



JANUARY 2007

COUNTRY SUMMARY

## Timor-Leste

2006 was a tumultuous year for Timor-Leste with violence in the capital Dili leading to the intervention of an Australian led peacekeeping force and the resignation of Prime Minister Mari Alkatiri in June.

After almost five years in operation, Timor-Leste's Commission for Reception, Truth, and Reconciliation submitted its final report to parliament in November 2005. Timor-Leste's President Gusmao distanced himself from the comprehensive findings and detailed recommendations, which said that at least 102,800 Timorese people had died as a result of the Indonesian occupation and accused Indonesian authorities of crimes against humanity and war crimes. The report was largely ignored by the Timorese government and the international community.

### Dili Violence

Up to 38 people were killed in fighting in Timor-Leste's capital Dili after clashes between the military and police, and between gangs of youths taking advantage of the security vacuum, erupted in April. The trigger for the violence was the government's sacking of almost 600 disaffected soldiers. The sacked soldiers (known as "petitioners") staged a five-day demonstration in the capital, which deteriorated into rioting, torching cars, and looting government buildings. Some members of the police force defected to join the petitioners and openly fought the military.

At the request of the Timorese government a joint task force, made up of forces from Australia, New Zealand, Portugal, and Malaysia, arrived in May in an effort to quell the violence. Their efforts, and those of the UN peacekeepers who succeeded them, were moderately successful but outbreaks of violence and arson continued throughout the year. The violence caused at least 150,000 people to flee their homes in and around Dili.

Timor-Leste's Prime Minister Mari Alkatiri resigned his post in June in response to mounting public criticism and to a request from President Xanana Gusmao. Former Senior Minister for Foreign Affairs and Defense Jose Ramos Horta replaced Alkatiri. At this writing Alkatiri had not answered a summons to appear before prosecutors investigating his alleged involvement in setting up and arming a private militia. However, former Interior Minister Rogerio Lobato was formally charged in September 2006 for distributing arms to militia leader Vicente da Conceição, also known as "Rai Los," who was widely believed to be responsible for instigating much of the year's violence.

In June United Nations Secretary-General Kofi Annan appointed an Independent Special Commission of Inquiry for Timor-Leste, tasked with establishing the facts and circumstances of the April and May violence. One of the incidents under investigation was the May 25, 2006, massacre of eight unarmed police officers who were shot dead as they were being surrendered to Timor-Leste soldiers by UN personnel in Dili. Its report, released in October, identified numerous persons reasonably suspected of direct participation in criminal activity during the crisis, including the interior and defense ministers and defense force chief, and recommended they be prosecuted. The commission also concluded that the fragility of various state institutions and the weakness of the rule of law were the underlining factors that contributed to the crisis.

## **Justice and Reconciliation**

Following the closure in May 2005 of the UN tribunal in Dili—comprising an investigator's office (the Serious Crimes Unit or SCU) and courts (the Special Panels for Serious Crimes)—there remained a significant gap in efforts to provide accountability and justice for victims of the Indonesian invasion, occupation, and withdrawal (1975-1999).

The Timorese judiciary undertook some trials for militiamen indicted by the UN tribunal but not tried by the Special Panels. The Office of the Prosecutor General also received at least fifteen inquiries from third countries concerning individuals whose names appeared on Interpol lists after they were indicted by the SCU.

Timor-Leste's Commission for Reception, Truth, and Reconciliation (Comissao de Acolhimento, Verdade e Reconcilio de Timor-Leste, CAVR) submitted its final report to parliament in November 2005, and a copy was handed to the UN Secretary General by

President Gusmao in January 2006. The report, which is more than 2,000 pages long, drew on the commission's work of taking over 8,000 individual statements and listening to hundreds of victims' testimonies through public hearings. The comprehensive report concluded that "the demand for justice and accountability remains a fundamental issue in the lives of many East Timorese and a potential obstacle to building a democratic society based upon respect for the rule of law and authentic reconciliation between individuals, families, communities and nations." The CAVR investigation also found that the crimes committed in 1999, while egregious, "were far outweighed by those committed during the previous 24 years of occupation." The report contained over 200 recommendations for the Timorese government, the UN, and the international community. A post-CAVR secretariat was established to disseminate the report and perform outstanding administrative tasks.

In July 2006 the UN secretary-general issued a report on justice and reconciliation for Timor-Leste in which he recommended the resumption of the investigative functions of the SCU but not the judicial functions of the Special Panels. The report did however note that crimes against humanity, gross violations of human rights, and grave breaches of humanitarian law were committed in East Timor in 1999, and there should be no impunity regarding such acts.

## **Police**

Prior to the riots of April 2006 police abuse was already one of Timor-Leste's most worrying human rights problems. Police officers regularly use excessive force during arrests, and beat detainees once they are in custody. Under Timor-Leste law, no charges need be filed against suspects during the initial 72 hours following arrest, and police officers reportedly often use this period as a punitive rather than procedural measure. Many detainees, moreover, are held without charges for more than 72 hours.

Police and other state institutions often fail to respond to incidents of police abuse appropriately. Most notably, cases of police officers alleged to have committed crimes such as assault rarely move from investigation to prosecution in either the criminal justice system or the internal disciplinary system. Insufficient police training on internal investigations and follow up, and the absence of a functioning external,

independent oversight and accountability mechanism for the police service, mean that complaints are often dealt with inconsistently, or in some cases not at all. Where cases are taken up, victims are usually left uninformed about developments and outcomes.

Previous training by the UN and other bilateral programs has been weak, often inconsistent, and sometimes contradictory.

## **Freedom of Press**

In May 2006 two of the country's daily newspapers, *Timor Pos* and *Suara Timor Lorosae*, stopped publishing for several days due to violence and instability in the capital. Journalists at the *Timor Pos* office were threatened by an army officer, and in June two *Timor Pos* employees were attacked by youths outside its premises in Dili.

In December 2005, Timor-Leste's former Prime Minister, Mari Alkatiri, signed an executive decree approving a new penal code for Timor-Leste. The new code contains several articles restricting press freedom, including one criminalizing defamation. Journalists now face up to three years in prison if they are found to have defamed anyone in a public authority role, with no limits on fines for this offense.

## **Human Rights Defenders**

Timor-Leste's nongovernmental human rights defenders operated freely and played an active role in lobbying the UN and government. There were no attacks on human rights defenders in 2006.

Timor-Leste's Office of the Provedor started receiving complaints from the public in March 2006. The office has far-reaching powers to investigate and report on complaints against government officials and institutions, including human rights abuses by police, but suffers from a lack of human and other resources. As with other institutions in Dili, many of the office's staff were affected by the year's violence and unable to work, due to fear of remaining in the capital.

## **Key International Actors**

Due to concern over the apparent fragile security, political, and humanitarian situation in Timor-Leste, the UN Security Council established a new, expanded mission there in August 2006. The United Nations Integrated Mission in Timor-Leste (UNMIT) replaced the smaller United Nations Office in Timor-Leste (UNOTIL) that had been established in May 2005. The new mission has a much bigger UN Police component and will focus on consolidating gains in institution building, and will have a key role in preparing for national parliamentary and presidential elections scheduled for 2007.

Timor-Leste remains wholly dependent on international aid and assistance. The World Bank is supporting a multi-donor strategy to implement a National Development Plan in coordination with the government. However, Timor-Leste remains in desperate need of long-term international financial assistance. It receives its largest financial contributions from Japan, Portugal, the United Kingdom, the European Union, the United States, and Australia.