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His Excellency Ban Ki-Moon
Secretary-General
The United Nations
1 United Nations Plaza
New York, New York 10017-3515

December 13, 2007

Mr. Secretary-General,

We are a coalition of more than 70 human rights organizations from 14 countries around the world, concerned about justice for the people of Timor-Leste.

On this, your first visit as Secretary-General to Timor-Leste, we remind you that its people suffered countless war crimes and crimes against humanity during the Indonesian invasion and 24-year occupation of their homeland. These crimes occurred in violation of the UN charter, numerous United Nations resolutions and human rights treaties.

We draw your attention to the solemn commitments of the Security Council, expressed in Resolutions 1264 and 1272, and those of your predecessor, His Excellency Kofi Annan, to bring those responsible to justice. In this context, we congratulate you for refusing to legitimize the bilateral Commission for Truth and Friendship (CTF) and for reiterating that the UN "cannot endorse or condone amnesties for genocide, crimes against humanity, war crimes or gross violations of human rights, nor should it do anything that might foster them".

It is clear that both Indonesia's Ad Hoc Human Rights Court and the CTF have proven manifestly unsuitable in design and implementation to the task of delivering justice in accordance with international law.

The Serious Crimes process (which only dealt with crimes committed in 1999) was terminated by the Security Council in May 2005 although its work was far from complete. Since then the United Nations Integrated Mission in Timor-Leste (UNMIT) has re-established the Serious Crimes Investigation Team to complete investigations into outstanding cases from 1999. UNMIT's recent "Report on human rights developments in Timor-Leste August 2006 - August 2007," highlighted the role that the report of the Commission for Reception, Truth and Reconciliation Commission (CAVR) can play within Timor-Leste in both 'unifying' Timorese society and helping to 'foster a democratic culture based on the rule of law'.

We urge you to convene an open debate at the United Nations of the CAVR's recommendations to the international community. Both the CAVR and the UN Commission of Experts recommended the creation of 'an ad hoc international criminal tribunal for Timor-Leste' should Indonesia, under a strict time frame, continue to fail to credibly prosecute senior officials responsible for the devastation in 1999.

This call for substantive justice for past crimes is widely supported within Timor-Leste, especially by the Church and civil society. However, the leaders of Timor-Leste need the support of the United Nations and other key international actors in addressing this, as they cannot be expected to bear such a difficult diplomatic burden on their own.

Accordingly, in anticipation of an international criminal tribunal, we urge you to fully reconstitute the Serious

Crimes process, providing it with sufficient resources and backing. This should be done in accordance with recommendations 7.1.1 and 7.1.2 of the CAVR Report - namely, the UN itself should provide the resources and judicial expertise, not Timor-Leste's court system. The Serious Crimes process must investigate war crimes and crimes against humanity committed from 1975 onwards, not just those committed in 1999. Indonesia, which is currently a member of both the Security Council and UN Human Rights Council, must extradite for trial those charged by the Serious Crimes process.

In February 2000, your predecessor called for "justice to prevail over impunity" while standing in a churchyard in Liquiça, the site of one of the most notorious 1999 massacres. We urge you to do all within your power to ensure this occurs.

Sincerely,

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