

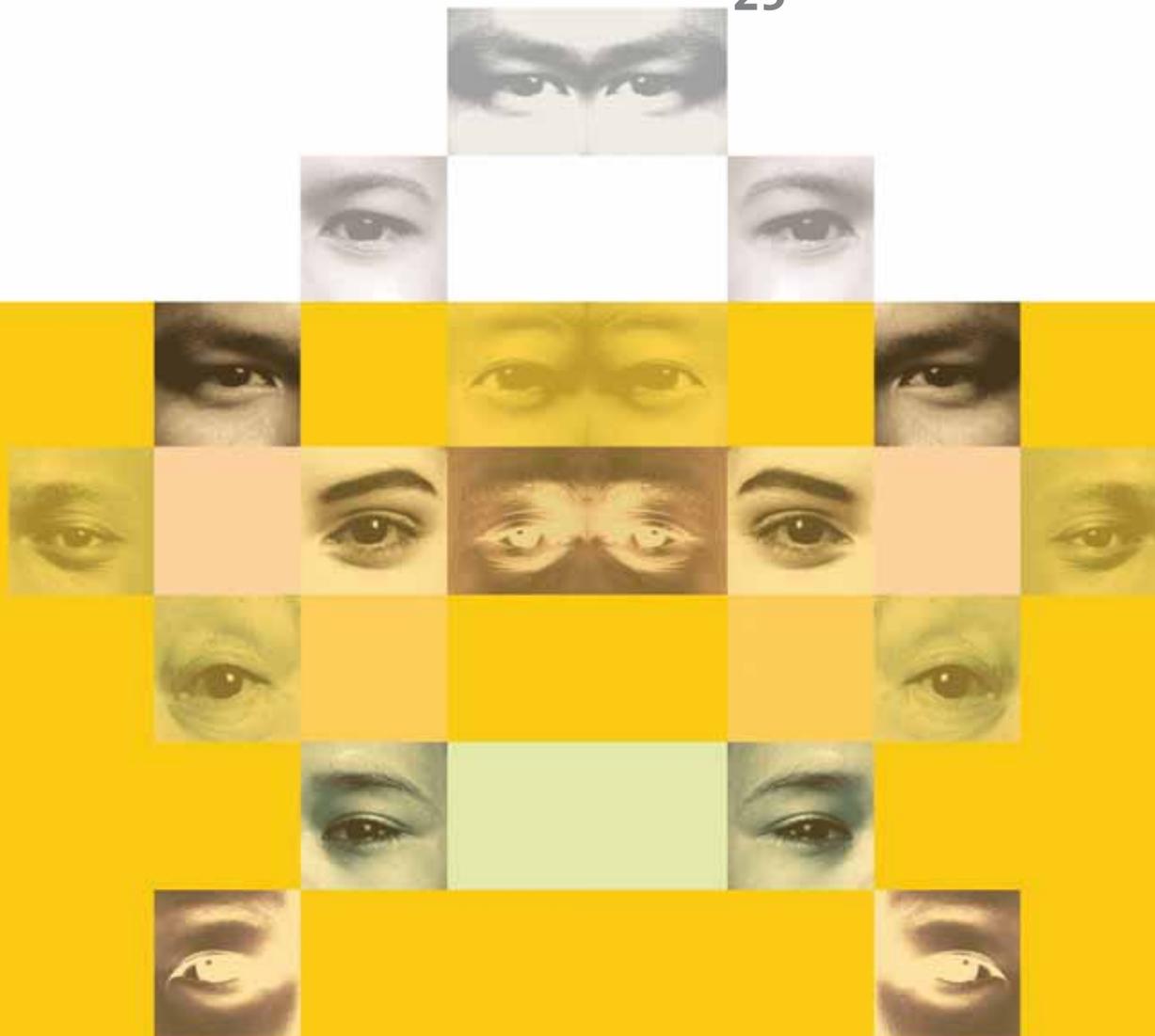
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Monika Schlicher
**East Timor Faces
up to its Past**
The Work of the Commission
for Reception, Truth and
Reconciliation



The Human Rights Office aims to promote awareness of human rights violations in the countries of Africa, Asia and Oceania. In pursuit of this objective we are actively involved in human rights networking and foster exchanges between **missio's** church partners in Africa, Asia and Oceania and church and political decision-makers in the Federal Republic of Germany. This *Human Rights* series comprises country-by-country studies, thematic studies and the proceedings of specialist conferences.

The ending of the Indonesian tyranny in East Timor has ushered in a period of peace in which efforts are being made to overcome divisions and achieve lasting reconciliation. Manuel Abrantes of the *Justitia et Pax* Commission considers overcoming the culture of violence to be one of the biggest challenges facing society in East Timor. To this end a Truth and Reconciliation Commission, set up with the help of the Catholic Church, began its work in January 2002. The Commission set itself the task of investigating the human rights crimes committed from April 1974 up to the withdrawal of the Indonesian army in October 1999. The study **East Timor Faces up to its Past – The Work of the Reception, Truth and Reconciliation Commission** illustrates the difficulties East Timor is encountering in coming to terms with the past and explains how the work of the Commission relates to the legal processes in the country. National hearings on issues of overriding importance are used to demonstrate the history of the conflict. The Truth Commission was widely accepted in East Timor and active throughout the country. It nurtured the hope that the healing of old wounds would contribute in a substantial way to the rebuilding of society. The Truth Commission deserves great credit for giving people an opportunity to talk for the first time about events and crimes of the past and enabling them to provide each other with information about what happened. This led to public recognition of the victims' sufferings and threw light on what motivated the perpetrators. The Commission heard testimony from over 7,500 victims, witnesses and perpetrators and conducted over 1,400 reconciliation processes.

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General Information on East Timor

Country name	Democratic Republic of Timor-Leste (Portuguese: República Democrática de Timor-Leste; Tetum: Timor Loro Sa'e)
Area	18,889 sq. km., with the Oecussi enclave (2,461 sq km) in the western part of the island of Timor (33,600 sq km) as well as the islands of Atauro (144 sq km) and Jaco (8 sq km)
Population	924,642 (July 2004 census), 2001 census: 787,338, 49.4 % female, 50.6% male
Population growth	17.4%, about half the population is under the age of 15
Poverty	Around 40% of the population live below the absolute poverty line of US\$1 a day; some 90% of the population work in agriculture. East Timor is currently the poorest country in South-East Asia and ranks among the world's 20 poorest countries.
Life expectation	57 years
Illiteracy rate	Around half the population cannot read or write. Among women the figure is about 65%; 80% of children of school age now attend school.
Languages	National languages: Portuguese and Tetum Working languages: Indonesian and English
Independence	20 May 2002
Form of government	Parliamentary democratic republic
President	Kay Rala Xanana Gusmão
Prime Minister	Mari Alkatiri (Fretilin), since 20 September 2001
Religions	Approx. 90% Catholics, small Protestant, Muslim, Buddhist and Hindu minorities

I. Introduction

Sometimes I get so angry I could go crazy and what I want most of all would be to have all the perpetrators killed. And then, at other times, I think: but my husband is dead, nothing can bring him back, not even revenge.¹

Like this widow from Bobonaro, almost every family in East Timor had cause to grieve during the 24-year Indonesian occupation. Between 200,000 and 250,000 people – a third of the population – died as a result of the war, victims of hunger, epidemics and brutal persecution by Indonesian soldiers. Pro-Indonesian militia groups murdered some 1,500 people in 1999. Yet all this physical and mental suffering failed to crush the determination of the people of East Timor to achieve independence. Families were torn apart and loved ones lost or forced to take part in atrocities. Women and girls were often raped in front of their families or the village community. Many returned broken from the torture chambers; some disappeared for ever. Indonesia created a climate of fear and terror in East Timor. The security forces systematically applied the principle of divide and rule, thus splitting society. They used torture or the threat of it to press people into their service, persuading others to join them by holding out the promise of money and influence. Many volunteered to serve the new rulers. The human rights violations committed during the civil war in 1975 rank among the darkest chapters in East Timorese history.

East Timor's independence on 20 May 2002 marked the end of a long conflict which has only in recent years received the attention it deserves in the international community and the international public arena. For decades Indonesia flouted human rights without the world at large intervening. For 24 years people fought against foreign domination by Indonesia, putting up fierce and courageous resistance to daily terror and oppression in the cause of a life in peace that would be free of violence. It was due solely to the resistance shown by the East Timorese and the legal activities undertaken by human rights groups and church organisations that the wall of pragmatism and ignorance built up by the international community in response to the conflict was finally scaled. The award of the Nobel Peace Prize to Bishop Belo and the politician, José Ramos-Horta, in 1996 marked a cautious revision of foreign policy towards Indonesia.

The way to a political solution of the conflict was paved by the shift in the international balance of power after the end of the Cold War and, in particular, by the enforced resignation in May 1998 of President Suharto, who had ruled Indonesia with an iron hand for 32 years. An overwhelming majority of 78.5 per cent of East Timorese voted for separation from Indonesia in a referendum

held by the United Nations on 30 August 1999. This victory was achieved at immense cost, however. Months beforehand, pro-Indonesia militia groups had launched a campaign of terror and intimidation against the civilian population so that it would not dare to vote for independence. The militia groups acted as stooges of the Indonesian army, which organised and equipped them. These were the same security forces that had been charged with creating a climate free of violence and intimidation as part of the UN agreement to resolve the conflict. The militias carried out massacres that attracted international attention. There were countless instances of murder, rape, intimidation and other atrocities. The violence reached its peak when the pro-Indonesian side was forced to concede defeat. The militia groups razed whole areas to the ground, forcing hundreds of thousands to flee to neighbouring West Timor. At least one thousand people were killed at this time. Alarmed by the events, the UN and the international community urged the Indonesian government to agree to the deployment of a multinational peacekeeping force. When the International Force for East Timor (INTERFET) landed in East Timor on 20 September 1999, the capital Dili was in flames, 70% of the country had been destroyed and the population had either fled their villages or been driven into West Timor. East Timor subsequently lived under temporary UN administration until independence.

Parts of the destroyed infrastructure have been rebuilt with international assistance. But the country still has a long way to go before all East Timorese can lead a life not just in freedom but in peace and justice. The building of a society of lasting peace will entail coming to terms with the burdened past, which will be a major challenge. "Regimes based on violence and injustice leave an inheritance of long-term consequences among the people and societies affected. Despite its considerable influence on current trends, the destructive potential of its heritage is frequently underestimated in considering the deceptive 'return to normality'."²

To counteract this destructive potential, a National Commission for Reception, Truth and Reconciliation in East Timor (Comissão de Acolhimento, Verdade e Reconciliação de Timor Leste, CAVR) was set up with the help of the Catholic Church in East Timor. It began its work in January 2002. As we shall see, East Timor's Truth Commission has a number of special features that distinguish it from other commissions of this kind. It set itself the task of investigating the human rights crimes committed from April 1974 up to the withdrawal of the Indonesian armed forces in October 1999. The aim was to achieve reconciliation through justice. The victims were to be given an opportunity to speak out on the violations they had suffered and justice was to be done to them – in the form of a public apology, material compensation or legal punishment. The offenders,

many of whom were still in West Timor, were to be given a chance to reintegrate into society. *We want to learn from the lessons of the past so that we will be able to prevent similar tragedies in the future. At the same time, we wish to open the door of forgiveness and acceptance to those who were caught up in the vicious cycle of violence,* said Foreign Minister, José Ramos-Horta, during the official inauguration of the Commission.³

The present report accompanies East Timor on the difficult road to an appraisal of the past.⁴ First a description is given of the work of the Truth Commission in all its many facets and an explanation provided of how it related to the processes of legal investigation. The report focuses on the public hearings on issues of overriding importance, such as political prisoners, violence against women, hunger and deportation, massacres and civil war, which are used to illustrate the history of the conflict in the country. Any attempt to provide a more thorough analysis of the work of the Truth Commission and give answers to all the ensuing questions would exceed the limits of this study. Processes of appraisal are lengthy in nature and every society has to find its own way of handling them. The Truth Commission in East Timor has launched a process of reconciliation in society. Only time will tell how far the country proceeds down that road and how sustainable the processes of reconciliation will be.

