

TIMOR-LESTE

SUBMISSION TO THE
UNITED NATIONS
COMMITTEE ON THE
ELIMINATION OF
DISCRIMINATION AGAINST
WOMEN

62ND SESSION, PRE-SESSIONAL
WORKING GROUP, 9 – 13 MARCH 2015

AMNESTY
INTERNATIONAL



Amnesty International Publications

First published in 2015 by
Amnesty International Publications
International Secretariat
Peter Benenson House
1 Easton Street
London WC1X 0DW
United Kingdom
www.amnesty.org

© Amnesty International Publications 2015

Index: ASA 57/001/2015
Original Language: English
Printed by Amnesty International, International Secretariat, United Kingdom

All rights reserved. This publication is copyright, but may be reproduced by any method without fee for advocacy, campaigning and teaching purposes, but not for resale. The copyright holders request that all such use be registered with them for impact assessment purposes. For copying in any other circumstances, or for reuse in other publications, or for translation or adaptation, prior written permission must be obtained from the publishers, and a fee may be payable. To request permission, or for any other inquiries, please contact copyright@amnesty.org

Amnesty International is a global movement of more than 3 million supporters, members and activists in more than 150 countries and territories who campaign to end grave abuses of human rights.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.

**AMNESTY
INTERNATIONAL**



CONTENTS

Introduction	5
Violence against women- justice, truth and reparation for past violations against women (Articles 2 and 12)	5
Lack of justice	7
Failure to implement Truth Commission recommendations	9
Reparation.....	11

INTRODUCTION

Amnesty International submits the following information to the United Nations (UN) Committee on the Elimination of Discrimination against Women (the Committee) in advance of its 62nd pre-sessional meeting, and the adoption of the list of issues for Timor-Leste's combined second and third periodic report on the implementation of the Convention on the Elimination of Discrimination against Women (the Convention).

The information contained in this submission is drawn from Amnesty International's ongoing research on Timor-Leste and focuses on the lack of justice, truth and reparation for crimes against humanity and gross human rights violations and abuses that occurred during the Indonesian occupation (1975-1999) and in the context of the 1999 referendum.

VIOLENCE AGAINST WOMEN- JUSTICE, TRUTH AND REPARATION FOR PAST VIOLATIONS AGAINST WOMEN (ARTICLES 2 AND 12)

There has been a lack of progress in delivering justice, truth and reparation for crimes against humanity and gross human rights violations and abuses that occurred during the Indonesian occupation of Timor-Leste (then East Timor) between 1975 and 1999. It is estimated that over 100,000 people were killed or starved to death between 1974 and 1999.¹ Crimes against humanity, war crimes and other human rights violations and abuses were most acute during the Indonesian occupation, including unlawful killings, enforced disappearances, arbitrary detention, torture and other ill-treatment, rape and other forms of sexual violence, violations of the rights of the child, and violations of economic, social and cultural rights. The overwhelming majority of these violations, perpetrated mostly by the Indonesian security forces and their auxiliaries, have yet to be addressed.

Further, at least 1,200 people died in the lead-up to and aftermath of Timor-Leste's

¹ Section 6 Part 6: The Profile of Human Rights Violations in Timor-Leste, 1974 to 1999 in the Commission for Reception, Truth and Reconciliation (CAVR) report, *Chega!*, 2005, Weblink: <http://www.cavr-timorleste.org/cheгаFiles/finalReportEng/06-Profile-of-Violations.pdf>, accessed on 29 January 2015. The report of the CAVR covers the period from 1974 to 1999; however, the Indonesian invasion and subsequent occupation started in 1975.

independence referendum in 1999, overseen by the UN. The polls were marred by serious human rights violations, including crimes against humanity, at the hands of pro-Indonesian militias backed by the Indonesian military. These violations included unlawful killings, enforced disappearances, sexual violence, arbitrary arrests, threats and intimidation of the Timorese people.

