



JUSTICE FOR TIMOR-LESTE: AUSTRALIA'S ROLE

On August 30 this year Timor-Leste (East Timor) celebrates the 10th anniversary of the Independence Referendum which led to its people gaining freedom after 24 years of brutal Indonesian military occupation. Up to 183,000 East Timorese perished as a result of Indonesian rule between 1975 and 1999, and much of the population has been traumatised as a result of torture, rape, incarceration, beatings, intimidation, and losing family members.

Trauma and Impunity

The 2006 crisis in Timor-Leste was both a symptom of underlying mass trauma and a cause of more trauma for the population. Another contributing factor to the crisis is the culture of impunity. When Timor-Leste became independent it was an expectation of its people that justice would be done. The UN Special Commission of Inquiry for Timor-Leste in 2006 emphasised that "if peace and democracy are to be advanced, justice must be effective and visible." The manifest failures of local and international justice processes are creating this culture, in which perpetrators believe they will not be held accountable for murder and other crimes, and where victims feel that the only justice possible is what they do with their own hands. This attitude contributed to the attempted assassinations of Timor-Leste's President and Prime Minister on February 11 last year.

International Criminal Tribunal for Timor-Leste?

Cambodia, using an International Criminal Tribunal, has finally begun to try alleged perpetrators of serious crimes under the Pol Pot Regime between 1975 and 1979, and the International Criminal Court has recently called for the arrest of the President of Sudan for war crimes in Darfur. What of Timor-Leste? The UN Security Council is currently considering the future of the UN Mission in East Timor (UNMIT). East Timor support groups worldwide are advocating that the UN give the Serious Crimes Unit real power and resources to prosecute the 339 people already indicted but who remain at large in Indonesia. However, Indonesia has repeatedly demonstrated that it cannot or will not credibly try or extradite perpetrators of crimes connected with Indonesia's occupation of Timor-Leste. So the alternative would be for the Security Council to implement the recommendation of the Commission of Experts report – **to create an ad hoc international criminal tribunal for Timor-Leste, to be located in a third State.** This is so because Timor-Leste is in no position to argue with Indonesia.

Australia's Role

Australian governments over the decades have been obsessed with 'good relations' with Indonesia, at the expense of East Timorese, West Papuans and the Indonesian people themselves. While the TNI enjoy the power they have democracy in Indonesia is threatened. To emphasise this three former Military Officers, Generals Wiranto, Prabowo and Suyoso, with appalling human rights records in Timor-Leste, are running in this year's presidential election. Australian democracy is also affected by our complicity in human rights abuses, eg. in West Papua, and by our refusal to support justice for crimes against humanity in Timor-Leste. Australia is locked into this complicity (the ties that bind) through the Lombok Treaty, signed by the previous Howard Government with Indonesia. It effectively supports Indonesian military power and impunity. Will the Rudd Government renegotiate this Treaty? Meanwhile the conservative Lowy Institute (thinktank for international policy) has released a report calling for a special police squad to investigate suspected war criminals who have taken refuge in Australia. "It is likely that Australia is ... home to war criminals from the countries of the former Yugoslavia, as well as Cambodia, and possibly Rwanda and East Timor." This could be a positive step.

Timor-Leste solidarity groups call on the Australian Government to:

1. Refuse a visa to any TNI officer suspected of human rights violations, and freeze their bank accounts until their innocence is credibly established.
2. Make military co-operation with Indonesia conditional on progress towards democratisation, subordinating TNI to the rule of law and civilian government, and adhering to international human rights, including the right to self-determination (particularly for West Papua)
3. Scrap the Lombok Treaty in its present form.
4. Advocate and support the UN creating an ad hoc International Criminal Tribunal for Timor-Leste.

Write a letter to your Federal MP and Senators expressing your concern for these issues. Ask them to insist the government supports and acts on international laws and puts an end to impunity for human rights violators and war criminals!

Come along and find out what we do:

ANNUAL GENERAL MEETING/PUBLIC MEETING

Sunday, 5th April

2pm for AGM

3pm for Public Meeting

Guest Speaker to be confirmed

Update on East Timor issues, incl. Justice

Venue: FILEF Centre, 15 Lowe St. Adelaide

Drinks & nibbles.

More information- M: 0422 968 531 E: aetfa.sa@gmail.com

ANNUAL EAST TIMOR INDEPENDENCE DINNER

6.00pm Sunday 24 May 2009

Ming's Palace

157 Gouger Street, ADELAIDE

Special Guest: Abel Guterres, Consul-General for Timor-Leste (Sydney)

Keynote Speaker: (to be advised)

Silent Auction, Raffles

Ticket prices to be advised soon

(last year prices were \$25 members/concession, \$35 non-members)

Please book a place now via email to aetfa.sa@gmail.com

Or Ph: 0422968531; 83710480; 82956481 or

Bookings Only. RSVP 15 May

Also of interest:

The University of Adelaide presents the John Bray Oration 2009:

**Revenge or Forgiveness: Truth and Reconciliation
in the Aftermath of Human Rights Violations**

to be delivered by

Justice Richard Goldstone

5.30pm for 6pm

Wednesday 11 March

Venue: Elder Hall, University of Adelaide

Admission by donation. Register your interest: contact Gaynor Tyerman:

Ph 8303 6356 OR gaynor.tyerman@adelaide.edu.au

Justice Goldstone served nine years as a justice of the Constitutional Court of South Africa, was chairperson of the Standing Commission of Inquiry Regarding Public Violence and Intimidation in South Africa, and was chief prosecutor of the UN International Criminal Tribunals for the former Yugoslavia and for Rwanda. Author of numerous articles on international humanitarian law.