II. Handling the burdened past in East Timor: criminal prosecution and reconciliation

The prospects for peaceful development after the toppling of violent regimes are enhanced if an attempt is made to remedy the wrong that has been done. Coming to terms with the past can test a society's integration capacity to the limit. On the other hand, this process is crucial to the development of a viable model for a common future. In the long term, looking back on and reappraising the past can have a consolidating effect.⁵

Reviewing events and working for reconciliation is not only in the interests of post-conflict care; such activities have a preventive function and can help to fortify the ways in which societies regulate internal conflicts and enable social groups to re-determine their mutual relations.⁶ A 'look back' to restore justice is at the same time a 'look forward' – and it is very different in nature to an amnesty. As the Chairperson of East Timor's Truth Commission, Aniceto Guterres Lopes, put it: *...so that in order to really move forward, to heal the old wounds, they must be opened up and cleaned, so that they are allowed to heal naturally, not left to fester, covered by a dark blanket of fear. It would be much more comfortable to take the easy path, to leave the past alone, to let it lie and hope it is forgotten. And yet all of us know it is not forgotten, it still lives within us. Our past lives on, in whispers and angry looks, in messages passed on from fathers and mothers to sons and daughters. We need to change those messages from their focus on a dark past to a future of light. We need to listen to the victims. We need to learn from their stories. And we need to undertake this process based on mutual respect, acceptance and reconciliation.*⁷

Peace has reigned in East Timor since the Indonesian tyranny ended in 1999, but the country was in ruins and had to be completely rebuilt. Over 60,000 houses had been burned down by the militias, the administration had collapsed and over 200,000 people had been expelled to West Timor by the militias and the Indonesian army and police. A further 80,000 people, most of whom were opposed to East Timor breaking away from Indonesia, had fled on a largely voluntary basis together with the militias. Apart from the physical reconstruction of the country, East Timor faced – and still faces – the no less daunting task of overcoming the social divide that has opened up and of repairing the damage inflicted on social relations so that peaceful coexistence can prevail, acts of revenge be prevented and self-administered justice pre-empted.

"Experiences of injustice and violence deeply impact all persons and societies concerned."⁸

The experience of helpless exposure to violence needs interpreting and explaining. An analysis of the background and conditions may be helpful to individuals who have been subjected to violence in this way. Violent and tyrannical regimes tend to embroil people in their schemes and turn them into accomplices. This applies not just to the victims but also to the perpetrators, supporters and bystanders. The purpose of this insidious ensnarement is to destroy mutual trust in society. What emerges is a regime built on fear and the arbitrary use of power that penetrates deep into social structures and can cause extensive damage. At the same time it promotes the tendency people have to blur their awareness of the wrongful things they have done.⁹ "Overcoming violence requires learning to see reality with the eyes of both the victims and the others. Reconciliation processes must be measured by solidarity with, and respect for, the victims."¹⁰

In addition, a differentiated approach is required in dealing with the perpetrators so that they can learn to repent their deeds. In a society working its way towards democracy neither victims nor perpetrators should be ostracised. Offenders who have committed serious crimes should have to answer for their deeds before a court.

How can perpetrators and those who passively tolerated the injustices that were committed be reintegrated into society? How can account be taken at the same time of the interests of the victims? And how can severe and systematic violations of human rights be treated? How can the fledgling state secure a balance in the socially necessary process of review and reappraisal that encompasses not just the concept of reconciliation and the overcoming of social divisions, but also the criminal prosecution of the perpetrators and those in positions of responsibility? As studies in East Timor have shown, the need and the demand for justice represents a priority for many people, notwithstanding their daily struggle for survival: in their view reconciliation without prosecution repentance is impossible.¹¹ This also finds expression in the persistent call from civil society players for an international tribunal to punish crimes against humanity similar to those that were held in Yugoslavia and Rwanda. Justice and reconciliation are two sides of the same coin and ascertaining the truth is inherent to both. Criminal proceedings alone cannot fully heal social wounds, while reconciliation and truth seeking without punishment for the perpetrators are hard to grasp for the victims.

In 1999, the Indonesian armed forces and members of local administrations, militia groups and the police committed grave violations of human rights. In Article 16 of Resolution 1272 of 25 October 1999 setting up UNTAET (United Nations Transitional Administration for East Timor), the UN Security Council insisted that those responsible for the violence should be taken to court. Immediately after the violence of September 1999 the United Nations Human Rights Commission held a special session – the fourth in its history – and passed a res-

olution calling on the UN Secretary-General to set up a Commission of Inquiry. This commission went to see the extent of the destruction in East Timor for itself and to ascertain the nature and causes of the human rights violations. It concluded in its report that the extent of the violence warranted the setting up of an international tribunal. However, the Security Council opted in favour of national investigations in both Indonesia and East Timor.

The process of reviewing the serious human rights violations in East Timor thus rested on three pillars: the Ad Hoc Human Rights Court in Jakarta, the Special Court in East Timor and the East Timorese Commission of Reception, Truth and Reconciliation. A fourth pillar has recently been added in the form of the Truth and Friendship Commission set up by Indonesia and East Timor, to which I shall return when assessing the prospects for the future.

1. The Ad Hoc Human Rights Court in Jakarta¹²

To head off an international tribunal the Indonesian government offered to hold trials under its own national jurisdiction. The United Nations is keeping open the option – in formal terms at least – of setting up a tribunal should Indonesia fail to take adequate and effective legal action against suspects.

After a lengthy delay the Ad Hoc Human Rights Court in Jakarta began its work on 14 March 2002. 18 persons were accused in 12 trials of having committed crimes against humanity, among them 16 members of the Indonesian army and police as well as the former governor of East Timor, Abilio Soares, and the main militia leader, Eurico Guterres. A few days after the Public Prosecutor's Office presented the list of the accused, a 19th defendant, the militia leader Olivio Moruk, was murdered in mysterious circumstances in Atambua, West Timor. He is alleged to have been willing to give evidence about the army men behind the militia terror. Contrary to the recommendations of the KPP-HAM Commission of Inquiry set up by the government, the list of defendants did not include numerous prominent suspects, such as the former commander-in-chief of the army and defence minister, General Wiranto, the former head of the secret service, Zacky Anwar, and the commander-in-chief of the militia groups, Joao Tavares.

None of the 18 accused was remanded in custody. Moreover, the legal competence of the court was restricted solely to the period between April and September 1999 and exclusively to crimes committed during this time in the administrative districts of Dili, Liquica and Suai.

The Public Prosecutor's Office made it clear in the bills of indictment that it had no intention of investigating the almost 25 years of Indonesian tyranny in East Timor that had begun with the invasion of the country by Indonesian troops in 1975. The escalation of violence before and after the referendum of

1999, which beyond any shadow of a doubt was planned by the Indonesian army and carried out by the militia groups it had recruited, financed and equipped, was presented by the Public Prosecutor's Office as an internal conflict between two hostile parties. It was not seen as forming part of a military strategy that was systematically planned and executed. The court accepted this interpretation in passing sentence, studiously ignoring the *de facto* control exercised by the Indonesian army and civilian administration through the militias.¹³

Only six of the 18 accused were convicted. The sentences ranged from three to ten-and-a-half years in prison, 10 years being the minimum legal penalty. The only defendants to receive this minimum sentence were the two ethnic East Timorese. The three-year sentence passed on the highest-ranking defendant, Major-General Adam Damiri, was remarkable for the fact that the public prosecutor had previously submitted a plea of not guilty on the grounds that he could not furnish any proof of crimes against humanity.

Apart from the sentence passed on the militia leader, Eurico Guterres, whose appeal proceedings are still pending following the halving of his term in the court of first appeal, all the convictions were quashed in the last instance by the Supreme Court.

Indonesia's army welcomed the acquittal of its members, seeing this as confirmation of its position that the TNI was not involved in the crimes in East Timor in 1999. *We have to bear in mind that crimes were committed because there were victims*, the former army spokesman, Major-General Sjafrie Sjamsuddin, conceded, pointing out however that Indonesia's security forces had not been responsible for them.¹⁴

Sjamsuddin has recently been replaced by General Tono Suratman, a military commander in East Timor in 1999 who was acquitted by the Ad Hoc Court. The fact that the public prosecutor in East Timor investigated him and applied for an arrest warrant on account of the crimes he committed against humanity has in no way detracted from his career or that of his associates in Indonesia.

The Ad Hoc Court failed to expose the responsibility of the perpetrators and made no attempt whatsoever to reveal the chains of command leading to the capital Jakarta. Truth was sacrificed in the interests of political expediency. The fact that some of the defenders were charged at all is due to the courageousness of individual judges who did not hesitate to apply the law, even though the inadequate endeavours of the public prosecutor often gave them no grounds for doing so.

The international community and national and international human rights organisations were unanimous in their criticism of the trials as inadequate and disappointing. They had not delivered justice and the verdicts were in no way commensurate with the seriousness of the crimes. The long tradition of exemption from punishment was continued. The view of Olandina Cairo, one of the

Commissioners in the Truth Commission, was that the verdicts trifled with the dignity of people in East Timor. Like many inhabitants of East Timor she dismissed the Ad Hoc Court proceedings, considering an international tribunal to be the only way of guaranteeing a fair trial.¹⁵ As the Nobel Peace Prize laureate, Bishop Belo, pointed out: *Rapists, arsonists and murderers walk free, while the innocent live with their trauma. That trauma ... was revived with the recent acquittals in Jakarta of the Indonesian police and military ... An international tribunal is needed to provide justice for the victims of such crimes against humanity.*¹⁶

2. The Special Court in East Timor

At the same time as the trials were being conducted in Jakarta, the United Nations set up a Special Court in Dili to establish who was responsible for the human rights crimes in East Timor and to indict them. This was a mixed tribunal, two international judges and one indigenous judge being in charge of the proceedings. The investigations were carried out by the international prosecutors of the Serious Crimes Investigation Unit (SCIU). After East Timor gained independence in May 2002 this body was no longer answerable to the UN mission but to East Timor's General Prosecutor. All the divisions of the Special Court contributed to the development of the local judiciary by training indigenous judicial staff.