Women and girls suffered a range of human rights abuses during the Indonesian occupation which has been well documented by the Commission for Reception, Truth and Reconciliation in East Timor (*Comissão de Acolhimento, Verdade e Reconciliação, CAVR*), mandated to document crimes against humanity and other human rights violations which occurred between 1974 and 1999.²

The CAVR found that members of the Indonesia security forces were involved in widespread and systematic rape and other forms of sexual violence against women in Timor-Leste. The Commission documented 853 reported instances of sexual violations.³ Women and girls detained inside official Indonesia military installations were subjected to torture. They were repeatedly raped by numerous members of the Indonesian security forces. Some had their sexual organs mutilated while others experienced the application of electric shocks to their genitals, breasts and mouths or had objects inserted into their vagina and anus.

The CAVR also found that women and girls were forced into situations of sexual slavery during the occupation. Women were sometimes detained for many months and were often raped daily. They were not free to move about or travel and were passed from an officer to his replacement when finishing his tour of duty. In some situations women became pregnant and gave birth to children of different officers.⁴

Women and girls not only suffered as direct victims of human rights violations, but indirectly as family members of those who were killed and disappeared. Many were forced to assume the role of economic provider and primary caregiver for the family. Women and girls whose family members were disappeared experience an ongoing human rights violation as the fate and whereabouts of their loved ones remains unknown.

² The CAVR resulted from discussions at a meeting in June 2000 with representatives of East Timorese civil society, the Catholic Church and community leaders on transitional justice mechanisms, supported by the UNTAET Human Rights Unit. It was set up in 2001 through UNTAET Regulation 2001/10. See the CAVR report, 'Chega!' 2005, Weblink: <http://www.cavr-timorleste.org/en/cheгаReport.htm>, accessed on 17 December 2014.

³ The CAVR, in taking statements from almost 8000 people regarding human rights violations from 1974 to 1999, documented 853 cases of sexual violence, of which 43 per cent constituted rape and 93 per cent were attributed to the Indonesian security forces while the rest were attributed to members of the by members of the resistance movement (3.3 percent) and others (4 percent). See Chapter 7.7: Sexual Violence in the Commission for Reception, Truth and Reconciliation (CAVR) report, *Chega!*, 2005, Weblink: <http://www.cavr-timorleste.org/cheгаFiles/finalReportEng/07.7-Sexual-Violence.pdf>, accessed on 7 January 2015.

⁴ See Chapter 7.7: Sexual Violence in the Commission for Reception, Truth and Reconciliation (CAVR) report, *Chega!*, 2005, Weblink: <http://www.cavr-timorleste.org/cheгаFiles/finalReportEng/07.7-Sexual-Violence.pdf>, accessed on 17 December 2014 and Post CAVR Technical Secretariat, *Cheга: The final report of the Timor-Leste Commission for Reception, Truth and Reconciliation (CAVR), A Plain Guide*, Post CAVR Technical Secretariat in cooperation with STP-CAVR, 2013. p.41-42.

Survivors of sexual and gender-based violence in Timor-Leste continue to experience social stigma and ostracism resulting in feelings of 'shame', as well as difficulties in talking about these violations.⁵

LACK OF JUSTICE

Attempts to bring perpetrators of past crimes to justice in Timor-Leste have been insufficient. In 2000, the UN established the Serious Crimes Unit (SCU) and Special Panels for Serious Crimes in Timor-Leste, mandated to investigate and prosecute crimes against humanity and other gross human rights violations that occurred in Timor-Leste only between 1 January and 25 October 1999.⁶ The Special Panels were given jurisdiction over both international and domestic crimes⁷, with each category dealing with sexual offences against women.

The Special Panels, consisting of both international and Timorese judges, conducted 55 trials involving 87 defendants, of whom 85 were found guilty.⁸ However, all those tried were low-level perpetrators. In May 2005, the activities of the SCU and the Special Panels were effectively terminated, despite not having completed their work.⁹ Furthermore, over 300 individuals indicted by the Special Panels were believed to be living in Indonesia and therefore outside the territorial jurisdiction of Timor-Leste. The Indonesian authorities refused to co-operate with the UN-sponsored justice system in Timor-Leste and to extradite their nationals suspected of crimes against humanity to stand trial in Timor-Leste.

