



A-N-T-I

TIMOR-LESTE NATIONAL ALLIANCE FOR AN INTERNATIONAL TRIBUNAL

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

For more than eight years, we, the people of Timor-Leste, have been living as a free Nation and free people in a sovereign democratic State, but we are still not yet free of the shadow of serious crimes committed during the 24 years of Indonesian occupation. We have suffered a lot during that period; physically and psychologically, because of torture from various types of violations, including sexual violence against women, and the loss of 180,000 human lives because of the brutal, illegal Indonesian military occupation.

We place our hopes in the United Nations Security Council, which has the principal role in this fight to end impunity, based on the fundamental principles consecrated in the Charter of the United Nations. We urge you to take concrete, effective actions to end impunity for those who directed and committed crimes against humanity in Timor-Leste.

The UN has taken some positive actions to address the issue of justice for serious crimes during the past decade, including establishing the Serious Crimes Unit (SCU) to investigate and prosecute those responsible for the crimes committed in 1999, the Special Panels (SP) to try perpetrators of these serious crimes (*S/2005/458, par. 5*) and the Commission of Experts to report on the judicial effectiveness of their work and that of the Indonesian ad hoc court in Jakarta (*S/2005/458, par. 1-2*). These actions were inadequate to end impunity in Timor-Leste and Indonesia, because the Commission of Experts report has not been followed up and considered by the Security Council, and because the SCU and SP (as well as UNMIT's Serious Crimes Investigation Team) only looked into crimes committed in 1999, which excludes the 99% of homicides which took place between 1975 and 1998.

We are disappointed with the latest report of the Secretary-General on UNMIT for September 2010 to January 2011 (*S/2011/32*) because it fails to mention the consequences of ongoing impunity for the serious international crimes committed during the Indonesian occupation. The report discusses only the 1999 crimes (*S/2011/32; par. 38*) and gives more attention to directing Timor-Leste's government to achieve justice for domestic crimes committed in 2006 (*S/2011/32; par. 35*).

The principle of the United Nations to respect the sovereignty of every Member State does not mean that the United Nations must accept sovereignty as an excuse not to pursue the perpetrators of crimes against humanity committed against people in other countries. All Member States are obliged to respect the principles of United Nations and never to accept impunity for serious crimes. Therefore, the United Nations must pressure a Member State which does not cooperate with legal processes to try perpetrators, such as Indonesia in the case of crimes against humanity committed during its occupation of Timor-Leste. This is especially important because many of the crimes were acts directed by the Suharto dictatorship who no longer governs Indonesia.

If impunity continues to prevail in Timor-Leste, it will have a negative impact on the stability and security of our country; undercutting the efforts of the United Nations to establish rule of law and strength security institutions. In addition, the perpetrators are continuing to commit similar crimes in Indonesia, especially West Papua and Ambon, Maluku.

Some Timor-Leste leaders undermine the legal justice process by prioritizing cordial relations with Indonesian government. This also obstructs the way to justice (S/2011/32; par. 9) and is out of touch with our people. To end impunity, we must not sacrifice fundamental principles of human rights and justice in favor of diplomacy.

The legal justice processes for accountability for crimes against humanity must not be further delayed. We strongly encourage the Security Council of United Nations to take immediate effective actions to end impunity so that justice can be restored.

We recommend to the Security Council of United Nations to:

1. Discuss the recommendations of the Commission of Experts regarding the establishment of an International Criminal Tribunal when national mechanisms fail. (S/2005/458; par. 446 and 525)
2. Enlarge the mandate of the Serious Crimes Investigation Team (SCIT) so that it can investigate some of the highest profile massacres such as Kararas-Viqueque (1983), Muapitine-Lospalos (1983), Mausiga and Maununo-Ainaro (1982) and Santa Cruz-Dili (1991) and prosecute those who are responsible for these crimes.
3. Establish a delegation to approach both governments, Timor-Leste and Indonesia, to encourage them to respect legal processes initiated by the United Nations to prosecute the perpetrators of crimes against humanity committed as part of Indonesian occupation from 1975-1999.
4. Give mandate to SCIT to support formal indictment of the principal perpetrators who committed serious crimes and crimes against humanity during the Indonesian military occupation from 1975-1999. This is the only solution to end impunity in Timor-Leste and Indonesia, so that democracy and human rights that we yearn for can be achieved in Timor-Leste and other countries.

Sincerely yours,



Sisto dos Santos
On behalf of ANTI

Members of ANTI (Timor-Leste organizations):

- Community Development Interest (CDI)
- Forum Tau Matan (FTM)
- Front Mahasiswa Timor-Leste (FMTL)
- HAK Association
- Judicial System Monitoring Program (JSMP)
- Kdalak Solimutu Institute (KSI)

- Knua Buka Hatene (KBH)
- Luta Hamutuk
- Mata Dalan Institute (MDI)
- Organizasaun Popular Vitima da Guerra (OPVG)
- Sekretariadu Timor-Leste NGO Forum (Fongtil)
- Timor-Leste Institute for Development Monitoring and Analysis (La'o Hamutuk)

This letter has been endorsed by the following international organizations:

- Asia-Pacific Solidarity Coalition (APSOC)
- Association of Prison Ministries, Jakarta, Indonesia
- Australia East Timor Association, NSW
- Australian East Timor Friendship Association South Australia Inc
- Australian Coalition for Justice for East Timor
- Baltimore Nonviolence Center, USA
- Committee for the Release of Political Prisoners (KAPT/N) , Indonesia
- East Timor and Indonesia Action Network (ETAN), USA
- East Timor Religious Outreach, USA
- ETAN/Portland, Oregon, USA
- Fellowship of Reconciliation, USA
- Foundation Pro Papua, The Netherlands
- Hunter East Timor Sisters, Australia
- Institute of Struggle for the Rehabilitation of Victims of the New Order Regime (LPR KROB), Indonesia
- Institute on Religion and Public Policy, USA
- International Federation for East Timor (IFET)
- International League for Human Rights
- Japan East Timor Coalition
- Jews Against Genocide, USA
- KontraS, Indonesia
- Law Enforcement Watch, Jakarta, Indonesia
- Madison-Ainaro Sister City Alliance, Wisconsin, USA
- Maryknoll Office for Global Concerns, USA
- Swedish East Timor Committee
- TAPOL, UK
- Watch Indonesia!, Germany
- WESPAC Foundation, White Plains, NY USA
- WestPAN (West Papua Action Network), Canada
- Wisconsin Network for Peace and Justice, USA
- WPAT (West Papua Advocacy Team), USA