The Office of the General Prosecutor was responsible for dealing with serious offences, such as genocide, crimes against humanity, war crimes and torture as well as sexual crimes and murder, provided these offences were committed between 1 January and 25 October 1999. The concentration on 1999 was a voluntary limitation on the part of the General Prosecutor, given that there were insufficient resources and personnel to prosecute the crimes committed throughout the period of Indonesian rule (7 December 1975 – 25 October 1999). Furthermore, the investigations focused initially on 10 incidents, including the murder of priests and nuns in Los Palos, the massacres in the churches of Suai and Liquisa, the attack on Bishop Belo's residence and the crimes committed by Battalion 745 of the Indonesian army.

In contrast to their colleagues in Indonesia the investigators and prosecutors in Dili sought proof of the links between the militias and the Indonesian army, Tentara Nasional Indonesia (TNI). The aim of the investigations from the very outset was not only to bring to trial individual perpetrators, who had often acted on orders, but also to prosecute their direct and indirect superiors, in so far as they were involved in the planning and execution of crimes or were responsible for the conduct of their subordinates. *The whole territory of East Timor was treated as the scene of a crime, which meant that the hundreds of individual human rights violations – killings, rapes, acts of destruction and expulsion – could*

*be seen as a whole. This enabled proof to be furnished of a far-reaching and systematic attack on the civilian population, part of which consisted of human rights violations carried out by the perpetrators to exert pressure on people and frighten them into voting in the referendum for an autonomous status within the Indonesian state, a former member of the prosecuting authority, Marco Kalbusch, explained.*¹⁷

Despite considerable financial and personnel problems and, above all, politically motivated difficulties, the investigating authorities and the Special Court made a noteworthy contribution to the process of criminal investigation and prosecution. Of the 391 people charged 87 are serving a prison sentence.

Undeterred by political interests, the General Prosecutor applied for arrest warrants against the suspected string pullers behind the violence and devastation. Those accused of crimes against humanity were high-ranking members of the Indonesian police and army, including the former commander-in-chief of the armed forces, General Wiranto, as well as East Timorese collaborators. The defendants were in Indonesia, however, and thus beyond the reach of the authorities in East Timor; the trials in Dili were not allowed to be conducted in the absence of a defendant. The investigators hoped that the issuing of international arrest warrants would at least make it more difficult for the accused to travel to other countries. But East Timor's General Prosecutor omitted to pass on the arrest warrants to Interpol, bowing to pressure exerted by President Xanana Gusmão and the government, which did not wish to see good-neighbourly relations with Indonesia harmed by criminal prosecutions. Xanana Gusmão informed Jakarta that he regretted the charges. There was no need to bring Jakarta's generals to court, he said.¹⁸ The United Nations did not vigorously support the issuing of arrest warrants either, pointing out in a press release that responsibility for the charges lay not with the United Nations but with the East Timorese judiciary.¹⁹

The investigating authority in Dili did not wish to see the value and significance of the indictments diminished in any way. Commenting on them, the authority's Eric MacDonald said: *I think these indictments show that first of all the international community does not tolerate such crimes and number two, it might bring a sense of closure for the victims' families.*²⁰

While the arrest warrants may have been a source of consolation for those affected, the fact that the main culprits got off scot-free left a nasty aftertaste. The impression gained by the people of East Timor was one of unequal treatment for the East Timorese perpetrators, most of whom were passive supporters of the militias. This impression was reinforced by the verdicts passed down by the Ad Hoc Human Rights Court in Jakarta. After all, the only person to be convicted and subsequently forced to spend a brief spell in prison prior to his successful appeal was the former governor of East Timor, Abilio Soares, an eth-

nic East Timorese. The severest punishment to date of 10 years imprisonment, which was halved by the first court of appeal, was meted out to another ethnic East Timorese, the militia leader Eurico Guterres. His appeal is still pending in the third instance.

The Ad Hoc Human Rights Court in Jakarta and the criminal prosecution organised by the UN in East Timor both failed to call to account those who bore the greatest responsibility. Neither the UN nor its leading members nor the governments in Indonesia and East Timor provided adequate political support for criminal prosecution.²¹ Given the interests and the political resistance involved, the prospect of an international tribunal being set up has steadily receded.

On 20 May 2005, the General Prosecutor and the Special Court were obliged to cease their activities because the provisions governing the UN Mission for East Timor did not envisage their continuation. Hence over half of all the murders committed in 1999 remain unresolved. The rate is likely to be much higher for the cases of rape. The job is not done, said the presiding judge Philipp Rapoza, *and it is a shame to bring this effort to a close when it is doing its best work.*

In Rapoza's view, genuine national reconciliation can only be effected if offenders are prosecuted, if they settle their debt to society and if recognition is given to the suffering they inflicted on their victims. The Special Court was the instrument devised for this purpose.²² Given the considerable resistance to criminal prosecution mounted by the East Timor government and in view of the barely functioning legal system, no continuation of the investigations can be envisaged at present unless support is forthcoming from the UN. This partial exemption from punishment in East Timor will have consequences that should not be underestimated in terms of the confidence people will have in the new state and its institutions. Impunity weakens the rule of law. There is increasing public criticism of the government for having failed those who suffered most in the struggle for independence.²³ As we shall see below, this development detracted greatly from the work of the Truth Commission.

III. East Timor's Commission for Reception, Truth and Reconciliation

There is no such thing as absolute justice or absolute truth. Every period in history and every society has to seek and find its own way of dealing with the past. Truth commissions are one way of doing so. Hitherto they have mostly come into play where a legal process of coming to terms with the past has been rejected on political grounds and clean break amnesties have been granted. Truth commissions help to ensure that victims are given social recognition and a voice; they are designed to seek out the truth, document wrongdoing and promote the process of social healing. In many countries, however, the outcome of their work has been mixed. Truth commissions are not a freely chosen alternative to criminal proceedings, but rather a compromise between representatives of the old regime and the successor government. As a result offenders have often been left unmolested. The Truth Commission in South Africa is perhaps the best-known example. It, too, was based on a compromise. For exposing crimes and the attendant circumstances, perpetrators were exempted from punishment without them being obliged to show repentance, concede their guilt or even give a promise of compensation.²⁴

If truth commissions are set up where criminal prosecution appears impossible or is not wanted, they will remain weak and fail to realise their inherent potential. In the case of East Timor, a broader vision applied in which criminal prosecution and reconciliation work were not regarded as mutually exclusive and thought was given to how the two might supplement each other. The outcome was an approach which, while inevitably tailored to the situation in East Timor, may serve to enhance methods of dealing with the past in general.

1. The origins of the Truth Commission

East Timor's Reception, Truth and Reconciliation Commission was an independent national organisation. The proposal to set it up was made in August 2000 at a congress of the East Timorese National Resistance Council (CNRT), an umbrella organisation incorporating all the groups that advocated East Timor's right to self-determination. Thought had been given beforehand to how people's need for reconciliation and a response to the human rights violations could be met in a way that would not be restricted to legal proceedings alone. An 11-strong steering committee headed by Father Domingos Soares was established, which included representatives of the CNRT, East Timorese non-

governmental organisations²⁵, UNTAET and the UN Human Rights Commission. The steering committee also had two advisers from the International Center for Transitional Justice.

The committee travelled through all the districts of East Timor and paid visits to refugee camps in West Timor to sound out public opinion. The prevailing view was that the perpetrators of serious crimes, such as murder, torture and rape, should be tried and punished. The communities also expressed a strong desire to be involved in one way or another in the work of appraisal and reconciliation. They set great store by the restoration of good social relations and peaceful co-existence. It was important for them to learn about the circumstances in which the crimes had been perpetrated.

As is the case in every conflict, a large number of less serious crimes were committed in East Timor that were not covered by the mandate given to the Prosecution Service and the Special Court set up by the United Nations. They included intimidation, slander, arson, theft, the destruction of harvests and property, and actual bodily harm. When an assessment is made of injustices committed in the context of a political conflict, crimes of this nature are pushed to one side in many places because the courts lack the capacity to deal with them. This was certainly the case in East Timor, where the judicial system had to be built up from scratch, there were not enough judges and lawyers, and national resources were extremely limited. One special feature of the situation in East Timor was that the perpetrators and victims mostly came from the same community. Many of them had known each other from childhood and were related even. Moreover, a large number of those who committed less serious crimes were manipulated or forced by threat of violence into participating in the terror campaigns carried out by the pro-Indonesian militia groups. As a result of their actions they became embroiled in the system, thereby incurring a burden of guilt. The situation was also complicated by the fact that the dividing line between victims and perpetrators was often blurred: some of those who were perpetrators in 1999 had themselves been victims in the inner-Timorese conflict of 1974/75.

The return of the refugees from the camps in West Timor was another tough challenge for the communities. The larger the numbers of militiamen and their supporters returning to their communities, the more urgent was the need for mechanisms to effect their social reintegration while preventing any acts of revenge or self-administered justice. The fear of being attacked or excluded held many potential returnees back – a development that East Timor can ill afford to tolerate in the long term, as will become clear a little later on.

Patrick Burgess, head of the UNTAET Human Rights Office and a member of the steering committee, summarized the situation as follows: “The steering committee was thus faced with an extremely daunting task: to develop a pro-

gramme which would do more than just talk about reconciliation but provide a concrete process which would help simultaneously to heal relationships, reduce the possibility of violence and avoid impunity. This mechanism should have a legal basis but involve communities. The process also needed to be cheap, fast and flexible.”²⁶

The local arbitration and reconciliation procedure that forms part of common law in East Timor and plays an important role alongside the formal judicial system appeared to be a suitable instrument. The communities had reservations, however, pointing out that this procedure had also been weakened and manipulated during the Indonesian occupation. Moreover, it was designed for individual cases within the village community, such as theft and arguments over land, and not for widespread violations of human rights. The conflict settlement process, known as *nahe bitu*, which means ‘roll out a mat’, is a mediation process involving traditional authorities. Both sides are heard and a compensation payment is then fixed. The resolution of the dispute is sealed by a ceremony in which both parties sit down together with the mediator on a raffia mat. The problem was that this traditional process was an exclusively male domain.

Nevertheless, *nahe bitu* was used as the basis for a unique procedure that combined formal jurisdiction with traditional approaches to reconciliation. The processes had both a firm legal and social footing and they incorporated the people. The community reconciliation processes, as they came to be called, were designed not as an alternative nor, indeed, as a substitute but as a complement to the prosecution of perpetrators of crimes against humanity. The Commission worked hand in hand with the investigating authorities. It did not grant political amnesty. In contrast to other commissions, it only performed its reconciliation ceremonies for less serious criminal offences related to the political conflict. Offenders who had committed serious human rights crimes were to be prosecuted.

1.1 The Truth Commission begins its work

In July 2001, the UN Transitional Administrator for East Timor, Sergio Vieira de Mello, who was later killed in tragic circumstances in Iraq, signed Regulation 2001/10 setting up the Truth Commission. A transitional council was charged with selecting the National and Regional Commissioners. Almost 300 candidates were proposed by the people. Following public consultations seven National Commissioners – prominent figures with wide-ranging experience and differing political views – were chosen. Their official inauguration ceremony took place on 21 January 2002. The role of the Commission was written into the constitution that came into force at East Timor’s independence on 20 May 2002.

