



Aliansa Nasional Timor-Leste ba Tribunal Internasional
Timor-Leste National Alliance for International Tribunal
(ANTI)

Secretariat: NGO Forum Timor-Leste
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An Open letter in response to the CTF report

15 July 2008

Sent to:

1. Mr. Jose Ramos-Horta, the President of Timor-Leste
2. Mr. Fernando Lasama, the President of National Parliament of Timor-Leste
3. Mr. Xanana Gusmão, the Prime Minister of Timor-Leste
4. Mr. Claudio Ximenes, the president of *Tribunal Rekursu* of Timor-Leste
5. Mr. Longuinhos Monteiro, the Prosecutor General of Timor-Leste
6. Mr. Atul Khare, the UN representative in Timor-Leste (UNMIT)
7. All Embassies in Timor-Leste
8. Political Parties in the National Parliament
9. Public and media

“We have the Truth, now we need Justice”

In relation to the Truth and Friendship Commission (CTF) which was established by the governments of Timor-Leste and Indonesia in December 2005 and just ended its work in July 2008 after its mandate was extended twice. On 15 July 2008, this commission released its final report and recommendations to the governments of Timor-Leste and Indonesia in Denpasar Bali, Indonesia.

The Timor-Leste National Alliance for an International Tribunal (ANTI) did not agree with the creation of the CTF because no public consultation was done with the victims and their families, as had been done before establishing the Commission for Truth, Reception and Reconciliation (CAVR). Timor-Leste as a democratic country should have a way to do consultation. ANTI also sees that the CTF will not deliver justice to the victims.

Most of the victims and their families expected that after they testified to CAVR, they would receive justice after a process of reconciliation, but in reality, after CAVR finished its mandate, the victims have not yet received the justice which was promised by the CAVR commissioners, and some of those commissioners were hired to be commissioners of CTF.

The process of creating the CTF did not follow the Constitution of Timor-Leste because the agreement signed by the Presidents of Timor-Leste and Indonesia was not ratified by the National Parliament of Timor-Leste, in accordance with article 95 ((3)(f)) of the Timor-Leste Constitution.

ANTI supports the CAVR report *“Chega”* with its recommendations which emphasize the importance of the **reconciliation, justice and reparation**, so that people can learn not to repeat the violations of human rights in the future.

Once again, ANTI would like to emphasize that the findings of CTF and its recommendations are nothing new for the people of Timor-Leste, because most of its findings were already written in the CAVR report "Chega", the Indonesian KPP HAM report, the investigation by the UN High Commission for Human Rights in 1999, and the Special Panels for Serious Crimes (SPSC) all concluded that what took place in 1999 were systematically organized crimes against humanity, according to the Rome statute – International Criminal Court (ICC).

The CTF report assigns Institutional responsibility, not individual responsibility, for crimes against humanity, which is contrary to the principles of international laws which were ratified by the state of Timor-Leste and to Article 160 of its constitution which says that there must be a justice process for crimes against humanity.

It is not new for ANTI that TNI, POLRI and the Government of Indonesia created, supported, trained and funded the *militia* and provided other facilities including guns, so that they could commit crimes against humanity in 1999. One new thing is that commissioners from both countries acknowledged what ANTI has urged during this time, that there cannot be amnesty for the perpetrators of Crimes Against Humanity, and no rehabilitation for them.

ANTI rejects the recommendation of CTF to create a new monitoring and dissemination commission lasting five years to implement the recommendations of CTF. ANTI thinks this commission is established just to waste people's money, not to give justice for victims families and survivors, but only to enrich a few groups, while increasing the vulnerability of victims who have already suffered from human rights violations, without any special attention from Government programs.

Therefore ANTI urges to the UN not to provide funding from the Solidarity Fund to support the commission recommended by CTF. ANTI requests that this fund be given to the institution implementing the CAVR "Chega" recommendations, because during this time UN has not supported this Commission. **The UN must not wash its hands of crimes against humanity in Timor-Leste**, and hold the perpetrators accountable for their crimes in an International Tribunal to make sure that there will not be impunity for Crimes Against Humanity, as the UN's mission is to protect and promote human rights.

ANTI urges the State of Timor-Leste, especially the National Parliament, to quickly enact a law to implement the recommendations of CAVR because, according to Constitution, justice must be implemented and there should be a national reparation program for the victims and their families.

Cases of crimes against humanity should be prosecuted in the courts of Timor-Leste, and advocacy is also necessary to establish an International Tribunal for crimes against humanity in Timor-Leste, as part of guaranteeing that there is no impunity for perpetrators (Constitution RDTL article 160) and according to principles of state in Constitution article 1 (1), to respect people's dignity as well as to promote and protect the human rights now and in the future.

ANTI asks CTF to present its budget of **US\$ 2.125 million** to the public as part of transparency and accountability, according to the principles of good governance to combat corruption and mal-administration.

Finally, we will support this state in establishing justice for victims and survivors, as our contribution to build justice and peace in our beloved Timor-Leste according to our Constitution.

Signed by,

***Board of the Timor-Leste Alliance for an International Tribunal:
Victims' families, Asosiasaun HAK, HAFOTI, NGO Forum Secretariat, La'o Hamutuk, Fokupers,
Luta Hamutuk, Front Mahasiswa Timor-Leste, OPVGJ (Organijasaun Popular Vitima da Guera de
Justisa).***