



A-N-T-I
THE TIMOR-LESTE NATIONAL ALLIANCE FOR AN
INTERNATIONAL TRIBUNAL

Temporary Secretariat: La'o Hamutuk, Timor-Leste Institute for Development Analysis and Monitoring
Rua dos Martires da Patria, Bebora, Dili, Timor-Leste
P.O. Box 340, Dili, Timor-Leste
Tel: +670-3321040 or +670-7234330 or 7367518 / 7237176
e-mail: lanarra.del@gmail.com or atino@laohamutuk.org
Website: www.laohamutuk.org

To:

Your Excellency, Ban Ki Moon
Secretary General of the United Nations (UN)

10 years ago the people of Timor-Leste achieved independence. The nation was established and our organs of sovereignty were set up in order to provide us with guarantees in our lives in the context of the rule of law. In principle this means valuing human dignity and upholding the value of citizens' rights as part of the State's responsibility to provide protection to the people. This is in stark comparison to the previous period of darkness where the people were living in fear because of the pressure exerted by the Indonesian military and pro-Jakarta militias between 1975-1999.

Many people were killed, some experienced trauma because they were terrorized, arrested, or suffered physical and psychological torture through various kinds of violence, and many systematic massacres were committed against civilians in a number of locations across the entire territory of Timor-Leste. These acts are considered to be violations of human rights and conventions on international warfare.

Until now the main perpetrators of serious crimes during the occupation are living freely in the territory of Indonesia and are granted protection by the Indonesian government. Perpetrators include the former General Wiranto, Prabowo Subianto and others who are still in high ranking positions and have been promoted to govern in Indonesia. What is more ironic is that a number of the perpetrators of these crimes have been indicted by the Serious Crimes Unit and until now not a single person has been charged and prosecuted in court. The UN and the international community have not tried hard to encourage the governments of Indonesia and Timor-Leste to establish a court to hold accountable, in a transparent manner, the perpetrators of serious crimes that were committed between 1975-1999. The issue of impunity continues to prevail in Indonesia and Timor-Leste because the authorities of the two governments only want to improve diplomatic relationships and have neglected the human rights violations that occurred during the Indonesian occupation.

We were very sad when the celebration of Timor-Leste's independence took place in August 2009 and the Indonesian Foreign Minister forced the government of Timor-Leste to release the defendant Maternus Bere, the Deputy Commander of the LAKSAUR militia in Suai in 1999, without going through any legal process. Just recently in June (2012) Maternus Bere returned to Suai District carrying a statue he had earlier taken from Timor-Leste, however none of the authorities took any action against him. In July last year (2011) a former member of the *Besi*

Merah Putih (BMP) militia, Valentim Lavio, was tried and sentenced to 9 and a half years imprisonment by the Dili District Court, however when an appeal was lodged the defendant absconded to West Timor because the National Police of Timor-Leste (PNTL) and the judicial authorities provided no supervision. These occurrences show that the leaders of the two nations do not have the good will to break the chain of impunity. This will give others a great chance to commit crimes because the perpetrators of crimes are not held accountable. We are very concerned because this will impact on the seeds of democracy that were planted and sown by the UN in our nation.

How can State institutions be strong in accordance with the principle of the separation of powers if political decisions are allowed to interfere with formal justice? We are pessimistic regarding the continued pursuit of reconciliation efforts in our society.

We hope that your visit to Timor-Leste will remind and encourage the governments of Indonesia and Timor-Leste to hold accountable the perpetrators of serious crimes committed between 1975-1999.

The UN representation in Timor-Leste (UNMIT) will complete its mission at the end of this year, but consideration must continue to be given and responsibility must be taken to provide justice to the people in accordance with the fundamental principles set out in the UN Charter.

We ask for the UN, who has always stated that it will not tolerate the impunity that exists in the world, to take concrete and effective measures to end impunity for the leaders and those who committed crimes against humanity in Timor-Leste. The UN has taken a number of positive and concrete measures to provide justice for serious crimes, including establishment of;

- the Serious Crimes Unit (SCU) to investigate a number of crimes and process those who were responsible for certain crimes committed in 1999,
- the Special Panel (SP) to try the perpetrators of these crimes (S/2005/458, par. 5),
- the Commission of Experts who reported on the judicial process conducted by the SCU, the SP and the Ad Hoc Human Rights Trials in Jakarta – Indonesia (S/2005/458, par. 1-2).

However, all of these measures were not credible, because all of the recommendations in the aforementioned report were ignored by the Security Council, and the duties of the SCU and the SP were limited to dealing with cases that occurred in 1999, and did not include the killing of civilians that was systematically carried out by the Indonesian military between 1975 – 1998.

Pursuant to these aforementioned concerns, we the Timor-Leste National Alliance for an International Tribunal (ANTI), together with all of the victims and the families of the victims, submit this petition to Your Excellency, Mr. Ban Ki Moon, the Secretary General of the United Nations, and hereby state the following:

1. We request for you to use your legal competence to provide input to the leaders of Timor-Leste and Indonesia regarding political responsibility for the issue of justice and accountability for past crimes that occurred between 1975 – 1999.
2. As the Secretary General of the UN, we ask for you to continue to exert pressure regarding the issue of crimes against humanity in Timor-Leste as an important topic of discussion in the Plenary Session of the United Nations, and thereby place pressure on the State of Indonesia in order to prosecute all of the perpetrators of the crime of genocide before the International Criminal Court.

3. We request that the Security Council debate all of the recommendations made by the Commission of Experts regarding the establishment of an International Criminal Court if all local (domestic) mechanisms fail to process the aforementioned serious crimes (S/2005/458; par. 446 and 525).
4. We request that a delegation be established to approach the State of Timor-Leste to urge respect for the judicial process conducted by the United Nations in order to process all of the perpetrators of crimes who were involved in crimes against humanity as part of the occupation or annexation of Timor-Leste by Indonesia between 1975 – 1999.
5. The mandate of UNMIT will finish soon at the end of 2012, and we continue to request for the United Nations to set up a unit in Timor-Leste to have ongoing responsibility until justice is provided for crimes committed during the occupation or annexation of Timor-Leste by Indonesia.

Finally we say thank you for your attention to all of our concerns, and we believe that in your wisdom and with good conscience you will consider our recommendations in order to find an effective way to guarantee the values of democracy, reconciliation and accountability in our nation. We thank you very much for your honesty and kindness in continuing your cooperation.

The undersigned:

Secretariat and Board of ANTI, victims and families of victims

Dili, 14 August 2012

Sisto do Santos
Coordinator of Board ANTI
E-mail: lanarra.del@gmail.com
Landline: (+670) 77179655