



JSMP Press Release  
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### **Justice for Victims still Elusive**

The UN-sponsored Special Panels for Serious Crimes (SPSC) ceased operations on 20 May 2005, after trying fewer than one quarter of those indicted for serious human rights violations committed in Timor Leste in 1999. None of those who bear the primary responsibility for crimes committed in Timor Leste during 1999 have yet been held to account for their acts by the SPSC or any other tribunal.

Despite disappointment at the premature end of operations from victims' families and communities, and international calls for justice to be done, no replacement body has yet been set up to carry on the work of the SPSC.

The closure of the Serious Crimes Unit (SCU) and SPSC has also brought to a premature end investigations into the many other serious human rights violations committed in 1999, and the Timor Leste Deputy Prosecutor General has stated publicly that his office has indictments ready to file if the serious crimes process is extended. Moreover, there have been no investigations whatsoever of the many crimes committed during the 24 years of Indonesian occupation prior to 1999.

The SPSC handed down its final decision on 12 May in the case of Laksaur militia members Sisto Barros and Cesar Mendonca. This was the last of 55 trials to have been completed since the Panels were established in 2000. Eighty-four defendants were convicted in total. Three hundred and thirty-nine accused remain outside East Timor.

A UN-appointed Commission of Experts is currently investigating options for international involvement in bringing perpetrators of serious crimes to justice. The Commission of Experts visited Timor Leste in early April, but members were denied visas to visit Indonesia until late last week. Their report is expected soon. At their request ten staff members have been retained at the SCU beyond the 20 May deadline, pending the release of the report, but a continuation of the SCU and SPSC's operations at this late stage seems highly unlikely.

JSMP wishes to again remind the international community that UN Security Council Resolutions 1264 and 1272 of 1999 demanded that those responsible for the violence committed in Timor Leste in 1999 be brought to justice. The United Nations and its member states are obligated to see that justice is done for the crimes against humanity committed in Timor Leste.

In the wake of the withdrawal of support for the serious crimes process being conducted by the SPSC and the SCU, JSMP calls on the international community to ensure that an alternative and effective mechanism is set up in its place to ensure that justice is delivered for the victims of grave human rights violations committed in Timor Leste in 1999. It is time for a more determined, direct international role in ensuring accountability through the creation of an international tribunal.

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The Special Panels for Serious Crimes were a hybrid UN-East Timorese Tribunal established by the United Nations Transitional Authority in East Timor (UNTAET) in the Dili District Court in June 2000, in response to UN Security Council demands in resolutions 1264 (1999) and 1272 (1999) that those responsible for the serious crimes committed in Timor Leste during 1999 be brought to justice. The Serious Crimes Unit (SCU) was also created under the UNTAET mandate to investigate and prosecute cases before the Special Panels. According to Security Council Resolution 1543 (2004) investigations had to be completed by 30 November 2004 and trials by 20 May 2005.

Indonesia established its own Ad Hoc Human Rights Court on Timor Leste in 2000 but this was widely regarded as critically flawed. Six of the eighteen people indicted were convicted but five of these convictions have been overturned by the Indonesian Court of Appeal and the remaining conviction is pending judgment on appeal.

In March 2005 the Governments of Indonesia and Timor Leste agreed to establish a bilateral Truth and Friendship Commission. Set up to "resolve once and for all the events of 1999". The process will not lead to prosecutions and appears to be aimed at preventing all future national investigations and prosecution of senior Indonesian officials alleged to bear primary responsibility for the crimes against humanity committed in Timor Leste before and during 1999.

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