The seven Commissioners swore to conduct the business of the Truth Commission in an independent and unbiased manner. They were Jacinto Alves, Coordinator of the Association of Ex-Political Prisoners; Maria Olandina Isabel Caeiro Alves, Chair of Women Against Violence; Isabel Amaral Guterres, a member of the Jesuit Refugee Services; Father Jovito Araujo, a Catholic priest and former member of the RENETIL student resistance organisation; Jose Estevao Soares, a founding member of the pro-autonomy political organization Forum Persatuan, Demokrasi dan Keadilan (FPDK); and Augustino de Vasconcelos, a Minister of the Protestant Church of East Timor. Aniceto Guterres Lopes, a lawyer and the founder of Yayasan Hak, a prominent human rights organisation, was elected chairman.

East Timor's leading politicians demonstrated their support for the Commission by attending the official inauguration ceremony. The former Archbishop of South Africa, Desmond Tutu, sent a message of greetings, as did Mary Robinson, then the United Nations High Commissioner for Human Rights. And so the Commission started its work.

1.2 Mandate

The Commission, which had a two-year remit, was charged with investigating the human rights violations committed in connection with the political conflict between 25 April 1974 (end of the dictatorship in Portugal) and 25 October 1999 (beginning of UNTAET, the United Nations Transitional Administration for East Timor). In its search for the truth it recorded statements made by victims, witnesses and perpetrators, conducted public hearings and carried out research into the patterns and extent of the human rights violations. The reconciliation processes it conducted at the community level were designed to help perpetrators to reintegrate into society and to rehabilitate victims. It concluded its public work in April 2004 and exercised the option of an extension so that it could address its third task, which was to submit a comprehensive final report together with recommendations. This report will be presented before the Commission is dissolved on 7 July 2005.

The Truth Commission was active throughout the country, working with 13 district teams, 30 Regional Commissioners and total of 250 staff. It had its headquarters in Dili and six Regional Offices. The Commission was supported by international experts and assisted by a consultative body. This included the Indonesian human rights lawyer, Munir, who was poisoned with arsenic in hideous and cowardly fashion on 7 September 2004. His murder remains unsolved to the present day.

1.2.1 CAVR: Our vision

We aim to contribute to building the foundations for lasting peace in East Timor through a process of working with all East Timorese people.

By looking at our difficult past and acknowledging the truth of past human rights violations, we hope to contribute both to the process of justice and to reconciliation in our land. Justice requires an acknowledgement of the truth and individuals taking responsibility for their actions. Reconciliation means that we follow this path with hearts open to rebuilding human relationships damaged by the political conflict in our country.

We will walk with communities in this process, with the aim of healing the wounds of victims, families and our nation as a whole. This is a walk towards peace, the peace all deserve and need. This peace is possible in East Timor.²⁷

1.2.2 CAVR: Message to those who have violated human rights

For our Timorese brothers and sisters who have committed human rights violations we offer our hand in the spirit of reconciliation. We know that in violating the human rights of others you have damaged your own humanity. The Commission will help in a process where you can heal your humanity too.

This does not mean simply forgetting the past or the pain, but it means we want to offer a process that will help all of us to heal our wounds and become whole.

This process will include justice, and this means that sometimes you will be required to make a sacrifice for the wrongs you have committed. For serious crimes, the courts will continue to deal with cases. For less serious crimes, the CAVR will work with communities to conduct a process at the local level that will assist in the process of justice and help you reintegrate peacefully into your community. This is the called Community Reconciliation Process (CRP), and is a process you can choose to participate in voluntarily.

The CAVR will defend your human rights, including your right to a fair process and your right to build a new life in East Timor when the justice process has been completed.²⁸

1.3 Comarca – a prison becomes a memorial

The Commission set up its headquarters in the renovated Portuguese colonial prison at Comarca in the Balide district of Dili. Many thousands of political prisoners had been tortured there during the Indonesian occupation, the last inmates being freed in September 1999 when East Timor sank into chaos. The building had subsequently fallen into disrepair. The proposal to turn it into a memorial was made by the Association of Ex-Political Prisoners (ASSEPOL) in the year 2000. The government of East Timor and the Truth Commission took up this proposal. However, renovation did not get under way until January 2002, when the Japanese government provided a million US dollars for the work of

the Truth Commission, which included 530,000 US dollars for the provision of infrastructure. The original architecture of the building was not altered. The iron doors of the cells, where the Commission had its offices, and the grates on the windows were left as they were. East Timorese artists refreshed 65 graffiti on the walls, which had been applied by prisoners, Indonesian soldiers and members of militia groups. *From these graffiti we hear voices from the past*, said President Xanana Gusmão when opening the building on 17 February 2003.²⁹

Only the eight solitary confinement cells were kept untouched to give visitors an idea of the conditions that prevailed in these 'death cells'. The cell in which the political prisoners of the Santa Cruz massacre were incarcerated is now the library and documentation centre. Countless statements are archived here together with various materials and contemporary documents. An extensive archive is to be set up at the centre, for which the Commission requests active support. The Commission is interested in any material dating from the period between 1974 and 1999.

After the Commission's mandate is over, the Comarca Prison will be run by ASSEPOL as a Centre for Human Rights and Reconciliation in East Timor and serve future generations as a memorial to repression.

As Aniceto Guterres Lopes, the Chairperson of the Truth Commission, said when officially opening the building: *This building will not only be a symbol of our continuing transformation. It will also satisfy a number of practical needs. In East Timor we need a central place which will be a memorial to those who suffered human rights abuses. This building will be that place. It will house historical documents and other archival materials which relate to the abuses suffered by our people in the past ... (It) will be the place where these things can be stored in safety. Now these strong walls will be used for a better purpose - to guard our history and our memories so that future generations of East Timorese can know their history and so that the world can know and remember what has taken place in East Timor.*³⁰

2. The importance of "reception"

Acolhimento – preparing a reception for somebody – is an element that is not automatically associated with the work of a truth and reconciliation commission. East Timor's Commission had this concept in its title. This was due to the special situation arising from the need to bring back to East Timor the hundreds of thousands of refugees on the other side of the border in West Timor. They included many who had committed less serious criminal offences or voted for East Timor to remain with Indonesia. They initially hesitated to return to their villages, fearing acts of revenge.

After the referendum, armed militia groups and their political leaders controlled the refugee camps in West Timor. They used the refugees as political pawns, intimidating them with absurd horror stories about the conditions back home and the work of the United Nations. Initially, members of relief organisations had limited access and often only ventured into the camps if they were escorted by the Indonesian police – the same police that allowed the militia groups to do exactly as they pleased. On 6 September 2000, the situation escalated when three foreign members of the Office of the UN High Commissioner for Refugees (UNHCR) were brutally murdered by militiamen. The UN promptly withdrew its entire staff and the UN Security Council called for the immediate disarming and dissolution of the militia groups. Apart from declarations of good will, however, the Indonesian government made no serious efforts to comply. It temporarily suspended its support for supplies to the refugees, whereupon they attempted to keep their heads above water by engaging in retail trade, agriculture and – last but not least – petty crime. Social tensions with the local population grew. Of the original 280,000 refugees some 30,000 are still in West Timor.

The complex issue of the refugees in West Timor influenced and hindered the reconstruction of society in a variety of ways. The prevailing security risk could not be reduced as long as the militias were able to conduct operations in East Timor out of the camps in West Timor using refugees as human shields. The attack on two villages carried out by militia groups in December 2002 illustrated just how easy it was to cross the border unnoticed. One of the reasons why the political leaders in East Timor gave priority to the return of the refugees was that they wished to get hold of the members of militia groups who – depending on the seriousness of the crimes they had committed – had to answer either to a court or the Truth and Reconciliation Commission. The Truth Commission helped the communities to peacefully welcome and reintegrate neighbours and families who had fled even before the reconciliation processes intended for those who had committed less serious criminal offences got under way. There were only isolated incidents of revenge and self-administered justice, which was a good indication of the level of support for the communities and their sound preparation for what lay ahead. The return of the refugees took place in conjunction with government agencies, the church, local, international and UN organisations.

Thanks to a wide range of activities and considerable degree of commitment, the influence of the militia groups on the refugees in the camps was weakened. The UNHCR brought in local village elites to help organise what it called 'come and see' visits by refugee delegations. Bishop Belo called for trust and for people to return, as did President Xanana Gusmão, who travelled to West Timor on several occasions to talk to the refugees in the camps. He was accompanied by

a high-ranking delegation of the Truth Commission, thus emphasising the importance of reconciliation. The Commission attempted to clarify a number of widespread misconceptions during its visits to the camps and went to great lengths to explain the nature of its work. It provided extensive information and worked hard to encourage refugees to return. It was supported in its efforts by non-governmental organisations in West Timor. The Commission's radio department broadcast a weekly programme on the reconciliation processes, the work of integration and the hearings as well as special news items for refugees in West Timor and the members of their families and communities back home. T-shirts, stickers and brochures with the slogan *CAVR – The Path to Peace* were distributed in both East and West Timor. The Commission welcomed refugees at the border, accompanied them to their communities and stood by them during the integration process.

3. The Community Reconciliation Processes

The work of truth commissions is heavily dependent on the willingness of the perpetrators to cooperate. What prompts offenders to appear voluntarily before such commissions to confess to their crimes and contribute to the search for the truth? In many countries these processes have been linked to an amnesty by way of an incentive to participate, but also with the threat of criminal prosecution. Neither of these applied in East Timor.

Here the deponents appeared of their own free will and approached the regional offices of the Commission with a request for a process. Admission to the reconciliation process was conditional upon a full confession and assumption of responsibility for crimes. These had to have been committed in connection with the political conflict. Petty criminals were excluded from the processes. Furthermore, an assurance had to be given that violence would no longer be used to accomplish political objectives. This was taken down in a written statement, assistance being provided wherever necessary by members of the Commission. Notification also had to be given of the person and the community with whom reconciliation was to be achieved. The statements were passed on to the national office in Dili and from there to the Office of the General Prosecutor. The Prosecution Service for crimes against humanity, which was set up by the United Nations and answerable to the General Prosecutor, then checked within a period of two weeks whether the crime concerned was a less serious criminal offence or not. The Service's database was used to establish whether there were any accusations of serious crimes levelled against the deponent. Only after the investigating authority had given the green light was it possible for the deponent to begin the reconciliation process.

The responsible district team of the Truth Commission then made contact with the community and the victims, sounded out their willingness to participate and prepared the reconciliation process. Wherever possible, several cases were treated together. The processes lasted one to two days. A five-member panel of members of the community was established, consisting mostly of a representative of the church, traditional village spiritual elders and community leaders. Care was also taken to ensure that the panel comprised one or two women. The District Commissioner headed the panel. In the course of the processes the deponents confessed to their crimes, describing the circumstances and asking for forgiveness. The victims explained the effect the crimes had had on their lives. Then the whole community was given the chance to help clarify the circumstances of the events and to put questions. After the hearing was over, the panel negotiated with the deponents and the victims to find an appropriate act of reconciliation and symbolic reparation. This might be community work, help in rebuilding a house, the payment of a small sum of money or the handing over of traditional gifts. In many cases a public apology was recognised as being adequate. The performance of a traditional ceremony marked the resolution of the dispute and the sealing of the agreement. Similar to the procedure with a court sentence, the agreement was registered with the nearest district court, thus establishing an important link with the formal judicial system. Both parties subsequently received a corresponding document. If the deponent fulfilled his obligations his guilt was regarded as expiated, making it impossible for any further criminal proceedings to be conducted with respect to the crime he had committed. Any violation of the agreement constituted a criminal offence entailing a fine of up to 3,000 US dollars, the US dollar being the official currency in East Timor.

