



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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REFERENCE: CAT/Follow-up

27 June 2019

Excellency,

In my capacity as Rapporteur for Follow-up to Concluding Observations of the Committee against Torture, I have the honor to refer to the follow-up to the examination of the initial report of Timor Leste, in accordance with the Guidelines for follow-up to concluding observations (CAT/C/55/3).

At the end of the 62nd session, the Committee transmitted its concluding observations to your Permanent Mission. The Committee's concluding observations (CAT/C/TLS/CO/1, para. 48) requested the State party to provide within one year further information on the specific areas of concern identified in paragraphs 9 (a)–(d), 13 (b) and 17 (a).

On behalf of the Committee, allow me to express appreciation for your letter of 18 December 2018 providing your Government's response on the above-mentioned paragraphs (CAT/C/TLS/CO/1/Add.1) and to make the following comments:

Gross human rights violations including torture committed during the Indonesian occupation and post-referendum period (1975-1999) (para. 9 (a)–(d))

The Committee appreciates the information provided by the State party concerning the awareness-raising campaigns carried out by the National Centre CHEGA, as well as on the advocacy actions planned at the ministerial level in relation to the recommendations of the Commission for Reception, Truth and Reconciliation and the Commission of Truth and Friendship. Nevertheless, the Committee regrets the State party's reluctance to allow the Special Panel for Serious Crimes to be reconvened. It also notes with concern that the database on victims, alleged perpetrators and witnesses compiled by the United Nations Serious Crimes Investigation Team, which was given to the national authorities in 2013, has not yet been made available to the public. The Committee once again calls upon the State party to seek cooperation with the Indonesian authorities in extraditing persons in relation to whom the Special Panel for

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Serious Crimes had issued arrest warrants for crimes including torture, and to enhance efforts in order to ensure criminal accountability for perpetrators of crimes committed in the past (1/C).

Impunity for acts of torture and ill-treatment (para. 13 (b))

The Committee takes note of the information provided by the State party on the progress of investigations concerning allegations of torture and ill-treatment by the police and military in Lalulai-Laga-Baucau and Malina stadium. It regrets, however, the absence of clarity regarding the actual disciplinary sanctions and/or criminal penalties imposed on the perpetrators. Furthermore, the Committee is concerned at the lack of information in the State party's follow-up report on the cases of alleged torture or ill-treatment by police officers in Atauro and Oecusse. Lastly, in light of the State party's statement that providing compensation to victims is the responsibility of the Public Prosecution Service and of the courts and that it is normally negotiated between the perpetrators and victims, the Committee would appreciate receiving a more detailed explanation in this regard (2/B2).

Prompt, thorough and impartial investigations (para. 17 (a))

While taking note of the information submitted with regard to the responsibilities of the Police Forensic and Criminal Investigations (PSIK), the Committee regrets that no explanation has been provided on the measures taken by the State party to guarantee that there is no institutional or hierarchical relationship between the investigators and the alleged perpetrators (1/C).

Implementation plans (para. 48)

The Committee regrets that the State party has not provided information about its plans for implementing, within the coming reporting period, some of all of the remaining recommendations included in its concluding observations (C).

The Government of Timor-Leste is encouraged to provide additional information, if any, which may further contribute to the Committee's analysis of the progress made regarding the specific issues of concern. This additional information may be provided in any subsequent report by the State party pursuant to the Committee's request in its concluding observations on the initial report of Timor-Leste.

The Committee looks forward to a continued constructive dialogue with the authorities of Timor-Leste on the implementation of the Convention.

Accept, Excellency, the assurances of my highest consideration.

Abdelwahab Hani

Rapporteur for Follow-up to Concluding Observations
Committee against Torture