In 2006, the UN established the Serious Crimes Investigation Team (SCIT), which effectively started in 2008. Unlike the preceding SCU, the SCIT, mandated to complete investigations of serious crimes committed in 1999, had no prosecutorial functions. At the end of 2012, the SCIT was shut down before it could fully complete its investigations.¹⁰ All investigations were subsequently handed over the Timor-Leste Prosecutor General.

⁵ Asia Justice and Rights (AJAR), *Remembering My Beloved, Remembering My Pain: Victims of atrocities collect photographs and stories to push for change*, (AJAR, *Remembering My Beloved, Remembering My Pain*), 2013, p.34-37, Weblink: <http://asia-ajar.org/files/REMEMBERING%20MY%20BELOVED%20...%20---%20WEB.pdf>, accessed on 7 January 2015.

⁶ See UNTAET Regulation 2000/15 on the Establishment of Panels with Jurisdiction over Serious Criminal Offences, (UN Doc. UNTAET/REG/2000/15), 6 June 2000. (UNTAET Regulation 2000/15).

⁷ For sexual offences as a domestic crime, the Indonesia Criminal Code applies. Amnesty International has expressed concerns about the inadequate definition of rape in the Criminal Code that does not meet current international standards. It limits rape to "sexual intercourse" of females only, excludes rape in marriage and requires the use or threat of force. See *Amnesty International, Indonesia: Briefing to the UN committee on the elimination of discrimination against women* (Index: ASA 21/022/2012), Section 4.1 Gender-based violence and the law and Section 4.3 Gender sensitive procedures for crimes of gender-based violence.

⁸ See Report of the Secretary-General on justice and reconciliation for Timor-Leste, (UN Doc: S/2006/580), Weblink: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N06/446/74/PDF/N0644674.pdf>, p3, accessed on 30 January 2015.

⁹ When the Serious Crimes Unit was closed there remained 186 murder cases which had been investigated but for which no one had been indicted, and over 400 murder cases yet to be investigated.

¹⁰ SCIT completed 311 investigations during its time in operation. Amnesty International understands that approximately 60 cases remained uncompleted when the unit closed in December 2012.

Amnesty International has not been able to undertake a full gender analysis of all the indictments and prosecutions that have taken place via the serious crimes process. The organization is aware of only eight indictments issued by the serious crimes process for crimes of rape and other forms of sexual violence committed in 1999 that went before the courts.¹¹ Of these, only one case relating to charges of rape as a crime against humanity before the Special Panels led to a conviction (Lolotae, Case: 4/2001). In this case José Cardoso (Mouzinho), a former militia leader, was sentenced to 12 years' imprisonment in April 2003 while two others, Jhoni Franca and Sabino Leite, pled guilty and received five and three-year sentences respectively¹². José Cardoso was released after a presidential pardon in 2010.¹³ In two other cases before the Special Panels of persons accused of rape (as a domestic crime), one resulted in a conviction of a former militia commander and a sentence of four years' imprisonment in 2002¹⁴ (Soares: Case 14/2001) while the other was dismissed for lack of jurisdiction as it occurred in West Timor (Kasa, Case: 11/2000)¹⁵. In a fourth case (Mau Buti: 8/2004) that went to trial before the Special Panels, the accused, Domingos Mau Buti was acquitted for rape as a crime against humanity but found guilty of manslaughter.¹⁶

In Indonesia, an ad hoc human rights court prosecuted 18 individuals in Indonesia for crimes committed in Timor-Leste in 1999. All have been acquitted in proceedings which have been

¹¹ Leonardus Kasa (11/2000); Lolotae Case (4A/2001); Francisco Soares (14/2001); Atabae Case (Accused at large) 8/2002; Egedio Manek (Accused at large) 9/2003; Erminghindo L Soares and others (Accused at large) 15/2003; Domingos Mau Buti aka Domingos Noronha and another (acquitted for rape) 8/2004 and Ermera (Accused at large) (12/2004).

