

La'o Hamutuk

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Members of the United Nations Security Council
New York, New York, USA 10017

Dear Distinguished Members of the United Nations Security Council:

We are writing to bring some concerns to your attention prior to your meetings next week to discuss UNMIT and Timor-Leste. We expect that this will be the last year for a United Nations Peacekeeping Mission in our country. Even though time is short, we hope you will use this opportunity to start meeting some unfulfilled obligations and to lay a solid groundwork for the evolution of Timor-Leste as a stable, democratic nation, as well as for future United Nations engagement here.

La'o Hamutuk is a Timorese civil society organization which has followed UN activities in Timor-Leste since 2000, often meeting with UN officials and writing to the Security Council, especially about the unmet international commitment never to tolerate impunity for crimes against humanity.

The most recent Secretary-General's report on UNMIT (S/2012/43), highlights several important developments but focusses on political events in Dili, rather than the situation of the majority of the Timorese population, most of whom are rural farmers. Although relations and activities among leaders are progressing fairly well, skyrocketing inflation¹ and negligible progress in developing the non-petroleum economy are leading to increasing rural poverty and a widening gap between rich and poor.

More than three billion dollars of petroleum revenue have been spent, but this has scarcely improved the lives of most people, while greatly benefitting a few. This social injustice lays the basis for insecurity and instability which threatens to undo all the UN's good work. In about a decade, declining oil revenues will not be able to sustain an economy which totally depends on government spending and imported production, running an annual non-oil trade deficit of over a billion dollars, and about to incur debt repayment obligations.

We expect that the electoral process and formation of a new Government will go fairly smoothly, and that the conditions for UNMIT withdrawal at the end of 2012 are likely to be met, but we are less confident in Timor-Leste's journey after that. We hope that Timor-Leste will not disappear down a memory hole, and that the Security Council will continue to pay attention to this UN "poster child" as she grows up. In particular, we encourage the Council and the UN family to help build a strong foundation for justice, equity, inclusion and sustainable economic development which will enable security for current and future generations of Timorese citizens.

We continue to be concerned by the reluctance of UNMIT, the Security Council, the international community and the government of Indonesia to exercise their responsibility to hold accountable the perpetrators of serious crimes during the illegal Indonesian invasion and occupation between 1975 and 1999, during which more than 150,000 of our people were slaughtered. The authors of these crimes against humanity, most of which were committed under the direction of the Indonesian state, continue

¹ According to the National Statistics Directorate, year-on-year inflation was 17.4% at the end of 2011, with food at 19.8%. See <http://www.laohamutuk.org/econ/OGF12/CPIDec2011En.pdf>

to enjoy impunity – many are still in positions of power in Indonesia, committing similar crimes against people in West Papua.

Members of the Security Council unfairly and disingenuously place the burden of reconciliation and justice on the Timor-Leste Government and Parliament, urging Dili to enact legislation for Timor-Leste to provide reparations to survivors and to create an institution to follow up the Commission for Reception, Truth and Reconciliation (CAVR). Your governments limited the mandate of UNMIT to assembling case files on a few hundred murders committed during 1999 –ignoring the hundreds of thousands of Timorese murdered, imprisoned, raped and tortured by Indonesian forces between 1975 and 1998, as well as Jakarta’s current facilitation of impunity for anyone who committed crimes here before and during 1999.

We call your attention to the recommendations² which CAVR directed to the international community, especially to members of the Security Council and countries which supported Indonesia’s brutal, illegal occupation, which include recommendations 1.1, 1.4, 1.6, 1.7, 1.8, 1.9, 1.10, 1.11, 7.1.1, 7.1.2, 7.1.3, 7.1.7, 7.1.9, 7.1.12 and 7.2.1 (international tribunal) and 12.10 (reparations). Council members should also encourage the Indonesian government to implement the CAVR recommendations directed to Jakarta, including 1.3, 3.2.3, 4.1.2, 4.2.7, 7.1.5 and 7.1.11, 7.5.5, 10, 11 and 12.10.