There were also cases in which the testimony and apology made by the deponent were not considered sufficiently sincere and reconciliation was withheld.³¹

The requests for reconciliation processes greatly exceeded the Commission's expectations. Its initial cautious estimate was that there would be 1,000 requests. In the end there were 1,542. A reconciliation process could not be carried out for 86 persons because they were suspected of involvement in serious crimes. Over 90% of the processes concerned criminal offences committed in connection with the 1999 referendum. The majority of the deponents came from the pro-Indonesian camp. They were members or supporters of the militia groups who had worked for the Indonesian armed forces, police or secret service. However, their allegiance was not necessarily a reflection of their political persuasion.³²

The Indonesian government had launched a broad-based, pro-autonomy campaign aimed at persuading the people of East Timor to make the right choice, i.e. to remain part of Indonesia. It provided huge sums of money for this

purpose and availed itself of the services of long-standing collaborators. Pro-autonomy political associations were set up which conducted information campaigns throughout East Timor, distributing items such as food, medicines, T-shirts with Pro Autonomy printed on them and national flags.

The militia groups sent into the field by the army were also an element in this strategy. They were officially recognised as vigilante units organised for the purpose of public protection and integrated into the local administrative structures. This meant they could be financed from government sources and cooperate openly with their army supervisors. The terror they unleashed was designed to ensure either that the referendum would not take place because of the outbreak of a civil war between the pro-autonomy and pro-independence supporters or that it would produce the result Indonesia wanted. Should the supporters of independence nevertheless win the day, there was a plan to unleash a civil war that would devastate the country and to carry out mass evacuations designed to call the outcome of the referendum into question. The civil war scenario failed to materialise, the members of the armed resistance having been instructed by Xanana Gusmão not to rise to any provocations on the part of the militia groups. Instead they were to participate in 'reconciliation talks' to lull the army and the militia groups into a false sense of security. The East Timorese National Resistance Council (CNRT) dispensed with any large public rallies and attempted to keep a low profile. Despite all the precautionary measures, lawlessness in East Timor assumed new dimensions and people were left helpless in the face of terror.

Few people – apart from the leaders – were prompted to join the militia groups because of their political convictions. Some were tempted by money, weapons and power while others became members because they were threatened with violence and repressive measures and felt they had no other choice. Mostly young, uneducated males were recruited as fighters for the cause of Timorese integration. The militia leaders made use of traditional customs and staged blood oaths to wrest loyalty from the men they recruited. Alcohol and drugs made the militia groups an unpredictable force.³³

The marked willingness shown by the perpetrators of less serious criminal offences to appear before the Commission can be explained by the fact that the processes gave them an opportunity to reintegrate into the community, discharge their guilt and clear their own names and those of their families. Not only was the offender aware of his guilt, society was too and so if he refused to take part in the process he remained ostracised. The key to reintegration and the power to remove the mark of Cain from the perpetrator lay in the hands of the victim.³⁴

I decided to join the PRK (Indonesian acronym for the CRP process) because I felt for my children's future, said one of the members of a militia group. I didn't want anyone to discriminate against them in the future because they were the children of a

militia member. In East Timorese culture if a father makes a mistake this can be passed to the children. I was worried that they would have problems finding work. I also wanted to declare openly what happened to the community. Before I went to the PRK I still worried a lot (...) I felt that they (the community) were resentful towards me.

We were forced to join the militia, a participant from Aileu explained. We didn't have any choice. We are just farmers. The TNI prepared a letter asking for 6 people from each suco (village) to join the militia. My job was to bring gasoline to the military. I fled to Atambua (West Timor) and came back in September 2000. The reason I joined the PRK was because I thought about my children. I worried about my children's future. Before the PRK I felt ashamed to walk around the village. I felt todan (heavy) when I went to work in the fields.³⁵

The first reconciliation process took place on 23 September 2002 near Liquisa. It was attended by some 150 community members together with National Commissioners, East Timor's General Prosecutor and the then UN High Commissioner for Human Rights, Mary Robinson. The Regional Commissioner, Ana Maria dos Santos, conducted the hearing with conviction. The three young perpetrators sat opposite their victims and confessed to their crimes. The victims and community members then deliberated, resolving to accept the apology and not to take any further measures. The process ended with a highly symbolic reception led by traditional leaders who cleansed the area of hostile spirits and invited the offenders to join them in sitting on a woven mat, followed by a reunion with the victims.³⁶

At the reconciliation process in Fafelebo near Liquisa the offender admitted to having intimidated and beaten the victim. By way of punishment he was instructed to help repair the village school; the victim offered to assist him. In Lacluta near Viqueque nine deponents admitted to having burned down the houses and destroyed the property of nine families and the community. It was agreed that they should help build the church once a week for a month. Over 500 people attended the hearing in Metinaro near Dili. It was opened by the village leader who first explained the procedure and emphasised that the community was contributing to the building of a new nation. The deponent stated that he was forced to join a militia group in 1999 because of pressure exerted by the Indonesian army and that he had had no other choice. He stressed that he had committed no crimes and apologised to all those present for his membership of the militia group. Following consultations between the Regional Commissioner, the village leaders and elders, and representatives of the church and young people it was decided that his apology constituted adequate repentance.³⁷

One of the biggest reconciliation processes took place in the village of Lela-Ufe in the enclave of Oecussi.³⁸ In 1999 the village was divided. Families who backed independence lived on the one side and members of the militia on the

other. The village elders were at pains to point out that this reflected a more far-reaching split in the community. The whole of the community was to be incorporated in the reconciliation process so that its division could be overcome. Special preparations had been taken to this end. 31 members of the local militia, Sakunar, had returned from West Timor and turned to the Truth Commission with a request for a reconciliation process. They had burned down houses, destroyed the possessions of prominent CNRT members, carried out assaults, intimidated the population and stolen cattle. After their written statements had been verified by the prosecuting authority and the go-ahead given, the members of the regional office visited the families of the victims, who gave their approval. The hearing took place on a square behind the church next to the *lulik*, the sacred house of the community. In East Timor a major role is played alongside Catholicism by animistic traditions, which determine the rules and regulations observed in a village community.

Early in the morning hundreds of people appeared in ceremonial dress. A group of musicians played and old women with metal gongs prepared for their appearance, as did a dance troupe in traditional dress. The members of the Commission sat down on the rolled-out raffia mat in front of the *lulik* shrine with the perpetrators on their right and the victims on their left. More than 1,000 people from all over the district attended the hearing. It opened with a ceremony in which *tais*, colourful traditional woven fabrics, were spread out on the raffia mat, symbolising a bridge between the perpetrators and the victims. The Regional Commissioner, Arnold Sunny, said a prayer, explained the procedure and read out the statements made by the deponents. Then the deponents stood up one by one and confessed to their crimes. The Commission members asked who had recruited them and in what way and who had ordered them to do what they had done. This opportunity to put direct questions was not only very valuable for the victims and the communities, it also enabled the Commission to better analyse the pattern of human rights violations.

There were several breaks during which dances were performed and the group of musicians played a reconciliation song composed especially for the day. After all the deponents had given testimony there was a joint lunch for which two buffalos were slaughtered.

Then the victims were given a hearing. Men, as the heads of their families, appeared before the Commission. The female member of the Commission proposed that women should be given a hearing, too, and their viewpoint listened to, since their active participation was crucial to the process of reconciliation. The participation of women is by no means a matter of course in East Timor's strongly patriarchal society. As has already been pointed out, women play no role whatsoever in the traditional arbitration procedure. So it was all the more

important that the members of the Truth Commission should have repeatedly brought them in and encouraged them to speak out. The female National and Regional Commissioners, who were naturally also in charge of hearings, set a good example and, in their own opinion, felt accepted. Nevertheless, there was little participation by women in the processes either as victims or offenders. Female victims were often simply forgotten. If a deponent gave evidence it was mostly the head of the family who was identified as the victim, for instance in cases of houses being burned down, property destroyed and cattle stolen. In some cases men did not want their wives to give testimony in public. The hearings often went on until late in the night and the women had to leave early to look after their children and do their household chores. A number of women were among the offenders, too. At first they were very reluctant to appear before the Commission; it was seldom the case that its members succeeded in exercising the requisite persuasion and gaining the trust of the women involved.³⁹ Although Fernanda Malfada's family initially had reservations, she opted to face the reconciliation process and was supported by the members of her family, who were present. A teacher, she had worked as the treasurer of a local militia group, her job being to pay the salaries. When she and her family returned from West Timor, she was given a hostile reception, subjected to ridicule and had stones thrown at her house. After the reconciliation process the hostility waned and she now feels that she is part of the community again.⁴⁰

The victims played a central role in the hearings and succeeded in reasserting their dignity before the community, said Rosario Araujo, the Coordinator of the Victims' Support Unit. After all the victims had given testimony in Lela-Ufe, the community members were given an opportunity to put questions. Some complained that many of the offenders had played down their share in the violence and drew attention to other crimes that had been committed. The accused then confessed to these crimes before the community. When one of the offenders admitted that somebody else had – as claimed – been involved in the murder of two people, the members of the Commission withdrew to deliberate. They decided to exclude the accused from the reconciliation process and to pass the case on for review to the General Prosecutor.

When the reconciliation procedures were being worked out, careful thought was given to the approach to be adopted if it transpired during hearings that the crimes exceeded the Commission's remit. If deponents were accused of serious crimes or confessed to them during questioning by the Commission and the community, was this information to be made available to the Prosecution Service or were the offenders to be given immunity, as it were, by the Commission? As Patrick Burgess explains, this question marked the point at which the two objectives of justice and reconciliation intersected. If statements made before the Com-

mission could be passed on to the prosecuting authorities this might be detrimental to the aim of truth seeking and reconciliation, since information about human rights violations might then be deliberately withheld. Vice versa, if the Commission protected perpetrators from being prosecuted it would be fostering impunity. Since a new legal system was in the process of being introduced in East Timor, it struck the preparatory committee as important that exemption from punishment should not be encouraged. Rather popular trust in the legal system should be strengthened, particularly since the rule of law had never previously applied in East Timor. The advice given by the Commission, therefore, was that the reconciliation process should be stopped if there was credible evidence that an offender had been involved in serious crimes. In this case the newly established facts were to be passed on for review to the Prosecution Service. Needless to say, witnesses were given the right not to incriminate themselves or their families in the course of a hearing. However, if they made statements that entailed the need for criminal prosecution – as in the case of serious crimes – then their testimony was to be passed on to the authorities.⁴¹

This naturally entailed the risk of participants in the hearings only revealing their knowledge in part and in a calculated manner. In many reconciliation processes a public admission of guilt and a full revelation of the circumstances of the crime were accepted by the population as adequate and no symbolic gesture in the form of compensation or community service was required. This was an indication of the great store the population set by finding out the truth. The willingness to accept reconciliation may have been due to the fact that lower echelons of the militia groups opted in favour of the reconciliation procedures whereas many of those in positions of responsibility got off scot-free.

