



Participants in Conference call for Establishment of International Tribunal

Participants in JSMP's Conference, **Justice for Timor Leste: Civil Society Strategic Planning for the Future of Serious Crimes**, agreed that the most important mechanism of justice for past international crimes in Timor Leste is an International Tribunal.

Over 200 people participated in the Conference on 23 – 24 September. Participants included victims and their families from the districts, members of government, members of Parliament, jurists from the Special Panels for Serious Crimes and district courts, members of the diplomatic community and UN agencies.

The Conference was addressed by SRSG Hasegawa, Vice-Minister for Foreign Affairs and Cooperation Olimpio Branco, the US Ambassador Grover Rees, the Chair of the CAVR Aniceto Guterres, the President's Chief of Staff Agio Pereira, judges from the Special Panels for Serious Crimes and NGOs and academics.

Participants particularly welcomed the SRSG's statement that "prosecuting Generals who had committed serious crimes should not be allowed to let go simply because of the fear of jeopardizing the relationship of countries in which they live".

After the formal presentations the participants split into workshop groups to discuss the options for the future of serious crimes. Participants agreed on the following statement:

Participants agreed that the most important mechanism of justice for past international crimes in Timor Leste is an International Tribunal. This was agreed to by all of the groups discussing the various issues at the conference. It was agreed that any other options are only supported in the knowledge that an International Tribunal will be strived for and that these other options are complementary to the establishment of an International Tribunal.

The cost of an International Tribunal was acknowledged by the participants in the Conference, but these costs are seen as secondary to the overwhelming need for formal justice in a credible international institution. It is hoped that this process is not an issue of contention for governments of Timor Leste and Indonesia. But is a process that is undertaken by the international community and therefore allows governments to continue building their strong relationship and also allows for both countries to follow and demonstrate the need for adherence to the rule of law and to stop impunity for serious crimes.

The need for, and imminent arrival of, a Commission of Experts was supported unanimously. It was agreed that the Commission of Experts is encouraged to come and assess the situations of the Special Panels for Serious Crimes and Ad Hoc Panels in Jakarta but must have within its frame of reference the International

Tribunal. The conference welcomed the support from the President's office and the Office of the Ministry of Foreign Affairs and Cooperation for this Commission to assess the situation of Serious Crimes in Timor Leste and the participants of the conference welcome providing information to the Commission of Experts.

As a complementary process to the International Tribunal, the process of the Special Panels for Serious Crimes should continue and possible consideration should be given to the options of the Special Panels for Serious Crimes continuing with the strength of international actors, and preferably through a UN process. Consideration must be given urgently to cases in which investigations have not been completed or trials that will not be completed by May 2005, to ensure the continued stability of the justice process in Timor Leste. Again, this process would not prejudice an International Tribunal and all possible efforts, international and bi-lateral agreements, should be made to try those currently indicted and residing outside of East Timor.

Participants thought that more information about the International Truth Commission is required before a possible assessment of this option can be made. Some participants did not agree with this option because they did not think it was necessary. The establishment of such an International Truth Commission as a quasi or non-judicial body was also considered as possibly unconstitutional.

The possibility of continuing the CAVR process was widely supported but expanding the CAVR mandate to include more serious crimes was not supported.

Civil Society, and particularly the families of victims, welcome the opportunity to discuss the above options with the Commission of Experts and the government of Timor Leste. It was proposed at the conference that a National Dialogue be held to discuss the issue of Serious Crimes in Timor Leste.

It was decided that the papers from the Conference, and the individual comments as recorded will be made available to the Commission of Experts when formed. The Conference declaration will be sent to the governments of Timor Leste, Indonesia, the UN, CAVR, and speakers at the conference.