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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS IN ANY PART OF THE WORLD

Written statement* submitted by the Catholic Institute for International Relations, a non-
governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in
accordance with Economic and Social Council resolution 1996/31.

[16 January 2002]

*This written statement is issued, unedited, in the language(s) received from the submitting non-
governmental organization(s).

Christian Organisations and Churches call for Justice for East Timorese

We represent Christian organisations and Churches with long-standing and close links to East Timor's Christian churches. For many years we have worked in solidarity with our East Timorese brothers and sisters by raising issues relating to justice, peace and self-determination. We continue to accompany them as they build a free, independent nation based on human rights, including gender-equality and equal participation.

On 30 August 1999 the East Timorese voted for independence from Indonesia and subsequently suffered the harsh consequences of their decision. Since then we have consistently maintained that the perpetrators of the numerous crimes against humanity committed during the electoral process and after the popular consultation should be brought to speedy justice. More than two years later, we regret to see that only a few, lesser criminals have been successfully prosecuted, whilst the principal ring-leaders responsible for the crimes have been protected by the Indonesian authorities.

When we have raised these concerns with our various governments, and at the level of the United Nations, we have been informed of their preference to see Indonesia itself deal with the judicial processes necessary to bring the perpetrators to account. Yet many obstacles have been thrown in the path of effective prosecutions by an Indonesian administration which has proved unwilling to deal with the impunity enjoyed by both corrupt politicians and its armed forces.

For any human rights violation, in particular when a crime against humanity has been committed, the state concerned or the international community has the legal obligation to investigate, prosecute, trial and sentence the perpetrators and decide on compensation.

As Indonesia thus far has not lived up to the responsibilities entrusted to it in bringing perpetrators of human rights violations in ET to justice, the international community should set them a clear deadline in the near future, after which the international community will take over and establish an international tribunal.

Inside East Timor a pre-requisite for the East Timorese to have a meaningful and lasting reconciliation process is a satisfactory standard of justice. To achieve this, the Serious Crimes Unit in East Timor, which is part of the U.N. administration, as well as the East Timorese judiciary must be fully resourced and enjoy the full political support of the international community. Furthermore, the work of the Reception, Truth and Reconciliation Commission must be sure to complement and strengthen these bodies. It is essential that all the elements work together.

As the judicial processes undertaken thus far have only succeeded in dealing with minor criminals, we now strongly endorse Bishop Carlos Belo when he stated recently that *'Justice implies an international duty to prosecute the perpetrators of gross violations of human rights through an international tribunal'*.

The crimes committed in East Timor and the murder of UN personnel in West Timor were violations of UN Security Council resolutions, and affronts to the international community. They are flagrant and massive violations of human rights and humanitarian law.

For the reasons mentioned above, UN bodies should include in their decisions at a minimum, the following points:

- 1) There should be a deadline for the full prosecution of perpetrators named in the Komnas Ham Investigation of January 2000, and laws duly enforced. We consider that the UN should state a deadline of July 2002 for this to have been achieved.
- 2) The international community should, as a matter of urgency, ensure that the Serious Crimes Unit in East Timor has all the resources in terms of personnel and equipment in order to complete its work efficiently. This would include specialist advisors, technical experts, access to information, including from classified sources, and IT. There should be contingency plans for the granting of protection of key witnesses, including the provision of asylum as and when necessary, and specialists in crimes such as rape and sexual abuse.
- 3) The East Timorese judicial system should be properly resourced by the international community including its non-legal functions such as translation facilities, administrative support, and transportation.
- 4) We welcome the establishment of the Reception, Truth and Reconciliation Commission, and trust that its work will complement and reinforce the work of the judiciary and the serious crimes unit, rather than place additional burdens upon it.
- 5) The international community should continue all of the above support well beyond the 20th May 2002 Independence Day.
- 6) The Indonesian government authorities should compensate East Timor as well as individual citizens, for all damage and loss of life inflicted by its armed forces and proxies since the beginning of 1999.
- 7) The remaining militias in West Timor must now be effectively disarmed and prosecuted if necessary, so that potential future cross-border destabilisation is averted. This will enable the remaining refugees to return to East Timor if they so wish. In addition, all remaining armed groups within East Timor should now be fully disarmed.

We offer these remarks and recommendations as our contribution to a peaceful and stable future for East Timor.

Justice & Peace Commission, Netherlands
Catholic Institute for International Relations, UK
Caritas Australia
Uniting Church, Netherlands
Swedish Fellowship of Reconciliation
Missio Munich, Germany
Missio Aachen, Germany
Misereor, Germany
Caritas New Zealand
Centre Lebrecht, France
Pax Christi International
Comite Catholique Contre la faim et pour le Developpement, CCFD, France
Evangelischer Entwicklungsdienst/Church Development Service, EED, Germany
Catholic Agency for Overseas Development, England and Wales (CAFOD).