

**Timor Leste National Alliance for International Tribunal**  
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Dili, December 21, 2004

**His Excellency Kofi Annan**  
**Secretary-General**  
**United Nations**  
**New York**

**Response to the Indonesian and East Timor governments to establish a Truth and Friendship Commission**

We are writing this letter in support of your efforts to ensure justice for the victims of the crimes against humanity in East Timor, by bringing the perpetrators to justice for the crimes that they had committed.

The International Inquiry Commission that was established by the Secretary-General of the United Nations in 1999 has recommended several measures to hold the perpetrators of violence responsible, which includes investigation and the formation of an international body to probe into the violence of 1999, and an international human rights court.<sup>1</sup> The mandate of the United Nations Transitional Administration in East Timor (UNTAET) as outlined in Security Council Resolution 1272/1999 clearly states that “the United Nations condemns all violence and acts in support of violence in East Timor, calls for their immediate end, and demands that all those responsible for such violence be brought to justice.”

As a follow-up, the United Nations through its transitional administration in East Timor, UNTAET, formed a Serious Crime Unit that has conducted investigation and prosecuted a number of perpetrators at its Special Panels. By December 10, 2004 we found that the Serious Crime Unit has handed over 91 files to the Special Panel indicting 378 people. Among them, 76 people have been heard before the Special Panel and 74 have been found guilty as charged. However, about 280 indicted are still at large or enjoy protection in Indonesia. One of the main challenges here is the limitation of the legal jurisdiction of the Special Panel.

The formation of the Commission of Reception, Truth and Reconciliation in East Timor has been a significant achievement in meeting the demands of the victims. The Commission is currently entering its final phase of writing the report that would provide

<sup>1</sup> Report of the International Inquiry Commission on East Timor to the Secretary-General of the United Nations, related to the letter of January 31, 2000 from the Secretary-General to the Chair of the General Assembly, the Chair of the Security Council and the Chair of the UN High Commission of Human Rights, para 152-53.

an overall view of the violence committed during the occupation of East Timor since 1975. However, the governments of Indonesia and East Timor have recently discussed the possibility of establishing a Truth and Friendship Commission, which might undermine the aspirations of the victims.

The Truth and Friendship Commission was discussed by the governments of East Timor and Indonesia during a meeting in Bali on December 15, 2004. It obviously shows to the international community, and particularly the people of East Timor and Indonesia that both governments are maintaining impunity and protecting the perpetrators. By doing that, both governments also demonstrate their ignorance of the judicial process of the Serious Crime Unit and the Commission for Reception, Truth and Reconciliation in East Timor.

The people of Indonesia are obviously familiar with what has happened in East Timor, Aceh and other places, where violence is committed on the basis of “defending national interest”. We think that the commission does not address the rights of the people of Indonesia to know the truth. We also doubt that the commission would be able to reveal the truth. We realize that our country, as a small and poor country, is forced to trade its right to justice with narrow political interests. The situation obliges us to demand the UN to play a more active role in bringing justice for the victims of gross human rights violations in East Timor.

We support your call in the Security Council meeting of November this year that “member states of the UN to ensure that there impunity would not prevail in this process, although both governments (East Timor and Indonesia) would not fully support this process.” We hope that you would support the struggle of the victims for justice and to end impunity.

We also realize that there is a need to find a mechanism that would be able to deal with the problems that we encounter. The idea to establish a commission of experts to evaluate the current processes both in East Timor and Indonesia and to recommend future measures.

We hope that our voice, as part of the people of East Timor who have suffered from impunity, would be heard.

Thank you for paying attention to the demands of the victims of gross human rights violations in East Timor.

Sincerely yours,

Timor Leste National Alliance for International Tribunal

1. Maria Afonso de Jesus      Victim’s Family
2. Rosentino Amado Hei      NGO Representative



3. Edio Saldanha

Victim's Family




4. Xisto dos Santos

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5. Joaquim R. Brites

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CC: Media