



January 2008

Country Summary

Timor-Leste

Sporadic violence in Dili, Timor-Leste's capital, continued in 2007 with the worst outbreaks taking place in the run-up to June 30 elections and after the announcement of results in July and August. At times violence spilled over into some eastern districts.

While 2007 saw some prosecutions of officials and commanders responsible for deadly clashes between soldiers and police in 2006, many perpetrators were shielded from prosecution by a 2007 amnesty law.

Presidential and parliamentary elections brought in new leadership in 2007, but squabbling over the final result has left the country vulnerable to more insecurity and violence.

The government continues to ignore the recommendations of the Commission on Reception, Truth and Reconciliation for past crimes committed during Indonesia's occupation.

Police

In a marked step backwards in December 2006, the Timorese government handed back to the United Nations prime responsibility for police operations throughout the country. This followed the collapse of the National Police of East Timor (PNTL) in May 2006, after fighting between security force factions triggered wider violence in which at least 37 people were killed. The agreement with the UN, known as the Police Supplemental Arrangement, provides a legal framework allowing UN police to take responsibility as an interim law enforcement body. The arrangement also provides for the reform, restructuring, and rebuilding of the East Timorese national police force, including a registration and screening process for all Timorese police officers.

International forces failed in several attempts to arrest Alfredo Reinado, a fugitive rebel leader involved in the 2006 uprising. One attempt resulted in the death of five members of his armed group and provoked rioting by some of his supporters. Another failed attempt in May led the government to declare a state of emergency to quell pre-election violence. This gave peacekeepers and police the right to carry out arrests and searches without warrants and to break up public gatherings.

On June 19 President Jose Ramos-Horta halted police and military operations to arrest Reinado, and the two met in August to discuss terms of Reinado's surrender.

Accountability for 2006 Crimes

Despite a few high profile prosecutions, there has been little accountability for crimes committed during April and May 2006. Many violations identified by the Independent Special Commission of Inquiry are yet to be prosecuted. Delays have been due to a backlog of cases, weaknesses in the judiciary, and deliberations over a problematic Law on Truth and Clemency for Diverse Offenses, which was approved by the legislature in June but not yet promulgated by the president at this writing.

The Law on Truth and Clemency includes an amnesty provision for perpetrators of crimes committed between April 2006 and April 2007. Before signing the law, President Ramos-Horta referred it to the Court of Appeals for review. In August the court ruled that provisions relating to the time period covered by the law were unconstitutional but allowed other amnesty provisions to stand. There has been concern that, once promulgated, the law would not only prevent new prosecutions but might lead to the release of those already convicted.

In May Timor-Leste's Court of Appeals upheld the conviction and sentencing of former Interior Minister Rogerio Lobato for distributing arms to Vicente da Conceição, known as "Rai Los," a militia leader widely believed to have been responsible for instigating much of the 2006 violence. Lobato was sentenced to seven years and six months in prison for manslaughter and illegal distribution of weapons. Two co-defendants also had their convictions upheld. Rai Los was arrested on murder-related charges for his role in the events of May 25 and 26, 2006.

On August 8 the former deputy police commander of Dili District was sentenced to four years in prison for illegal possession of weapons in relation to an attack on the house of the military commander on May 24-25, 2006. Three co-defendants were also convicted.

The trial of 11 army officers and one police officer indicted for manslaughter in relation to the May 25, 2006, killing of eight unarmed police officers was still in progress at this writing.

In February 2007 the prosecutor-general closed the investigation into allegations of weapons distribution against former Prime Minister Mari Alkatiri, citing lack of evidence.

Elections and Dili Violence

Timor-Leste held three rounds of relatively free and fair elections in 2007 with a high voter turnout in all three.

Former Prime Minister Ramos-Horta was elected president in May after two rounds of presidential elections. Ramos-Horta polled almost 70 percent of the votes against Francisco Guterres, the candidate of the Revolutionary Front for an Independent East Timor (FRETELIN), the former ruling party.

No political party in Timor Leste's June 30 parliamentary elections managed to secure an outright majority. FRETELIN won 21 seats while the party of former president Xanana Gusmao, the new National Congress for the Reconstruction of East Timor (CNRT), won 18. FRETELIN argued that it should form the government as the party with the most votes, but CNRT countered this by forming an alliance with smaller parties, giving it 37 seats in the 65-member legislature.

After two months of bickering, President Ramos-Horta was forced to intervene in August to break the political stalemate. He appointed Gusmao as prime minister, heading a new ruling coalition called the Alliance for a Parliamentary Majority (AMP). Gusmao was sworn into office on August 8, 2007.

The announcement prompted violence and unrest from disaffected FRETELIN supporters in Dili and the eastern districts of Baucau and Viqueque. Rioters burned scores of houses and government buildings, displacing at least 7,000 people. FRETELIN officials branded the new government illegal and said it would appeal the decision through Timor-Leste's courts.

Human Rights Defenders

There were no attacks on human rights defenders in Timor-Leste in 2007.

The Office of the Provedor, which has the power to investigate and report on complaints by government officials and institutions, is able to work without interference. In 2007 the office submitted 12 cases of alleged abuse of authority to the police.

Key International Actors

Marking decreasing international attention to Timor-Leste, the British government closed its embassy in Dili in October 2006, deciding that future consular issues should be dealt with from its embassy in Jakarta.

Relations between Timor-Leste and Indonesia remained cordial. President Ramos-Horta met Indonesian President Susilo Bambang Yudhoyono in Jakarta in June 2007 to discuss border demarcation, student exchanges, and business cooperation. The two presidents agreed to extend the mandate of the bilateral Commission for Truth and Friendship by a further six months. The commission held its final public hearing in Dili at the end of September. The hearings were poorly attended and accompanied by demonstrations, protesting it as a mechanism to perpetuate impunity. In July UN Secretary-General Ban Ki-moon effectively enforced a UN boycott by stating that UN staff would not testify before the commission, unless its amnesty provision was changed to make perpetrators of serious crimes ineligible.

On February 22 the United Nations Security Council extended UNMIT's mandate for 12 months and increased its police size by 140.

Commercial relations with Australia strengthened as a result of two bilateral treaties ratified in February to regulate exploration and exploitation of petroleum resources in the Timor Sea: the International Unitization Agreement (IUA) and the Certain Maritime Arrangements in the Timor Sea (CMATS) Treaty. Equal sharing of the upstream revenues from the Greater Sunrise gas and oil field under CMATS could result in Australia and Timor-Leste each receiving up to US\$10 billion over the life of the project.

These new maritime arrangements are on top of the existing 2002 Timor Sea Treaty with Australia, where Timor-Leste receives 90 percent of revenue from production of petroleum resources, which may be worth as much as US\$15 billion. Timor-Leste's Petroleum Fund, set up to receive and administer revenues from oil and gas sales, now has a balance of over US\$1 billion from exploitation of resources in the Joint Petroleum Development Area.

In March 2007 the Australian New South Wales coroner issued an arrest warrant for retired Indonesian Lieutenant General Yunus Yosfiah after he failed to appear at an inquest in relation to the death of Brian Peters, one of five Australia-based journalists killed in Balibo, East Timor, in 1975. The warrant strained relations between Indonesia and Australia, but Timor-Leste officials refused to comment.

Timor-Leste remains dependent on international aid and assistance. It continues to receive its largest financial contributions from Japan, Portugal, the United Kingdom, the European Union, the United States, and Australia.