¹² The two militia commanders, Cardoso and Franca, were accused of illegal imprisonment, murder, torture, rape, persecution and inhumane treatment of civilians. They were alleged to have maintained a 'rape house' where three women related to suspected Falintil guerrillas were raped repeatedly from May to July 1999. On 5 April 2003, Cardoso was convicted of murder, torture, imprisonment and other inhuman acts and sentenced to 12 years' imprisonment. See Irena Cristalis and Catherine Scott, *Independent women: The story of women's activism in East Timor* (Irena Cristalis and Catherine Scott, *Independent women: The story of women's activism in East Timor*), Progressio, London, 2005, p97.

¹³ See AJAR, *Remembering My Beloved, Remembering My Pain*, 2013, p.25, Supra No5

¹⁴ Francisco Soares, a former militia commander, was sentenced to four years imprisonment in September 2002 for raping a woman taken from the Indonesian military base 744 in Becora in September 1999 (Case Number: 14/2001). See Irena Cristalis and Catherine Scott, *Independent women: The story of women's activism in East Timor*, p96, Supra No12.

¹⁵ Leonardus Kasa, an alleged member of Laksaur militia from Cova Lima district, was indicted in December 2000 with one charge of rape of a woman in Betun village, West Timor, in September 1999. At the preliminary hearing in February 2001, the Defence claimed that the Special Panel lacked jurisdiction to hear the case. They insinuated that the alleged rape occurred outside the territory of East Timor and the sex was consensual, it should be classified as adultery, which is not a serious crime. On 9 May 2001 the Special Panel declared that it had no jurisdiction in the case. See Rimmer, Susan Harris. "Wearing his Jacket: A Feminist Analysis of the Serious Crimes Process in Timor-Leste". *Australian International Law Journal*, Vol. 16, 2009, p88.

¹⁶ Domingos Mau Buti was indicted for three counts of crimes against humanity: murder, attempted murder and rape committed in 1999. In 2010 he was found guilty under Article 338 of the Indonesian Criminal Code for manslaughter and sentenced to 16 years imprisonment. See [ICTJ, "Prosecutions of Crimes Against Humanity in Timor-Leste: A Case Analysis", Weblink: <http://www.ictj.org/publication/prosecutions-crimes-against-humanity-timor-leste-case-analysis>, accessed on 5 January 2015.

severely criticized as fundamentally flawed.¹⁷ Despite findings of sexual enslavement and rape by an Indonesian National Commission of Inquiry on Human Rights Violations in East Timor (*Komisi Penyelidik Pelanggaran HAM di Timor Timur, KPP HAM*), set up by the National Human Rights Commission (Komnas HAM) in September 1999, no charges relating to these crimes were taken forward by the Indonesian Attorney General.¹⁸

Further, no one from the Indonesia security forces has been prosecuted for rape and other forms of sexual violence against women and girls during the 1999 referendum in Timor-Leste.¹⁹

In a further setback for justice efforts, the Timor-Leste parliament and government arbitrarily terminated the contracts of foreign judicial officers and judicial advisors in October 2014.²⁰ In November, the UN Special Rapporteur on the independence of judges and lawyers raised concerns that this move represented “a serious interference in the independence of the judiciary” and “may also have a chilling effect on national members of the judiciary”.²¹ Further, this decision has created uncertainty about the prosecution of those accused of crimes against humanity and gross human rights violations committed in 1999, including crimes of sexual violence against women and girls, as the law requires that the panels set up to consider these crimes comprise of two international judges.²²

FAILURE TO IMPLEMENT TRUTH COMMISSION RECOMMENDATIONS

Two mechanisms were established to uncover the truth about past human rights violations in

¹⁷ All 18 defendants originally tried for crimes (murder & persecution) committed in Timor-Leste during 1999 by the ad hoc Human Rights Court in Jakarta were acquitted by the Human Rights Court or later on appeal. The UN Commission of Experts concluded in May 2005 that “the judicial process before the Ad Hoc Court was not effective in delivering justice for the victims of serious violations of human rights ... Many aspects of the ad hoc judicial process reveal scant respect for or conformity to relevant international standards”. See the UN Commission of Experts report, “Report to the Secretary-General of the Commission of Experts to Review the Prosecution of Serious Violations of Human Rights in Timor-Leste (the then East Timor) in 1999” (UN Document S/2005/458), 26 May 2005, p6, Weblink: http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2005/458, accessed on 7 January 2015.

