



JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAM PEMANTAUAN SISTEM YUDISIAL

JSMP Welcomes UN's Announcement of Appointment of Commission of Experts

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JSMP welcomes the UN Secretary-General's 18 February announcement of the appointment of a Commission of Experts to review the prosecution of serious human rights violations committed in East Timor in 1999.

The need for, and imminent arrival of a Commission of Experts (COE), was supported unanimously by participants at JSMP's Conference "Justice for Timor-Leste: Civil Society Strategic Planning" in September 2004. Participants at the Conference stressed that the COE must have within its frame of reference an International Tribunal to deal with past international crimes in Timor Leste.

National NGOs, international NGO's and other countries governments have long been calling for the UN to investigate the quality of the trials by the Ad-hoc Tribunal in Jakarta and the Special Panels for Serious Crimes in Dili. Both tribunals have failed to bring the principal perpetrators to justice.

The Jakarta trials are widely regarded, both by international NGO's and governments (including the US) as a whitewash. The fact that four of the total six convictions issued by the Jakarta Court have been overturned on appeal and that the remaining two are pending appeal indicates that this process was neither independent nor impartial.

The UN Tribunal in Dili has to date convicted 72 persons of offences committed in 1999, however, nearly all convictions were of low level East Timorese functionaries. The senior military officers who have been indicted, and who are alleged to bear principal responsibility for the violence, remain in Indonesia, shielded behind a wall of impunity. Whatever the standard of the Jakarta and Dili trials, it is clear that they have failed to meet the UN demands made in Security Council Resolution 1272 that "***all those responsible for such violence be brought to justice***".

JSMP hopes that the COE will assess whether these trials were impartial and in accordance with standards of international law. If the COE finds that the trials fall short of these standards, the international community has a duty to ensure the perpetrators are tried before a tribunal which meets international standards.

JSMP will provide the COE with the papers and individual comments from the September 2004 Conference "Justice for Timor-Leste: Civil Society Strategic Planning". JSMP is also more than willing to assist the COE in providing any other information or documents considered relevant to the Commission's inquiries.

We hope that the Governments of Indonesia and Timor-Leste will fully cooperate with the COE so as to enable it to carry out its work effectively. The COE's assessment may be useful to the planned Government of Indonesia and Timor-Leste "Truth and

Friendship Commission". However, JSMP reiterates its doubts about the constitutionality of the "Truth and Friendship Commission" and is concerned about its ability to ensure those primarily responsible for the human rights violations committed against the East Timorese people are brought to account for their crimes.