



AMNESTY INTERNATIONAL PUBLIC STATEMENT

Index: ASA 57/XX/2014
15 July 2014

Timor-Leste/Indonesia: Governments must expedite establishing fate of the disappeared

**Joint statement by Amnesty International and
ANTI (The Timor-Leste National Alliance for an International Tribunal)**

Tel: 77289241 or 77179655 / 77402231

e-mail: lanarra.del@gmail.com, atino@laohamutuk.org ka moniz@jsmp.minihub.org

Amnesty International and ANTI (The Timor-Leste National Alliance for an International Tribunal) calls on the governments of Indonesia and Timor-Leste to expedite the establishment of a Commission for Disappeared Persons which was recommended by a bilateral government-sponsored truth commission six years ago.

The ongoing delay by both governments in establishing the fate and whereabouts of those who disappeared and went missing during the period of Indonesian occupation (1975-1999) and in the context of the 1999 independence referendum, highlights the continued lack of political will to address impunity and has prolonged the suffering of victims and their families.

The Commission of Truth and Friendship (CTF) was set up by the Indonesian and Timorese governments in 2005 to “establish the conclusive truth in regard to the events prior to and immediately after the popular consultation in 1999, with a view to further promoting reconciliation and friendship, and ensuring the non-recurrence of similar events”. On 15 July 2008, the Commission published its final report, in which it concluded that Indonesia bears responsibility for human rights violations committed in 1999.

The CTF’s mandate did not cover fully the human rights violations including unlawful killings, enforced disappearance, torture, and rape and other crimes of sexual violence committed by the Indonesian security forces and their auxiliaries during the Indonesian occupation (1975-1999). It is estimated that around 18,600 people were killed or disappeared in Timor-Leste between 1974 and 1999. Furthermore, several thousand children are believed to have been sent to Indonesia during this period without the consent of their parents or under coercion.

One of the key recommendations of the 2008 CTF report was for the Indonesian and Timorese governments to work together to establish the fate and whereabouts of those who disappeared and went missing by establishing a Commission for Disappeared Persons. The Timorese Commission for Reception, Truth and Reconciliation (CAVR), in 2005, also recommended that the two governments take steps to establish the fate and whereabouts of the missing and disappeared. In October 2011, a Presidential Regulation No. 72/2011 was issued by the Indonesian authorities on an Action Plan for the Implementation of the Recommendations of the CTF. However, the Commission has yet to be established.

Amnesty International and ANTI are aware that there have been bilateral meetings between the two countries on the CTF recommendations and discussions on setting up a technical working group to implement the recommendations. Further, there have also been some initiatives to reunite Timorese children who were separated in 1999 with their parents. However, our organizations are concerned that to date, the whole process has lacked transparency and non-governmental organizations in Timor-Leste have not been consulted or provided with adequate information.

Our organizations urge both governments to ensure a full consultation with all those interested in the process, including civil society organizations, victims and their families and human rights defenders towards the establishment of the Commission for Disappeared Persons. Further the Commission must not only focus on enforced disappearances in the context of the 1999 referendum but include uncovering the fate and whereabouts of those who were subjected to enforced disappearance during the whole period of Indonesian occupation (1975-1999) as recommended by the CAVR and the UN Working Group on Enforced or Involuntary Disappearances in 2011.

Amnesty International and ANTI also reiterate our calls for victims of human rights violations and their families to be provided full and effective reparation to address the harm they suffered between 1975 and 1999. In this regard our organizations call on the Timorese parliament to stop delaying consideration of two draft laws which have been before parliament since 2010 providing for a national reparations programme and a "Public Memory Institute" and ensure that they are established in accordance with international law and standards. The government of Timor-Leste should also seek full reparation on behalf of the victims from the government of Indonesia where it bears responsibility, including contributions to funding the two programmes. It should also seek contributions from the international community.

Both government should also ratify the International Convention for the Protection of all Persons from Enforced Disappearance, incorporate its provisions in to domestic law and implement it in policy and practice to ensure that this crime is never committed again with impunity in Indonesia or Timor-Leste.

Amnesty International and ANTI believe that efforts to give effect to victims' right to truth and reparations should not be a substitute for the responsibility of both governments and the international community to ensure that all those responsible for crimes against humanity and other crimes under international law committed during the Indonesian occupation are brought to justice in trials which meet international standards of fairness without the death penalty.

However, attempts to bring those responsible to justice by UN-sponsored initiatives and the *ad hoc* courts in Indonesia had been grossly inadequate and most of those suspected of committing crimes against humanity and serious human rights violations are still at large in Indonesia, a safe haven from prosecution. Our organizations believe that responsibility for addressing crimes under international law lies not just with Timor-Leste, but with the international community.

Therefore, we urge the international community to ensure that there will be no impunity for the crimes against humanity and serious human rights violations committed during the period of Indonesian occupation and to support the continued demands from civil society organizations and victims' groups in Timor-Leste for justice, truth and reparations for these crimes.