Especially for families and individuals who had suffered the loss of a loved one the reconciliation processes were a way of obtaining more detailed information about the perpetrators and the fate of those who had been murdered. Many of the offenders accounted for their actions by attributing responsibility to others who had forced or ordered them to take part in less serious crimes. But they were prepared to name names and helped to clarify the circumstances of serious crimes.⁴² A young widow from Ermera said: *The process helps me a little because it can help us to find witnesses who saw our husbands getting killed. This can help in court.*

The abiding impression, however, was that those giving evidence did not always tell the whole truth. *How can he (the deponent) have been involved in the group that killed my husband and brother and not been involved in some way? How can he just have watched? I feel the process is not going to harm them and that it is good for them because when they sign something, people can't call them militia anymore. This is not reconciliation.*⁴³

Opinions of this kind were expressed by many families who had lost relatives. However, they did not detract from the work of the Truth Commission in examining less serious crimes. On the contrary, they showed that for many victims the reconciliation processes were inseparably bound up with the need to uncover the truth and see justice done for the serious offences committed.⁴⁴

But before we come on to any assessment let us return briefly to the hearing in Lela-Ufe, where the members of the Commission negotiated appropriate forms of reparation with the victims and deponents. It was agreed that the three families who joined the resistance movement and whose houses were burned down should receive woven fabrics (*tais*), silver coins, tobacco and local schnapps by way of symbolic compensation. The Commission members first asked the women from the families to step forward and then the men. They accepted the offer in a spirit of reconciliation. Some of the other victims – poor farmers – refused to accept the gift of pearls or *tais* as symbolic compensation, demanding financial damages instead. One of the farmers stated that the accused had stolen his goat and he wished to have nothing less than a young pig. Case by case was negotiated. The reconciliation process was sealed with the staging of a traditional ceremony.

3.1 Evaluation by perpetrators and victims

The reconciliation processes constituted an effective mix of the traditional method of arbitration and participation by members of the community, with a link being established to the formal legal system. This connection between formal law and common law proved effective. The processes complied with constitutional and human rights standards and were placed on record at court. This was regarded as extremely important. The court document on the agreement reached in the reconciliation process offered protection to those involved and provided them with proof that the case was shut. All the louder were the complaints, then, that the court took so long to issue the document. Most of the district courts, with the exception of that in Baucau, were not operational, the requisite infrastructure was not in place and the prosecutors were still undergoing training.⁴⁵

The incorporation of the traditional village elders and community leaders built confidence in the procedure and gave it the necessary stamp of authority. Common law introduced an element of social control and commitment that would have been unthinkable if use had only been made of the legal system and the police. This protected the deponents from any late revenge while making sure that the perpetrators fulfilled the obligations placed upon them.

How strong the influence of social control and traditions is in East Timor is shown by the following example from the judiciary. Seven murderers from the enclave of Oecussi were given prison sentences of between five and seven years

by the Special Court. The presiding judge, Siegfried Blunk, gave them a month in which to prepare with their families at home for the time of their absence and to work the fields before the rainy season began. The prosecution was livid, fearing that the convicts might escape to West Timor. However, they all turned up in Dili at the agreed time and asked the judge to have them transferred to prison.⁴⁶

3.1.1 The perpetrators' view

Most of the perpetrators responded positively to the reconciliation processes. They subsequently felt accepted again in their communities and, above all, they were able to participate once more in community activities, from which they had often been excluded beforehand by way of a sanction. They no longer had the feeling that the village population distrusted them and talked behind their backs. They felt freer. Some were able to return to their old occupations, as teachers, for example, while others thought they would have better prospects in job selection procedures if they had had their name cleared.⁴⁷

One of the participants did not really feel 'liberated' by the procedure, even though the community had accepted him back. Two widows in the village suspected him of being involved in the murder of their husbands who had worked for the United Nations Assistance Mission in East Timor (UNAMET). However, he claimed he was only an eye witness. The offenders were still in West Timor, he said, and as long as they failed to return and there was no court trial he could regard not himself as a free man.

Many had the impression that the process of reconciliation was incomplete as long as the real culprits were not prosecuted. Hence calls were regularly raised for the Commission to continue the reconciliation processes since far from everyone had taken part in them. If this was not the case, acts of violence might occur. There was a considerable demand for further negotiations.

Many of the deponents described themselves as ordinary people, seeing themselves as victims of the militia groups since they had been forced to take part in the attacks the groups launched. They felt it was unfair that those who were genuinely responsible should still be at large. *If only the small people confess then the big people will laugh at us*, said one offender from Ermera. *The government, the CAVR and the tribunal need to work together. If we only have CAVR we don't yet have justice.*

Two former members of the Ainaro militia had the following to say: *The Mahidi leaders are still in West Timor. We feel not good that the big people are still free. They are like the root of the tree, we were the branches only. We feel happy with the process but we still feel heavy because we small people have gone through the process but the big people are still free. The state has to bring them back (...) they should be taken to the tribunal if we are going to be satisfied.*⁴⁸

3.1.2 The victims' view

The victims' assessment was varied. Many were satisfied, accepted the apology given and made a clean break. They felt they enjoyed greater respect in the community, too, and that their relations with the perpetrators had improved. The reconciliation processes helped them to understand the motivation behind the criminal offences and the circumstances surrounding them. Many victims were able to accept that the offenders had committed their crimes in a time of war, that they were simple people themselves and had had no other choice. Like the perpetrators, the victims emphasised the lack of justice that would prevail if those really responsible were not called to account. One victim whose house was burned down said: *I didn't think the deponents did what they did because of their own behaviour but because they were used by others. I wanted to accept them to achieve peace in our nation, community and family.*⁴⁹

Dissatisfaction with the reconciliation processes was voiced by those who were multiple victims. This was especially the case if not all the crimes were dealt with, either because they were of a serious nature and the CAVR was not responsible or because the perpetrators refused to take part in the processes. Seven militia members beat up Filomena's children in May 1999, burned down her house, destroyed her possessions and supplies and stole her cattle. Filomena thought the reconciliation process was right and proper. But only two of the culprits had faced up to their responsibility. *There are many people living here who committed crimes like beating people and burning houses. (...) we need another way of dealing with those who do not come forward. If not I will continue to feel "fuan kanek" (broken hearted) because people who committed crimes have not been punished for what they did. They are still living well and have not suffered as we have. The State has to do something about this. We need to extend the process. (...) If the perpetrators do not come forward, then people will laugh at me because they see that I have not received justice.*⁵⁰

For people who had lost members of their families the reconciliation processes for less serious criminal offences were often only a momentary step on the road to the ultimate goal of justice. They used the processes for the purposes of elucidation and information-gathering. Like Sandina, a young woman from Alieu, whose brother was killed in Atambua, Westtimor: *Those who gave their declaration about burning my family's house I am happy to forgive. I am not angry at them and I was not angry at them before the PRK (Community Reconciliation Process) because they were just ordinary people. But it's good that they went through the process to declare what they did. They also confirmed that it was the militia commander who killed my brothers because they saw it with their own eyes. (...) But we still do not have justice.*⁵¹

For Sandina, as for many others, justice was essential for the re-establishment of peace. A former political refugee from Dili said: *For me, the most important things are justice and peace because to implement reconciliation, there should be proper justice.*⁵²

3.2 Lack of justice – unfulfilled tasks

The Truth Commission handled less serious cases. It had both a clear division of labour and ties with the judicial authorities responsible for serious crimes. These twin tiers were accepted by the population. Indeed, the higher the level of acceptance for the work of the Truth Commission, the greater the expectations it nurtured that the big fish – those who had committed serious crimes – would be put on trial and the courts would take up where the Truth Commission had left off. These expectations remained unfulfilled. The investigating authority and the Special Court were able to level charges at only a limited number of the offenders. The investigating authority also lacked sufficient capacity, which meant it was not in a position to prosecute those excluded from the reconciliation processes. None of the accused who were excluded in this way was put on trial. The authorities were dissolved by the United Nations in May 2005 even though they had not completed their work. East Timor's judiciary will not follow up on the serious crimes committed in 1999 let alone the cases dating from the period between 1974 and 1998. At the moment it appears that these cases will not be treated. The judicial system in East Timor is barely functional and at present some 3,000 conventional crime cases are pending. This is a mountain that is getting steadily higher since all the aspiring judges have failed to pass the Portuguese language test.⁵³

The concept devised for the reconciliation processes in East Timor was well thought out, but in practice one part did not deliver: the judiciary failed to develop in a way that would enable it to handle the prosecution of serious crimes. The prosecuting authority dealt with what it considered to be the priority cases; all the others are pending. This had a negative impact on the work of the Truth Commission and its work remains incomplete. Offenders excluded from the reconciliation processes eagerly await a process. They would like to live in communities; everybody knows that they are suspects and that their wish cannot be granted, but now the processes are not continuing. *If I don't have a chance to talk then people will think that I killed people. Some people think that I am no good. Many don't understand that I had an agreement with Falintil and that I was pro-independence. (...) What is going to happen when the CAVR finishes?*⁵⁴

Full of frustration, the village chief of Faulata described the anger and confusion that the unfulfilled expectations aroused amongst the younger generation in particular as well as the substantial problems they caused. The village staged reconciliation processes for the passive supporters in the militia groups. Amongst those to return was the head of the militia group who was suspected by the whole of the community of having been involved in the murder of 12 people: *The community keeps asking, why can't CAVR do something about this? Why is the CAVR only looking at the small cases? We still feel confused. Although he lives in our village and we are peaceful with him, if something happens to him I feel I am*

*not responsible for it (...) We need to know the truth and then to punish him. But at the moment we see there is no law (...). I want to say to the government, reconciliation has started already but justice needs to happen too.*⁵⁵

To resolve the problem Foreign Minister Ramos-Horta proposed that the mandate of the Truth Commission be prolonged and its remit broadened to allow reconciliation processes to be organized for serious crimes, too. This would entail a revision of the conduct of the processes. Aniceto Guterres, the Chairperson of the Truth Commission, said it would need to incorporate a programme of compensation for the victims as part of the sanctions imposed on the offenders. He thought it better to have a limited option rather than none at all, even if that meant that justice could only be administered on a very small scale.⁵⁶ This proposal was extremely unpopular in East Timor, as the following statements show:

I still have doubts about reconciliation. My father was murdered; do you think I can reconcile with the person who killed him? I suggest that the offender be punished.
(42-year-old man from the village of Umatolu)

I guess reconciliation works only with minor problems like hitting, insulting, etc., but it can't solve major crimes like murder – that's the job of the law.
(30-year-old woman, Liquisa)

*The guilty should be punished because they have broken the law and violated other people's rights. The law is meant to protect innocent people, and offenders should be responsible for their wrongdoings.*⁵⁷
(24-year-old man from Umatolu)

4. Truth Seeking

The second main task of the Truth Commission, in addition to its work of reconciliation, was to expose violations of human rights. The victims and/or their relatives had a right to know who was responsible for the repression they suffered. At the same time they were to be given an opportunity of talking about the injustice inflicted upon them and of being accorded social recognition. To ensure that facts could not be denied and myths generated about the past as an instrument for use in present-day politics, people needed to find out what methods the regime had used in carrying out its repression and terror, how far collaboration had gone and what forms of resistance there had been.⁵⁸

The results of the investigations were to be presented in full in a concluding report. Not only would past injustices thus be documented, but a valuable contribution would also be made to an appraisal of contemporary history and

the foundations laid for an assessment of the facts and circumstances. Critically addressing the past enables a society to recognise potential new threats and to minimise the chances of new injustices being committed by taking the requisite precautions. Only then can there be hope that the consequences of old injustices will not extend to future generations.

