



JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA DE MONITORIZAÇÃO DO SISTEMA JUDICIAL

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ONE STEP TOWARDS JUSTICE, A LONG WAY TO GO

JSMP welcomes the judgment of the Supreme Court in Jakarta on 13 March 2006 in relation to Eurico Guterres' appeal of his 2002 conviction by the Jakarta Ad Hoc Tribunal. The decision confirmed the earlier sentence of ten years imprisonment for crimes against humanity. Eurico Guterres was second in command of militia activities in East Timor and leader of the Aitarak militia which was responsible for some of the worst atrocities of the referendum violence. He was also involved in the forced deportation of many Timorese to West Timor. Eurico Guterres has indicated he will seek a judicial review (appeal based only on new evidence) of the decision.

While in JSMP's view the judgment in this important case is a significant development along the road to true justice for the victims of the occupation, it has two major concerns.

The first is that the sentence of ten years is, in JSMP's opinion, not sufficient to acknowledge the full extent of Eurico Guterres' crimes. It does not properly take into account the affect of the crimes on the victims and their families. The Special Panel for Serious Crimes (SPSC) in Dili has given longer sentences to others who held less responsibility, and for fewer crimes. JSMP believes the standards of international law warrant a longer sentence.

The second concern is that between the Ad Hoc Tribunal in Jakarta and the SPSC in Dili, not one single member of the Indonesian military has been held accountable and imprisoned. This is despite the fact it is commonly acknowledged that the Indonesian military orchestrated and led the campaign of violence that surrounded the referendum ballot. On the same day as the Guterres' decision, the Supreme Court upheld the acquittal of General Noer Muis, the former military chief of East Timor in 1999. Justice requires all perpetrators to be held up to the same standard of criminal liability, the fact that only Timorese have been held accountable and imprisoned is a betrayal of this principle.

Tiago Sarmiento, JSMP Director said, "The decisions issued by the Indonesian courts show they are not serious about punishing those guilty of crimes against humanity in East Timor. The Indonesian government's refusal to either extradite suspects or assist in setting up an international tribunal confirms it."

JSMP calls on the international community to support recommendations made by the United Nations Commission of Experts and the Commission for Reconciliation, Truth and Reconciliation in Timor-Leste (CAVR) to establish an independent international tribunal, whether that be through re-establishing a fully resourced SPSC or an independent international tribunal in a third state to try the suspects of serious crimes committed from 1975 – 1999. An international tribunal is the only mechanism with the power and credibility to provide justice in these cases.

For more information:

Tiago Sarmiento

JSMP Director

Phone: (+670) 723 3725

Email: tiago@jsmp.minihub.org