We also encourage the Council to discuss the still-relevant report of the independent UN Commission of Experts (S/2005/458), which was put to sleep on your agenda in 2005, when Timor-Leste was one-third as old as it is today.

After laying out time frames that ended more than five years ago without their recommendations being implemented, the Experts recommended:

525. If for any reason the above recommendations relevant to Timor-Leste and Indonesia are not initiated by the respective Governments within the time frames set out above, or are not retained by the Security Council, the Commission recommends that the Security Council adopt a resolution under Chapter VII of the Charter of the United Nations to create an ad hoc international criminal tribunal for Timor-Leste, to be located in a third State.

In their final paragraph, the Experts concluded

531. The international community is fully aware of the story of murders, rape, torture and enforced disappearances of East Timorese in 1999 and before. These are crimes that extend beyond the responsibility of the Governments of Timor Leste and Indonesia. These are crimes that concern humanity. The Report of the Commission of Experts may provide the last opportunity for the Security Council to ensure that accountability is secured for those responsible for grave human rights violations and human suffering on a massive scale and delivery of justice for the people of Timor-Leste.

We implore you not to discard this “last opportunity” and entrench impunity for the foreseeable future. Ongoing impunity undermines future peace, stability and development. When accountability is ignored, institutional consolidation, judicial mechanisms and security forces cannot preserve the accomplishments of UN missions in Timor-Leste over the last twelve years.

Impunity is a time bomb, undermining rule of law and planting the seeds of instability and insecurity. It must be disarmed.

² The CAVR report, including recommendations, is at <http://www.cavr-timorleste.org/en/chegaReport.htm>

In our letter to the Council last November,³ La'o Hamutuk was disappointed with the UN's preoccupation with maintaining security through police and military force. We urged more attention to human resources – health and education – and sustainable development, which could provide longer-lasting security from poverty, hunger and disease. We will not reiterate the argument here, although it remains critically important.

We encourage the Security Council to urge UN agencies in Timor-Leste to be more honest and outspoken, even if their priorities or conclusions are not the same as the government of the day. Only last week, a UNDP-Government conference, originally planned to discuss how developing the (currently almost non-existent) private sector in Timor-Leste could contribute to inclusive economic growth, was watered down into a discussion of cooperatives, which make only a tiny contribution to development here and which may contradict Timor-Leste's extended-family society.

The UN can perform a valuable service to citizens of this country and the world by using its experience and expertise to encourage longer-term, practical thinking, providing information on development models appropriate to this country which will benefit its people. In this promise-filled election year, with the ruling party dangling an unachievable vision of achieving upper-middle status by 2030 by squandering its resource birthright on wasteful petroleum industry infrastructure, truths and serious planning are often overlooked.

The UN and its agencies can help citizens, civil society and leaders from all sectors and parties develop paths which will reach more realistic goals, rather than chasing a chimera.

When UNMIT departs Timor-Leste in less than a year, we hope you will leave with a proud record, having helped this country achieve nationhood and lay a foundation for sustainable, equitable economic, legal and social security for our people. This would help fulfill the time-tested promise of the UN Charter, wherein the peoples of the United Nations expressed their determination

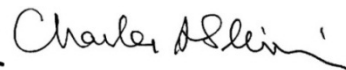
- to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and
- to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and
- to promote social progress and better standards of life in larger freedom,
- to employ international machinery for the promotion of the economic and social advancement of all peoples,

Thank you for your attention, and we are happy to respond to questions or concerns.

Sincerely,



Inês Martins, Mariano Ferreira, Juvinal Dias,
La'o Hamutuk

Charles Scheiner,



Guteriano Neves

Cc: SRSG Ameerah Haq and others at UNMIT, media, RDTL officials, others.

³ <http://www.laohamutuk.org/reports/UN/LHtoUNSC16Nov2011En.pdf>