The work of the Commission went far beyond the mere uncovering of acts of violence and infringements of human rights. It had the task of revealing the underlying structures of the conflict and examining the circumstances, the participants and the background to the events. That also meant ascertaining the responsibility of individuals, government institutions and organisations. *The process harbours huge potential for conflict*, said Santina Fernandez of the women's organisation, Fokupers, *because it attempts to come to grips with the inner-Timorese conflict that has been waged for the past 25 years*. For the formation of the new nation, she said, it was extremely important that people's stories should be told and documented and, above all, that people should be given a voice. *This is a contribution to the formation of the nation that has helped to create an awareness of history.*⁵⁹

In its quest to find the truth and document the history of the conflict East Timor's Commission recorded and catalogued statements made by victims and witnesses of human rights violations from all over the country. The national office in Dili carried out investigations and historical research on issues of key importance. Furthermore, the Commission was given wide-ranging powers to hold public hearings with victims, contemporary witnesses and experts as well as hearings of victims in the districts. The Truth-Seeking Unit was the largest within the Commission.

4.1 National hearings and hearings of victims

The thematic national hearings and the hearings of victims in the districts were central to the work of the Commission. The principal objective of the thematic hearings was to achieve *reconciliation through truth*. They were designed to restore the dignity of the victims and bring about public recognition of the injustices that had been suffered. The hearings put an end to the silence, motives were revealed and exposed, and light was thrown on the factors and conditions underlying the violence and the conflict.

The Commission conducted a total of eight national public hearings at its headquarters in Dili. Two to three-day hearings of victims, eye witnesses and contemporary witnesses were held on the following subjects:

- political prisoners;
- violence against women;
- hunger and forced resettlement;

- massacres and illegal executions;
- the political conflict 1974-76;
- the role of international players;
- the influence of the years of conflict on children; and
- experiences of human rights violations.

International players and experts were also given an opportunity to speak in order to give greater depth to the search for the truth in key areas. Members of civil society organisations from Indonesia were likewise invited to report on the work they had done in support of East Timor and reflect the political position of their country. Each hearing is described in more detail in separate sections below.

The hearings, which were broadcast throughout the country on radio and television, met with huge public interest. High-ranking church representatives and members of the government and parliament regularly took an active part, thus underlying the importance of the Commission and strengthening the feeling of recognition enjoyed by those giving evidence. The latter had been chosen by the members of the district offices on the basis of statements made previously to the Commission, great care being taken to achieve a balance with respect to age and gender. A workshop was held to prepare them to tell their stories before a public audience.

Many thought that the psychological and social support that is essential for victims of violence was insufficient. *People's wounds were briefly opened, but not enough thought was given to follow-up care*, said Santina Fernandez of Fokupers, the Timorese Women's Communication Forum, which was involved in the preparatory workshop.⁶⁰

The opening and closing ceremonies provided an appropriate setting for the carefully prepared hearings. Songs were sung and introductory speeches given by one of the commissioners, the bishop or government representatives, in which they underlined the importance of the hearing and tactfully prepared the audience for what was to come. Then those who were to give evidence were formally sworn in. The dignity with which the victims made their statements was impressive throughout. The realisation of just how many similarities there were in the suffering that had been inflicted led to some very emotional scenes. The Commissioners took great care to provide a protective setting for those giving testimony. After each statement the Commissioners asked questions or went into more detail on the everyday consequences for the victims of the experiences they had endured. One of the objectives of the hearings was to highlight the price the victims of human rights violations had had to pay. The Commissioners also asked those giving evidence what message they wished to convey to the country's political leaders. The hearings closed with a summary and reflection.

The hearings provided practical solidarity in that they gave the victims a chance to be listened to and tried to see that justice was done to them. In contrast to the thematic hearings, during which an attempt was also made to delve into the history of the conflict, the focus in the hearings of the victims was on the individual healing process, which was to be initiated through recognition and a sharing of experiences. 50 public hearings were held in the districts under the motto *Hear our Voices*. Hugo Fernandez, the head of the Truth-Seeking Unit, came to the following conclusion: *The Truth Commission gave people an opportunity to tell their stories and express their feelings. That was a healing process. People's sufferings were listened to and they received recognition from the community. The CAVR made a good contribution in this respect.*⁶¹

4.2 Interviews, testimonies and the statement-taking process

All over the country, Hugo Fernandez said, *the District Commissioners and District Teams went into the communities and told people about the work of the Truth Commission. People were then free to decide whether they wanted to tell the Commission their story or not.* Some 8,000 people – around 1% of the population – made statements on human rights violations, which were duly recorded. Those giving evidence reported to the members of the Commission on human rights violations they had suffered themselves or to which they had been eye-witnesses, describing the circumstances in which they took place. A pilot scheme carried out in advance supplied valuable information for the statement-taking process. It made sense to have the statements recorded on cassettes and to allow those being interviewed to speak in their own dialect. Not everyone in East Timor speaks Tetum, the lingua franca, or Indonesian. Questionnaires were drawn up to ensure that the statements were recorded as systematically as possible. In regular workshops the 52 interviewers (four per sub-district, two men / two women) evaluated their work, discussed problems and honed their interview techniques. The Commission received support in this respect from staff at the International Center for Transitional Justice, from Human Rights Watch and other experts on truth commissions.⁶² The interviewers were trained in advance by PRADET (Program for Psychosocial Recovery and Development), an organisation with expertise in the handling of traumas and the special techniques needed when interviewing people who have been injured. The coaching was designed to enable them to better detect signs of stress and trauma in the interviewees and to handle the stress they might encounter themselves as a result of their work with victims and perpetrators.

Those responsible for taking the statements coded the interviews and put them in three separate categories: the circumstances of the crime (in what situ-

ation had the reported attacks taken place?), the type of human rights violation, and the offender (who did what, where, when and how?).

Describing the process Susana Barnes, a foreign adviser, said: *The statements, which could be very lengthy, were summarised by the members of the department.*⁶³ The victim-offender-victim cycle needed highlighting. Some East Timorese, who were victims at the outset of the conflict in 1974/75, turned into offenders during the period of Indonesian occupation only to find themselves on the side of the victims again in 1999. The work of the Truth Commission was criticised by Aniceto Neves of the human rights organisation, Yahasan Hak, for having paid insufficient attention to this inner-Timorese conflict and concentrated too much on the main responsibility of Indonesia.⁶⁴

The coding and categorisation were followed by the keying of the statements into the computer. Random checks were carried out while the work was in progress to ensure that the quality of the work was regularly monitored and improved. The same applied to the work of the interviewers and coders. It is still unclear at the moment whether the interviews themselves or only the coded versions will be made available to the general public in the Commission's archives. The data records make it possible to discern what form of human rights violations committed at which stage of the occupation reflect the experience of the East Timorese. An initial analysis of the admittedly limited number of 50 interviews showed that illegal arrests in connection with beatings and torture constituted the most frequent breaches of the law. Other forms were random executions, the destruction of property, involuntary disappearances, rape, forced resettlement and threats of murder.

Sad high points in the use of violence were witnessed not only in 1999 but also between 1979 and 1983, in particular, when the Indonesian armed forces carried out large-scale attacks. Most of the offenders were identified as being members of the Indonesian armed forces, but many statements contained reports of attacks carried out by the East Timorese parties and the armed resistance movement, Falintil. The statements are a contemporary historical document of horror. They enabled a large amount of very revealing information to be compiled. Above all, they helped the Truth Commission as the advocate of society to gain a better understanding of the violence, the circumstances in which it was committed and the impact it had on society.

How did the roughly 8,000 statements break down? Over 80% came from victims, 10-15% from witnesses and only 5-10% from perpetrators. One problem, Hugo Fernandez said, was that the proportion of women amongst those making statements was no higher than 26%. Moreover, in making their statements a quarter of them concentrated not on what they had experienced them-

selves, reporting instead on what had happened to their husbands or families. Hugo Fernandez attributed this to cultural barriers. In East Timor's patriarchal society women fall silent when men talk. Moreover, a great deal had already been said by their husbands or brothers. Others hesitated to talk frankly about their own experiences, particularly when sexual violence was involved. The women kept quiet out of shame, fear of social segregation and the disgrace they would bring upon their families. Women do not feel free to talk about themselves; they talk to people they can really trust. Educational levels also played a role in this respect. In order to incorporate more women in the process the Commission staff gradually reverted to the method of collectively made statements in order to provide greater encouragement for women to participate.

The Commission has closed its doors and is drawing up its final report, but it is still receiving enquiries from people who would like to contribute and make a statement. Other ways and means will now have to be found to address this need. Reconciliation and truth-seeking is a social process on which no limits can be placed. This is in stark contrast to the temporary nature of the work carried out by the Truth Commission. The truth-seeking process can be continued, for example, by the building of memorials, the setting up of research institutions and the holding of history workshops. Social dialogue can be promoted and kept alive by a journalistic and artistic appraisal of the past, for instance, with support being provided in education and upbringing. This may help to protect forms of collective memory from political manipulation.⁶⁵

In the context of East Timorese society consideration must be given to established ways of passing on history, its interpretation and the re-establishment of social order and how these can be used as a medium, be it through oral tales, songs and village meetings or regional and national events and ceremonies. The Catholic Church has a central role to play not just in calling for justice for the victims, but also in promoting the process of reconciliation. The final report submitted by the Truth Commission will make specific recommendations on the form in which the reconciliation process can be continued. A public workshop was held to this end in July 2004 to which international advisers were invited.

We tried very hard to convince people to give evidence to the Commission, Hugo Fernandez said. *One of the problems, though, was that many non-governmental organisations and journalists had approached people asking to hear their stories and making all sorts of promises that they mostly failed to fulfil. They earned a pretty penny, but the people they interviewed got nothing.* There were widespread expectations that there should be a financial reward for the making of statements. People demanded not only justice but also compensation. They had the feeling that the government owed them something. The Commission staff tried to make it clear to them that the Commission had nothing to give. In its final report and recom-

mendations the Commission will set out its position on the issue of compensation and help for the victims.

4.3 Research

Many of the human rights cases we heard about from East Timor during the conflict were essentially concentrated on the capital, Dili. We knew very little about what was going on in the countryside. Nothing was known internationally about most of the massacres and even in East Timor itself many people had no detailed knowledge of what was going on in the districts. These white spots are now disappearing thanks to the work of the Truth Commission, says Akihisa Matsuno, one of the members of its international research team.⁶⁶ Like many of his CAVR colleagues, Matsuno, a political scientist from the University of Osaka in Japan, is an expert on the East Timor conflict and a long-standing adviser on human rights work.