¹⁸ The Indonesia Commission of Inquiry (KPP-HAM) concentrated on a number of primary cases during the period from January 1999 to September 1999. See David Cohen, “The Trials Before the Ad Hoc Human Rights Court in Jakarta”, UC Berkeley War Crimes Studies Center, 2003, p18-21, Weblink: <http://www.ictj.org/publication/intended-fail-trials-ad-hoc-human-rights-court-jakarta>, accessed on 7 January 2015.

¹⁹ Due to lack of cooperation from Indonesia in handing over suspects still in Indonesian territory, the Special Panels were forced to focus prosecution on Timorese nationals in particular pro-Indonesian militias backed by the Indonesian military.

²⁰ See Amnesty International, *Victims’ rights and independence of judiciary tainted by arbitrary removal of judicial officers* (Index: ASA 57/003/2014), Weblink: <http://www.amnesty.org/en/library/info/ASA57/003/2014/en>, accessed on 17 December 2014.

²¹ UN News Centre, “Timor-Leste: UN expert warns dismissal of judicial officials may have ‘chilling effect’”, Weblink: <http://www.un.org/apps/news/story.asp?NewsID=49442#.VKpQmiusWvF>, accessed on 7 January 2015.

²² See Section 22: Composition of the Panels in UNTAET Regulation No. 2000/15 of 6 June 2000 on the Establishment of Panels with Exclusive Jurisdiction Over Serious Criminal Offences as kept in force by Article 3 of the Timor-Leste Criminal Procedure Code, Decree Law No.13/2005.

Timor-Leste. In 2001, the Timorese government set up the Commission for Reception, Truth and Reconciliation in East Timor (CAVR) to document crimes against humanity and other human rights violations which occurred between 1974 and 1999. In 2005, the CAVR published the 2,800-page '*Chega!*' (literally 'no more, stop, enough') report.²³ Although the report was officially transmitted to Timor-Leste Parliament in November 2005 it has yet to publically debate the reports' findings and recommendations.

Further, the Commission of Truth and Friendship (CTF) was set up by the governments of Indonesia and Timor-Leste in 2005 to "establish the conclusive truth in regard to the events prior to and immediately after the popular consultation in 1999, with a view to further promoting reconciliation and friendship, and ensuring the non-recurrence of similar events".

The CTF report published in 2008 recommended, among other things, that the Indonesian and Timorese governments work together to establish a "survivor healing programme", particularly for survivors of rape and other crimes of sexual violence; and for the Indonesian government to acknowledge and apologise for the harm caused in 1999. To date, the two governments have largely failed to implement many of these recommendations.

It is estimated by the CAVR that around 18,600 people were killed or disappeared in Timor-Leste between 1974 and 1999. 669 counts of unlawful killings and 80 counts of disappearances of women were reported to the CAVR.²⁴ Furthermore, several thousand children are believed to have been sent to Indonesia during this period without the consent of their parents or under coercion.²⁵ Both the CAVR and the CTF reports recommended that the Indonesian and Timorese governments work together to establish the fate and whereabouts of the missing and disappeared. The CTF report specifically recommended the establishment of a Commission for Disappeared Persons to undertake this role.²⁶

In October 2011, Regulation No. 72/2011 was issued by the Indonesian President on an Action Plan for the Implementation of the Recommendations of the CTF which included the setting up of a Commission for Disappeared Persons. However, such a commission has yet to be established.

Amnesty International is aware that there have been bilateral meetings between the two

²³ The '*Chega!*' report comprises details of crimes committed by the Indonesian security forces and the Timorese armed opposition movement. It highlights violations by both Indonesian and East Timorese people who were serving in the Indonesian military and police. In their report, the CAVR Commissioners emphasize the need for justice for past crimes, and the role of the UN Security Council and the Timor-Leste and Indonesian governments in ensuring that accountability for past crimes is upheld.

