

FORUM ONG TIMOR LESTE THE EAST TIMOR NGO FORUM



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JOINT DECLARATION

CIVIL SOCIETY STATEMENT AGAINST THE GOVERNMENT'S AND THE PRESIDENT'S INTERVENTION IN THE JUDICIAL SYSTEM

14 September 2009 (rev. 16 Sept.)

Introduction

On 30 August 2009, Prime Minister Xanana Gusmão freed Maternus Bere, formerly of the Laksanakan Sapu Rata Militia (Clean Sweep Militia also known as LAKSAUR Militia). Maternus Bere is the former commander of the Laksaur militia, which on 6 September 1999 was directly involved in the Suai Church Massacre when many people were killed, including three priests. In 2003, the United Nations Serious Crimes Special Panel released a strong indictment against Maternus Bere and his fellow militia (Case Number 09/CG/TDD/2003).

On 30 August 2009, the Indonesia Foreign Minister Hasan Wirahuda had received a special invitation to attend the Tenth Anniversary Celebration of the Referendum in Timor-Leste. According to information we have gathered, Hasan Wirahuda pressured the Timor-Leste Government, saying that he would not attend the August 30 Celebration if Maternus Bere was not immediately freed. In connection with this political pressure, the President of the Republic asked the Prime Minister to immediately release Maternus Bere.

The Prime Minister then asked the Justice Minister to release Maternus Bere from Becora Prison and hand him over to the Indonesian Ambassador in Timor-Leste. The release of Maternus Bere did not come from a court decision.

On 6 September a group of human rights activists together with victim's families from the Suai Massacre went to light candles in a peaceful protest in front of the Indonesian Embassy.

On 8 September the National Parliament voted on a resolution related to a journey abroad by the President of the Republic. The majority of the parliament voted against the President's travel abroad. On 10 September, the President threatened to resign. The National Parliament then approved the request by the President to travel to USA, Denmark and Germany.

The NGO Forum and its members have identified a number of institutions that prejudice the spirit of the Constitution in relation to the principles of separation of power and justice, and threaten the sovereignty of the State.

We declare:

1. The NGO Forum and its members strongly lament the Government's politics of direct intervention in the independence of the judiciary by releasing former militia Maternus Bere without a court order. We request all the organs of the state respect the principle of separation of powers between each of the state organs.
2. The NGO Forum and its members are saddened by the weakness of the State's institutions, especially the President of the Republic and the government that continues to bow down to international intervention, particularly from Indonesia to release the perpetrator of serious crimes. We request the Government, President, Court and National Parliament to strengthen its commitment to promote justice in Timor-Leste.
3. The NGO Forum and its members condemn the political intervention by the Republic of Indonesia into the judicial sovereignty of Timor-Leste. We request the international community to continue to pressure the Republic of Indonesia through various avenues and embarrass Indonesia and Timor-Leste on the question of justice for the victims of human rights violations in Indonesia and in Timor-Leste.
4. We ask the President of the Republic to promote the principle of the separation of power to lessen intervention in the judicial organ, and we ask the President to comply with his oath as laid out in Article 77 of the RDTL Constitution.
5. We request the court issue a warrant for Maternus Bere based on the accusation of the Dili District Court Special Panel for Serious Crimes (no. 09/CG/TDD/2003).
6. We request that each organ of the state understand the duties of every state organ and not intervene in the independence of any state organ, especially not to intervene in the functioning of the courts.
7. We request all state institutions to value the demands of the victims of the Suai Massacre in relation to justice for Maternus Bere, especially relating to the location of the remains of the victims of the Suai Massacre.
8. We honor the Government of Timor-Leste for creating the Indonesian heroes cemeteries (Taman Makam Pahlawan) in Liquiçá and Dili, Timor-Leste. We request the Republic of Indonesia to take up its respective duties for the victims in Timor-Leste, and especially for the Government of Indonesia to reveal where they buried the remains of those people who to this day have not been found.
9. Based on Article 160 of the RDTL Constitution, Serious Crimes from 1974 to 1999 must be tried in Court or by an International Tribunal, not processed by cheap political decisions. We request the State to respect the principle of Article 160 of the Constitution. In addition, we urge the National Parliament and all organs of the State to quickly and immediately debate the CAVR Report Chega and implement all its recommendations.

Representatives of Civil Society Organizations: