



Judicial System  
Monitoring Programme

## FOR IMMEDIATE RELEASE

### Timor-Leste: Political Will Needed for Justice and Accountability

**DILI, Oct. 14, 2010**—Lack of sustained political will is the main obstacle to justice and accountability for gross human rights violations committed in East Timor between 1975 and 1999 according to a new report by the International Center for Transitional Justice (ICTJ) and the Judicial System Monitoring Programme (JSMP).

The joint ICTJ-JSMP report, *Impunity in Timor-Leste: Can the Serious Crimes Investigation Team Make a Difference?*, looks in detail at the work of the United Nations Serious Crimes Investigation Team (SCIT) and reveals the difficulty in prosecuting those most responsible for atrocities committed in East Timor in 1999.

“Although investigations by the Serious Crimes Investigation Team are vital to preserving evidence of serious crimes committed in Timor in 1999, it is unlikely that they will lead to credible prosecutions without the support of political leaders in both Timor-Leste and Indonesia,” said JSMP executive director, Luis Oliveira de Sampaio.

The report’s main conclusions include:

- The political leadership of both Timor-Leste and Indonesia have opposed prosecution of suspected human rights violators on the grounds that it would damage relations between the two countries.
- The SCIT’s limited mandate to investigate only serious crimes from 1999 and its institutional separation from the Office of the Prosecutor General have limited its potential to achieve accountability for human rights violations committed in Timor-Leste and to develop local prosecutorial capacity.
- The significant number of prosecutions in Timor-Leste all have involved low-level perpetrators.
- Progress on new prosecutions has slowed and the majority of those suspected of committing and ordering atrocities continue to enjoy impunity in Indonesia.
- The UN and other members of the international community have failed to effectively encourage Indonesia to conduct credible domestic prosecutions, the result being that all of the 18 tried for the Timor crimes in Jakarta courts were acquitted.
- Sustained political will is the main obstacle to prosecutions for international crimes committed in Timor-Leste.

“International experience has repeatedly demonstrated that impunity for mass crimes serves to undermine the foundations of democracy,” said Patrick Burgess, director of

ICTJ's Asia Program. "Citizens cannot be expected to support and respect laws that are selectively applied and institutions that fail to deal with the worst categories of criminals and crimes," he said.

### **Background**

The United Nations Transitional Administration in East Timor (UNTAET), which ended its mandate in 2002, established the Serious Crimes Unit (SCU) to bring to trial suspected perpetrators of atrocities in East Timor.

The UN brought the SCU's mandate to a premature end in 2005, leaving hundreds of pending investigations that the Timorese judicial system was ill equipped to manage. In 2006, in response to a breakdown of security and renewed violence, the UN increased its presence in Timor-Leste. The new UN mission created the Serious Crimes Investigation Team (SCIT) with a limited mandate to continue investigations into serious crimes committed in 1999. Unlike the SCU, however, the SCIT has no prosecutorial functions and is unable to investigate serious crimes committed prior to 1999.

Since commencing work in 2008, the SCIT has completed investigations into more than 150 cases and provided recommendations to the Timor-Leste Prosecutor General for and against prosecutions in these cases. The prosecutor general has not yet acted on the SCIT recommendations to prosecute.

Between 1999 and 2005 the SCU indicted 391 persons suspected of committing serious violations of human rights in East Timor in 1999. Approximately 300 remain at large, mostly in Indonesia.

The Special Panels for Serious Crimes have convicted 85 low-level perpetrators of committing serious crimes. All but one have now been released from prison, partly because the president repeatedly used the constitutional power of pardon to reduce their sentences.

NGOs and victims of human rights violations in Timor-Leste have expressed frustration at the ineffectiveness of the serious crimes process to bring high-level perpetrators to justice and the lack of investigation into pre-1999 crimes.

### **About ICTJ**

The International Center for Transitional Justice works to redress and prevent the most severe violations of human rights by confronting legacies of mass abuse. ICTJ seeks holistic solutions to promote accountability and create just and peaceful societies. For more information, visit [www.ictj.org](http://www.ictj.org).

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**About JSMP**

The Judicial System Monitoring Programme (JSMP) is a non-governmental organization which works in the area of justice and human rights. It was established in 2001 in order to strengthen the judicial system in Timor-Leste. For more information, visit, [www.jsmp.minihub.org](http://www.jsmp.minihub.org).

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