²⁴ See Galuh Wandita, Karen Campbell-Nelson, and Manuela Leong Pereira, "Learning to Engender Reparations in Timor-Leste: Reaching Out to Female Victims," in Ruth Rubio Marin, Ed., *What Happened to the Women? Gender and Reparations for Human Rights Violations*, New York: International Center for Transitional Justice, 2006, p. 291.

²⁵ See Report of the Working Group on Enforced or Involuntary Disappearances: Addendum - Mission to Timor-Leste (UN Doc: A/HRC/19/58/Add.1), 26 December 2011, Weblink: http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session19/A-HRC-19-58-Add1_en.pdf, accessed on 7 January 2015.

²⁶ Final report of the Commission of Truth and Friendship Indonesia and Timor-Leste: Per Memoriam Ad Spem, recommendation 5, p303, Weblink: <http://www.chegareport.net/wp-content/uploads/2014/10/CTF-report-English-Version.pdf>, accessed on 7 January 2015.

countries on the CTF recommendations and discussions on setting up a technical working group to implement the recommendations. Further, there have also been some initiatives to reunite Timorese children, who were separated in 1999, with their parents. However, the organization is concerned that to date, the whole process has lacked transparency and non-governmental organizations in Timor-Leste and Indonesia have not been consulted or provided with adequate information.²⁷

Further, in Timor-Leste, a bill establishing a “Public Memory Institute”, mandated to implement the recommendations of the CTF and the CAVR, has yet to be debated since it came before Parliament in September 2010. Such a body would offer an avenue to undertake a search for the disappeared and missing persons.²⁸

A number of amendments are however required to the bill to ensure the independence of the Public Memory Institute and to further define the composition and expertise required of members of the Governing Board and staff, including specifying a requirement for a gender balance.²⁹

REPARATION

For many years, civil society groups, victims and relatives in Timor-Leste have called for full and effective reparation for all past human rights violations, including gender based violence. Both the Commission for Reception, Truth and Reconciliation in East Timor (CAVR) and the Commission of Truth and Friendship (CTF) have recommended that reparation be provided for victims and relatives of victims of these human rights violations.

While the CAVR provided some urgent reparation to the “most severely disadvantaged and vulnerable victims”³⁰ when it operated, this was extremely limited. Further, while there have

²⁷ See Amnesty International, *Governments must expedite establishing fate of the disappeared* (Index: ASA 57/001/2014), Weblink: <http://www.amnesty.org/en/library/info/ASA57/001/2014/en>, accessed on 17 December 2014.

²⁸ The draft law defines the functions of the Public Memory Institute, which includes: “[t]o support the Government in matters relating to disappearances and missing persons” and “[t]o establish, manage and update a central database on disappearances and missing” (Article 5), Unofficial translation of Draft Law Establishing the Public Memory Institute, on file with Amnesty International.

²⁹ At present the Bill does not ensure that women will be adequately included in the development and implementation of the Public Memory Institute’s work, or represented on its Governing Body and staff. In particular, there is no requirement for a balance of women and men on the Governing Board under Article 9, or a requirement under Article 10 for members to have gender expertise. Although the requirements of Governing Board members in Article 10(1) contain many important elements, it should be further expanded to ensure that its members have complementary experience and expertise to perform its functions, including experience in dealing with victims of serious crimes, including traumatized victims, victims of sexual and gender-based violence and child victims. See Amnesty International, *Remembering the past: Recommendations to effectively establish the “National Reparations Programme” and “Public Memory Institute”* (Amnesty International, *Remembering the past*), pp15-16, Weblink: <http://www.amnesty.org/en/library/info/ASA57/001/2012/en>, accessed on 20 January 2014.

³⁰ Beneficiaries of the programme were identified from among those whom the CAVR teams had come into contact with through their truth-seeking and reconciliation work. Primary beneficiaries were direct survivors of human rights violations such as rape, imprisonment and torture, as well as those who

been social assistance programmes provided by the authorities for “vulnerable groups”, including some victims of human rights violations, this was not linked to an acknowledgement of the violations they had suffered.

