



The Truth and Friendship Commission

Timor Leste

Source: Clinton Fernandes, Associate Professor, International and Political Studies Program, UNSW Australia | February 2015

The Truth and Friendship Commission (TFC) was formed in December 2004 by the governments of Indonesia and East Timor with a mandate to “establish the conclusive truth” regarding the events of 1999. Behind these high-minded words lay some unpleasant realities. The TFC’s formation reflected the fact that no international tribunal had been established despite recommendations to that effect in 1999 by the UN-appointed International Commission on Inquiry into East Timor and by three United Nations thematic Special Rapporteurs. Furthermore, the Ad Hoc Human Rights Court in Jakarta was described by a UN Commission of Experts in 2005 as “manifestly inadequate with respect to investigations, prosecution and trials,” “failed to deliver justice” and was “indicative of the lack of political will in Indonesia to seriously and credibly prosecute the defendants.” Meanwhile, an independent East Timor needed Indonesia’s help to join ASEAN and Indonesia needed East Timor to rehabilitate its international image after its war crimes and crimes against humanity.

East Timor’s Foreign Minister, Jose Ramos-Horta, had proposed an “International Truth and Reconciliation Panel” that would be composed of eminent persons, preferably from Asia and not limited to Indonesia and East Timor. It would “establish the truth of the 1999 events,” “identify those responsible, naming names, and without demanding a trial.” It would submit its report to the UN Secretary-General for consideration by the Security Council. Indonesia responded by engineering the Truth and Friendship Commission, which would not be established by a United Nations Resolution, as originally intended, but by bilateral agreement between Indonesia and East Timor. It would have no power to compel testimony (or even the attendance) of witnesses. It would have no power to compel the production of documentary evidence. It would have no institutional independence from the governments of either Indonesia or East Timor. Its composition would be limited to Indonesia and East Timor. It would focus only on 1999, not on the

previous 23 years of occupation. It would be unable to determine individual responsibility. It would have the power to recommend amnesties – an obvious way to absolve those who bore greatest responsibility for war crimes and crimes against humanity. It was as though an inquiry had decided to assign responsibility for the Holocaust without mentioning Hitler, and focused only on the last few months of World War II.

Human rights organizations and other civil society groups in Indonesia and East Timor objected to the TFC, with some calling it “Timor Fried Chicken.” The United Nations boycotted the TFC’s proceedings altogether, saying it did not condone amnesties regarding war crimes, crimes against humanity and genocide. Officials of the United Nations did not testify at its proceedings or take any steps to support its work. The TFC was also in violation of Indonesia’s and East Timor’s constitutions. The former requires Indonesia’s House of Representatives to approve international agreements such as that establishing the TFC, and the latter requires ratification or approval followed by publication in the official gazette. Neither occurred.

The sustained international criticism had an effect; the TFC did not recommend amnesties. It found that the Indonesian military, the Indonesian civilian government and anti-independence militias bore institutional responsibility for thousands of “gross human rights violations in the form of crimes against humanity” including “murder, rape, and other forms of sexual violence, torture, illegal detention and forcible transfer and deportation” against the East Timorese civilian population. Indonesia’s President, Susilo Bambang Yudhoyono, accepted the TFC’s report in 2008 but did not apologise for war crimes or crimes against humanity. Justice for East Timor remains an unfulfilled obligation.



Further reading:

Hirst, Megan. *Too much friendship, too little truth: monitoring report on the Commission of Truth and Friendship in Indonesia and Timor-Leste*. Jakarta: International Center for Transitional Justice, 2005.

Hirst, Megan. *An unfinished truth: an analysis of the Commission of Truth and Friendship's final report on the 1999 atrocities in East Timor*. Jakarta: International Center for Transitional Justice, 2009.

