

**OPEN LETTER
TO THE PRESIDENTS OF THE REPUBLICS OF INDONESIA AND TIMOR-LESTE
REGARDING THE INDONESIA-TIMOR LESTE
COMMISSION OF TRUTH AND FRIENDSHIP**

May 23, 2007

Dear President Yudhoyono and President Ramos-Horta,

You will recall that the June 2005 report to the United Nations Secretary-General of the Commission of Experts to Review the Prosecution of Serious Violations of Human Rights in Timor-Leste (then East Timor) in 1999 recommended that Indonesia review prosecutions before the Ad Hoc Human Rights Court for Timor-Leste, investigate and prosecute those named in the Wiranto et al indictment, and report to the Secretary-General within six months of a date to be determined by him on the outcome of its investigations. It also recommended that if these measures were not initiated within this time frame, the Security Council should act to “create an ad hoc international criminal tribunal for Timor-Leste”.

Before that report could be properly considered by the Secretary-General and the Security Council, your two governments set up the Indonesia-Timor Leste Commission of Truth and Friendship (CTF/KKP) to “establish the conclusive truth in regard to the events prior to and immediately after the popular consultation in 1999.” However, the CTF has had many problems since its inception. They include:

1. A lack of legitimacy attributable to three main factors: the perception that the CTF was established to avoid calls for an international criminal tribunal to try those accused of crimes against humanity in Timor-Leste in 1999; the failure to address crimes committed before 1999; and the amnesty provision, which would allow perpetrators of serious crimes to avoid accountability.
2. The absence of any clear procedure for reviewing existing evidence about the violence in 1999 in order to arrive at a consensus about the truth, especially since key Indonesian government institutions have failed to provide relevant records.
3. Serious deficiencies in the public hearings, including obvious biases on the part of some commissioners; the introduction of testimony irrelevant to the Commission’s mandate; the absence of any means for cross-checking testimonies against facts established by previous processes or actual evidence; conflict between Indonesian and Timor-Leste Commissioners; lack of assistance and protection for victims who testify; the ad hoc nature of witness testimonies; an imbalance of representation between victims and perpetrators; and the use of the public hearings as a forum for perpetrators to continue to blame the United Nations and other actors for the violence.
4. Lack of transparency, clarity and a clear timetable for the Commission’s work.

It is obvious from its mandate and its performance that the CTF is not a credible mechanism to seek justice or even truth regarding events in Timor-Leste in 1999, let alone from 1975 to 1999. Out of respect for the victims of the violence and the rule of law in both nations, we, the undersigned representatives of human rights and other civil society groups in Timor-Leste, Indonesia and other nations, therefore urge you to immediately abandon the CTF and support a more credible judicial process.

With the agreement of the Indonesian Government to extradite those within its jurisdiction, and given greater resources and political backing than previously, the Special Panels for Serious Crimes (SPSC) of the Dili District Court could be reconstituted to complete outstanding prosecutions. The UN Integrated Mission in Timor-Leste has already taken the first step in this direction, by undertaking to complete the investigations which remained unfinished when the Serious Crimes Unit was closed down prematurely in 2005.

Given the inevitable and wholesale failure of the CTF/KKP we therefore call for the reconstitution of the SPSC. If that is not possible, we will continue to call for the establishment of an international criminal tribunal in line with the Commission of Experts report.

Other efforts that your governments could make to address the human rights violations committed during the Indonesian occupation of Timor-Leste include requesting the United Nations Security Council to implement former UN Secretary-General Annan's recommendation, made in his *Report on Justice and Reconciliation in Timor-Leste* in June 2006, for an International Solidarity Fund for Timor-Leste; and discussion in both national parliaments on how to implement the recommendations in *Chega!*, the Report of the Timor-Leste Commission for Reception, Truth and Reconciliation (CAVR).

Finally, we draw your attention to the 4 May letter to UN Secretary-General Ban Ki-Moon from the International Center for Transitional Justice, and the 28 March statement from the Timor-Leste National Alliance for an International Tribunal. Both of these initiatives are also highly critical of the CTF and urge the creation of a credible mechanism to hold accountable high-level perpetrators of crimes against humanity in Timor-Leste. Anything less will fail to resolve this issue, which will continue to hamper the growth of democracy and respect for the rule of law in both Indonesia and Timor-Leste.

Yours sincerely,

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