Survivors of sexual violence committed during the Indonesian occupation continue to feel abandoned and require medical attention to address trauma and reproductive health issues. Many face significant and persistent problems of social ostracism.³¹ Further, many women and girls have had limited access to medical, psychological, sexual, reproductive, and mental health services or treatment since the conflict ended.

In July 2010, a bill to establish a National Reparation Programme was submitted to the Parliament of Timor-Leste. Amnesty International welcomed the submission of this bill in as an important, long-overdue step towards addressing the suffering of victims of human rights violations committed under Indonesian occupation and in the context of the 1999 independence referendum.³² The bill included strong provisions on gender so that the different experiences of men and women, girls and boys can be taken into account.

However, debate on the bill has faced continued delays. The continued failure to debate, amend and pass this law contributes to impunity and injustice in Timor-Leste and raises further serious questions about the willingness of the Timorese authorities to ensure reparation for past crimes.

Further, the bill requires significant amendments to fully implement victims’ rights to an effective remedy, including full reparation required by international human rights law – most notably under the UN Basic Principles and Guidelines on the Right to an Effective Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (UN Basic Principles and Guidelines).

Specifically, the bill does not go into much detail on what the Reparations Programme will offer to women and how it will counteract the gender discrimination that contributed to the violations they suffered and may continue to suffer. It also does not provide specific reparation measures, such as guarantees of non-repetition that could prevent the continuing targeting of women for these same violations. Nor does it address the recommendation in the CAVR report that “at least 50 [per cent] of programme resources be directed to female beneficiaries.”

Article 8 of the National Reparations Programme Bill on non-discrimination does not refer to discrimination on the ground of gender. And the contents of the National Reparations Programme set out in Article 9 does not provide for any gender-specific measures to improve the lives of women victims.

Amnesty International has called on the Timor-Leste parliament to provide for specific measures to ensure that women can access effective reparation, including challenging the

suffered indirectly through the abduction, disappearance or killing of family members. See Section 10.3.4 Urgent reparations in the in the Commission for Reception, Truth and Reconciliation (CAVR) report, *Chega!*, 2005, Weblink: <http://www.cavr-timorleste.org/cheqaFiles/finalReportEng/10-Acolhimento-and-Victim-Support.pdf>, accessed on 17 December 2014.

³¹ See AJAR, *Remembering My Beloved, Remembering My Pain*, p.23-31.

³² See Amnesty International, *Remembering the past*, p5, Supra No 29

stigma and discrimination experienced by survivors of sexual violence and gender stereotypes that underlie violence against women.³³

Further, the lack of reparation for victims of human rights violations during the Indonesian occupation is in contrast to compensation given for victims of the 2006 violence³⁴ and a generous program of assistance to veterans of the resistance movement.³⁵

The governments of Timor-Leste and Indonesia should also fulfil their responsibilities to ensure that victims are provided with full and effective reparation to victims of past human rights violations, including gender-based violence, to address the harm they have suffered. In particular, a trust fund should be established by the Timor-Leste government to provide a comprehensive reparation programme for victims of past crimes (1975-1999) as recommended by the CAVR and CTF reports. The international community should support and make contributions to the fund, in particular the Government of Indonesia whose security forces and agents committed crimes against humanity and gross human rights violations during its occupation of Timor-Leste and in 1999.

³³ See Amnesty International, *Remembering the past*, pp10-12, Supra No29.

³⁴ In March 2006, around 600 soldiers, more than a third of the Timor-Leste armed forces, were dismissed after protesting over discrimination and poor conditions of work. Violent confrontations between the sacked soldiers and their supporters, the armed forces and the police broke out throughout April and May in the capital, Dili. An estimated 38 people were killed and some 150,000 people displaced.

³⁵ See "Concept Paper on a National Reparations Program for Timor-Leste" submitted to Parliamentary Committee A in July 2008 by the joint working group on reparations comprising Fokupers, Hak Association, ICTJ, the office of the Ombudsman for Human Rights and Justice (*Provedor de Direitos Humanos e Justiça*, PDHJ), Post-CAVR Technical Secretariat and UNMIT's Human Rights and Transitional Justice Section.

AMNESTY
INTERNATIONAL



www.amnesty.org