



JANUARY 2009

COUNTRY SUMMARY

Timor-Leste

Timor-Leste faced one of its gravest challenges since independence with the near fatal shooting of President Jose Ramos-Horta in February 2008. The police and military united in efforts to maintain order and search for rebels following the attack, a positive development given recent clashes between the services, but the response was marred by continuing reports of security force abuses.

Failures of justice remain a central human rights concern. The most prominent examples are continuing impunity for crimes committed during the 2006 crisis, when fighting between soldiers and police triggered wider violence in which at least 37 people were killed and crimes committed before, during, and after the 1999 UN-sponsored referendum on independence, in which Indonesian-army-backed militias killed hundreds of Timorese and destroyed much of Timor-Leste's physical infrastructure. Impunity for human rights crimes was boosted in 2008 by a series of presidential pardons.

Attacks on Leaders

On February 11, 2008, Alfredo Reinado, former commander of Timor-Leste's military police unit, led an armed group to attack the prime minister and president of Timor-Leste. Reinado and his militia had been in hiding since 2006, when he played a pivotal role in initiating violence in Dili. During the 2008 attack, Reinado was shot and killed and Horta suffered a near fatal injury, requiring treatment for two months in Australia before he was able to resume his presidential duties. Prime Minister Xanana Gusmão escaped unharmed. After the attacks, Reinado associate Gastao Salsinha assumed command of the armed group and fled with the rebels to the Ermera district. Salsinha and his 11 armed rebels surrendered peacefully on April 29, 2008.

Impunity

On July 15, 2008, the Indonesian and Timorese joint Commission on Truth and Friendship released its report to the leaders of both countries. The report concludes that crimes against humanity occurred in Timor-Leste in 1999 and attributes institutional responsibility to the Indonesian military, police, and government.

UN Secretary-General Ban Ki-moon urged the leaders of Indonesia and Timor-Leste to follow the release of the report with initiatives to “ensure full accountability” and “end impunity.” The leaders, however, rejected calls to bring individuals to account and formally accepted the findings of the report, emphasizing their determination to “bring closure to a chapter of our recent past.”

In May President Horta issued a decree granting full and partial pardons to 94 prisoners. As a result at least 20 prisoners have been released, including former Interior Minister Rogerio Lobato, who played an instrumental role in the 2006 crisis and had been jailed for manslaughter and illegal distribution of weapons. Nine prisoners serving sentences for committing crimes against humanity in 1999 also received commuted sentences with four released in June 2008. A petition against the president’s decision to pardon the criminals was rejected by the court of appeal in September 2008. Timorese politicians and human rights activists backing the petition felt that the decision “strengthens impunity, weakens the people's faith in the justice system and undermines the rule of law.”

In July 2008 Horta unveiled new draft legislation addressing the 2006 crisis. If passed by parliament, the law would provide a wide-ranging amnesty for perpetrators: even individuals responsible for murder and other serious crimes would be able to immunize themselves from prosecution by issuing an apology. Several individuals responsible for crimes against humanity in the 1999 carnage already enjoy impunity under a May 2008 clemency decree. Continuing failure to hold those behind the 2006 violence to account will further erode confidence in the Timorese justice system and send a message to disaffected former fighters and other armed groups that politics trumps justice.

Security Sector

The United Nations Integrated Mission in Timor-Leste (UNMIT) police continue to act as the primary law enforcement agency while taking steps to train and strengthen the National Police Force of Timor-Leste (PNTL). In December 2007 UNMIT established a PNTL Task Force of 100 police officers in Dili. UNMIT recorded a significant decrease in Dili-based crime in the months following the creation of the Task Force. But UNMIT reported that this was accompanied by an increase in allegations of “excessive use of force and ill-treatment during arrest, unlawful searches of houses and abusive behaviour.”

Following the February 11 attacks on Timor-Leste’s leaders, the government declared a state of emergency and members from the army and police of Timor-Leste temporarily formed a Joint Command. The Joint Command was tasked with coordinating the response, assisting in apprehending the rebels, and preventing violence from spreading.

Under the state of emergency citizens were subject to a night curfew limiting their freedom of movement. Freedom of assembly was suspended and security forces had authority to conduct searches at night without warrants.

During the state of emergency, 58 incidents of ill-treatment by the Joint Command were reported to UNMIT. Allegations included death threats and beatings resulting in hospitalization. The state of emergency had ended by the end of April everywhere except Ermera district, which remained under a state of emergency until May 22.

Human Rights Defenders

Despite a rise in allegations of human rights violations, no attacks on human rights defenders were reported in Timor-Leste in 2008.

The Office of the Provedor for Human Rights and Justice encouraged the public to report human rights violations during the state of emergency and opened investigations into 44 allegations of human rights abuses. Following investigations of these alleged abuses, cases deemed to warrant further action will be sent to the

Prosecutor General's Office, though there is a current backlog of 4,700 criminal cases before the courts.

Key International Actors

Relations strengthened between the leaders of Timor-Leste and Indonesia after both countries accepted the findings of the Commission on Truth and Friendship report and agreed not to pursue individual accountability for gross human rights violations committed in Timor-Leste in 1999.

On February 25, 2008, the United Nations Security Council extended UNMIT's mandate for 12 months. In September Secretary-General Ban Ki-moon announced the appointment of Takahisa Kawakami of Japan as Deputy Special Representative for Security Sector Support and Rule of Law in Timor-Leste.

In August Prime Minister Gusmão visited Australia hoping to secure the inclusion of Timor-Leste in the Pacific Islander guest worker scheme. Australian Prime Minister Kevin Rudd did not commit to including Timor-Leste in the scheme. Rudd did pledge an increase in grants for Timorese students and funding of approximately US\$5 million to build a military training centre in Timor-Leste. During his visit Gusmão announced that security was improving in Timor-Leste and suggested that Australia's troop commitment could be reduced in 2009.

From May to September 2008 the International Organization for Migration assisted Timor-Leste in returning and reintegrating 5,930 families (displaced by the 2006 unrest) from camps in and around Dili. As of November 2008, the government had closed 24 such camps but some 30 camps remained in operation.