mutually exclusive, but complementary concepts that can and must exist together. While recognizing President Ramos-Horta's scepticism about the political will within the UN Security Council to address impunity for the crimes under Indonesian occupation, Amnesty International pledged to continue to press for international justice to play a role in this regard.

Amnesty International stressed that the international tribunal is only one component of a long-term comprehensive plan to address impunity. Other key elements of the plan should include prosecutions in Timor-Leste, Indonesia and other countries willing to exercise universal jurisdiction; the search and identification of those gone "missing" during the Indonesian occupation; the establishment of a scheme to provide full and effective reparations for the thousands who suffered and the relatives of those who perished; and an approach to pardons

that does not undermine the rule of law.

Amnesty International expressed the hope that President Ramos-Horta would support the Timor-Leste Parliament's decision to establish a follow-up institution to implement the recommendations of the report of the Commission for Reception, Truth and Reconciliation and the report of the Commission for Truth and Friendship. Such a follow-up mechanism can provide an opportunity to consider all points of view within Timor-Leste on the best way forward in dealing with the legacy of the crimes committed under Indonesian occupation.

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