

# La'o Hamutuk

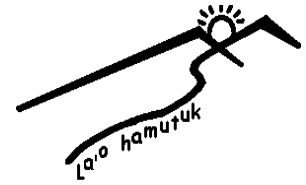
Timor-Leste Institute for Development, Monitoring and Analysis

I/1a Rua Mozambique, Farol, Dili, Timor-Leste

Tel: +670 332 5013

Email: [info@laohamutuk.org](mailto:info@laohamutuk.org)

Website: [www.laohamutuk.org](http://www.laohamutuk.org)



Air Chief Marshall Angus Houston, AC, AFC  
Chief of the Australian Defence Force,  
Canberra, Australia

8 March, 2010

Dear Air Chief Marshall Houston,

## **Re: ISF response to the Gracinda da Costa case**

*La'o Hamutuk – the Timor-Leste Institute for Development Monitoring and Analysis*, is a Timorese non-government organisation which monitors and analyses the role of international institutions in Timor-Leste.

We write regarding your recent statement that the Australian Defence Force would “put in place processes” to avoid a repetition of the International Stabilisation Force (ISF) mishandling of a vehicle accident as occurred when Gracinda da Costa was killed.

Since 2006 we have expressed concerns regarding the ISF mandate and Status of Forces Agreements, as well as ISF public information, accountability and complaints processes. Our website [www.laohamutuk.org](http://www.laohamutuk.org) documents these concerns, which we have also discussed with Australian military and diplomatic staff. In November 2008 we discussed another fatal vehicle accident when an ISF vehicle killed a Timorese man (see <http://www.laohamutuk.org/Justice/08LHSubOz.pdf>).

We write to offer suggestions to address systemic issues in current complaints, accountability and compensation processes which should also be considered in learning from the Gracinda da Costa case.

These issues include:

- The ISF has not clearly communicated to Timorese people how to make and track a complaint.
- Soldiers receiving complaints often do not pass them up the chain of command.
- The ISF has no clear compensation process for personal injury, only property damage.
- Civilians have no way of knowing if investigators consider all relevant evidence in making recommendations for disciplinary action or compensation for incidents involving ISF members.
- The ISF leadership has not integrated much of Australia and New Zealand’s expertise in Timor-Leste since 1999 which could improve its cultural and contextual understanding.

We recommend that the ISF:

- **Develop an accountable complaints process** which allows people to register and check the status of their complaint. This process should ensure that the ISF provides information to each complainant about the result of the complaints process, and informs them who to contact if they feel this response inappropriate. Timorese people should provide input into developing this process and the ISF should share information on how to make a complaint.
- **Provide public information about what the military can and cannot do**, to ensure that people understand their right to report inappropriate behaviour. This is particularly important after the impunity Indonesian security forces enjoyed during 24 years of illegal, brutal military occupation.
- **Extend compensation processes to include personal injury**, including loss of livelihood.
- **Harness expertise about the local context and culture**, and incorporate the expertise of those who live and work in Timor-Leste for extended periods. This could include ADF and NZDF advisors to government, former members of the military and Timorese people whose work relates to security forces in Timor-Leste.
- **Investigate all cases of inappropriate ISF behaviour**, including the Gracinda da Costa case.

We are available to discuss these recommendations further and look forward to hearing how the Australian Defence Force will take them into consideration in its leadership of the ISF.

Yours faithfully,



Juvinal Diaz and Shona Hawkes  
Co-coordinators, *La'ó Hamutuk*

CC: Colonel Simon Stuart, Commander of the ISF  
Senator the Hon. John Faulkner, Australian Minister for Defence  
His Excellency Xanana Gusmão, Prime Minister of the Democratic Republic of Timor-Leste,  
His Excellency José Ramos-Horta, President of RDTL,  
The Hon. Julio Tomas Pinto, RDTL Secretary of State for Defence