The international experts supported their East Timorese colleagues in the Research Unit with their specialist knowledge and provided help and assistance through the provision of sources and specialist literature. Meanwhile, the East Timorese staff concentrated on field work: they conducted over 1,000 interviews with victims and witnesses, followed up on leads and carried out research into facts and circumstances in the field. Meanwhile, staff working for East Timorese human rights and women's organisations contributed their expertise and documentations. *They are all doing an excellent job and are very dedicated,* says Akihisa Matsuno, *nevertheless we must take into account that there are only very few qualified people for such work. So far we have no doctoral students or young academics looking into this subject who could have helped the Commission.*

The department is doing pioneering work; the way in which it is examining the history of the conflict, describing it and putting it in its social and historical context is unique and was previously impossible. It is concentrating less on individual cases of human rights violations, which will naturally be covered in the final report. Instead it is compiling qualitative information on the role of various players and is highlighting the effects of the conflict on the whole of society and individual social groups. The Commission's Research Unit is concentrating on 10 issues, some of which were the subject of national public hearings. A study is being made of the effects of famine and forced expulsion, the role of international players in the struggle for self-determination and of the political parties in the 1975 civil war. The violence inflicted on women as victims and activists in the East Timor conflict as well as on children and adolescents is being analysed in detail. Massacres, torture, involuntary disappearance and the conditions under which political prisoners were held are being documented and the systematic approach underlying them examined. The structure, strategy and prac-

tices of the Indonesian police and armed forces are being studied as are those of the East Timorese resistance. A special survey is being conducted to gain more precise knowledge of the circumstances in which people died. As a result of restrictions on time and staff there is insufficient scope to investigate social and economic violations of human rights.

The Truth Commission needed more time, said Hugo Fernandez. *It wasn't possible to uncover everything to the extent that would have been desirable.* There was not sufficient evidence for everything, Akihisa Matsuno added, fearing that the quality of the final report may suffer as a result. In its work the Commission had to rely mostly on oral statements as well as on secondary literature and the few original documents available. It had no resort to military, police or government records, nor could it subpoena key persons from the military and political field nor could it have evidence safeguarded in Indonesia. This highlights a key difference compared to the commissions set up in other countries. In East Timor, investigations were conducted into crimes that were the result of an external invasion. When the Indonesian soldiers and administrative officials withdrew, they destroyed almost all the documents or had them transported outside the country. It proved impossible to establish any cooperation with government institutions in Indonesia.

But this will in no way detract from the value of the work and the final report. Many gaps will be filled by further investigations, analyses of contemporary history and in-depth studies going far beyond the work of the Commission.

4.4 Retrospective survey of deaths between 1974 and 1999

The estimates of the numbers of people who lost their lives in the conflict vary between 100,000 and 350,000. Reports on the events in East Timor now mostly assume that at least 200,000 people were killed during attacks by the armed forces, involuntary disappearances, hunger and epidemics. That is about one third of the population. In order to arrive at a more precise estimate of the loss of human life the Truth Commission carried out a retrospective survey. To this end random surveys were carried out in 2,000 households in East Timor. East Timorese students recorded all the graves in all the public cemeteries. Increased numbers of deaths were compared with data on forced expulsions and famines as well as on massacres in various regions. The location of suspected mass graves was ascertained by GPS (global positioning system). The Commission was supported in this respect by the East Timor National Statistical Office and by organisations in the United States that are specialised in evaluating data on human rights violations.

4.5 Community profiles

A key element in understanding the events of the immediate past and providing support for the victims were the group discussions in the communities, which were held in three to five villages per sub-district. *We tried to ascertain in the process what the effects of the conflict were on the communities as a whole and less on individuals. Above all we wanted to find out too what strategies the communities employed to come to grips with things*, says Christine Schenk, who worked with the Truth Commission as a project assistant for the German international development organisation, Gesellschaft für Technische Zusammenarbeit.⁶⁷

Regional staff from the Commission went through every year of the conflict with groups of 15 to 40 selected community members. The chronicles arising out of these workshops provided valuable information not only on issues such as the invasion, the way the armed forces conducted the war, forced expulsion and famine, but also on economic and social infringements of human rights. As a result of the village telling its story in relation to the conflict the participants were able to make recommendations that took account of the needs of the communities.

The village community of Sabuli in Metinaro described its experiences as follows: *The community fled to the mountains in August and September 1975. We set up houses in Mt. Cotomorin. In the mountains we had no medicine, so the community used traditional medicine. Those who died are buried in Aldeia Vilanova, and their bones have not been recovered to this day ... In 1976, the primary school opened again, but all the teachers were volunteers – instead of a wage, they each received 10 kg of rice each month ... At this time, the women from our community were forced to go to parties each night to dance. The parties were organized by the Babinsa and the police.*⁶⁸

Good preparation and a balanced composition of the workshops were crucial. Community profiles were also established with the help of women only. *These were very substantial*, says Christine Schenk, *more cross-connections were established and vivid descriptions given of the struggle for survival.*

The Commission drew up a total of 257 community profiles with over 4,000 participants. Case studies are being prepared for the final report. The profiles have enabled the communities to determine their village history themselves and show what influence the human rights violations have had. The profiles are useful to the researchers in the Commission's Truth-Seeking Unit in their investigations and help them to categorise events and determine their sequence. Ultimately they will make it possible for the Victims' Support Unit to devise specific schemes for the overall reconstruction of village communities that will be included in the final report.

4.6 Legal Unit

The Commission's Legal Unit supported the Truth-Seeking and Reconciliation Unit in dealing with the legal issues that arose daily and worked closely with the Research Unit. It systematically compiled legal sources for each of the 10 research subjects. They included definitions of the various human rights violations and relevant questions of international law. Furthermore, the unit supported interviewers and coders in recording statements, thus making sure that all forms of violation would be correctly recorded in legal terms.

4.7 Public relations work

To ensure that the Truth Commission could make a genuine contribution to social peace, reconciliation and clarification it was essential to incorporate the people and give them the best possible information about its work. This task was performed by the Public Relations Unit in a variety of ways and a transparent manner. Each district office had a member of staff responsible for public relations work.

The unit distributed brochures and posters and organised events up and down the country to make the objectives and tasks of the Commission known and supported the work that was being carried out. Since half the population of East Timor cannot read, the unit concentrated on communication by radio and television. It had its own radio programme, CAVR Dalan ba Dame – The Road to Peace – and produced broadcasts that were transmitted nationwide by Radio Timor Leste and other stations. Radio Hironnelle broadcast a weekly programme compiled by the Commission containing information and interviews for the refugees in West Timor. The national hearings were broadcast live on radio and television and, after being shortened and prepared for teaching purposes, stored as documentary programmes.

The media in East Timor actively supported the process and provided regular coverage. The detailed reports of the Commission, which were regularly compiled in the official languages, Tetum and Portuguese, as well as the working languages, English and Indonesian, enabled the media, specialist audiences and interested parties outside East Timor to share in the events. The reports were put on the Commission's website shortly afterwards. The PR Unit established good relations with society at large, working together with non-governmental organisations, parties, the church and women's and youth organisations.⁶⁹

4.8 Victims' Support Unit

The need to give victims and survivors help in coming to terms with the consequences of the injustice they had suffered was great. Truth Commission staff considered the available support to be inadequate.⁷⁰ Work in this field was a learning process for the Truth Commission. On the one hand, its staff gained an ever better appreciation of how far-reaching the work had to be if the lives of the victims of violence were to improve and, on the other hand, they came to understand the very different needs of individual groups in society. Young people active in the civil resistance movement were arrested and tortured and had to interrupt their occupational or university training; farmers in the districts were crippled by the beatings they had received and were no longer able to provide sufficiently for their families; women lost their husbands and were left to their own devices; damage to health through imprisonment and torture meant that many were no longer fully able to work.

The Truth Commission organised a total of six healing workshops, during which it listened very carefully to the victims and survivors so that it could better understand their cares and needs and incorporate the relevant recommendations in its final report. The workshops were staged in cooperation with church institutions and organisations active in this field. The survivors were given assistance in reflecting on their experiences: what had their lives been like before violence was inflicted on them, what was their life like now, and what hopes did they have for the future? Their thoughts found expression in activities such as painting, singing, dancing, acting and common prayer. Many of the participants discovered that telling each other about what they had experienced enabled them to provide support for others. *Those who internalise their status as victim and fail to overcome it are likely to die*, said Kieran Dwyer. *It is a lifelong task to think things through step by step again and again and to work out what a better life might be*. It was extremely important for the survivors that an official government institution – the Truth Commission – should listen to them and that they should receive national recognition. It also became clear how crucial it was to continue with this work in order to counteract the social marginalisation of the victims of violence, support the personal healing process and open up new prospects in life. Together with non-governmental organisations the Commission is working on ongoing projects that will better satisfy the necessary support for the victims and their social rehabilitation.

4.9 Final report and recommendations

The Truth Commission will present the results of its work and its recommendations in its final report. Comprising a total of some 2,000 pages, it will be handed over to the President of East Timor, who will then pass it on to the prime minister and parliament within 15 days and to the Secretary-General of the United Nations within 30 days. The report will subsequently be made available to the public and distributed internationally. In the course of a nationwide campaign the Commission will present its results to the people of East Timor and explain what measures will follow to bring about justice, reconciliation and national peace. In his message to the people the chairperson, Aniceto Guterres, said: *The recommendations are designed to take account of the needs of the victims of human rights violations and initiate political, legal and administrative action.*⁷¹ Radio programmes and a film are being produced to make sure that the people are informed accordingly.

The Commission's report will be the first official overall presentation of the politically motivated violations of human rights in East Timor. People will find their stories told and injustices will be recognised. The report will break down as follows: mandate of the Truth Commission and the methods applied; legal context; history of the conflict; occupation regime; independence movement; forms of human rights abuse; reconciliation process; responsibilities; summary and recommendations.

In compiling its report the Truth Commission wishes to honour the victims of human rights violations in East Timor, both the survivors and the dead. The report will be an official documentation of the human rights violations and the suffering inflicted on the East Timorese population that will serve as a reminder for future generations. It is designed to help the population understand what it has experienced over the past 25 years and to learn from it to avoid any recurrence of such conflict. Last but not least, the Commission wishes to expose and achieve acceptance of what actually happened during the years of conflict in East Timor and share the lessons learned with neighbouring countries, especially Indonesia. The report is designed to contribute to a better understanding on the part of the international community of the injustices that were committed in East Timor.⁷² The Commission hopes that its results will have an influence on public debates and the future policies pursued by East Timor and Indonesia.

The report will be a far-reaching analysis of the past, says Carmen da Cruz, a staff member of the Truth Commission and a participant in the resistance movement. *It will not only highlight the human rights violations committed by Indonesia in the wake of its occupation, but also show what human rights violations there were within East Timorese society and the resistance movement. We must show that we are aware of the human rights violations committed in our own country and by our own*

*people. I hope that the report and its recommendations will initiate a campaign so that the population will take note of its human rights and insist that they be respected, including by the government. This will help to make sure that things never return to the state they were in under the Indonesian government. I would like the non-governmental organisations to study and analyse the report and make it part of their own strategies when campaigning in the future. In the coming weeks and months we will encounter many political problems because people will abuse their power. That is what makes a strong civil society so urgently necessary. I myself would like to continue working for respect for human rights. And I should like to thank all those outside the country who have supported us over the years and given us a voice. We always knew they were there and that helped us to keep going.*⁷³

5. National hearings

In organising public national hearings the Truth Commission created a setting in which the victims could tell their stories and share their experiences and eyewitness reports with other members of society. Even though not everybody was in a position to speak out at the national hearings or wanted to do so, people were able to see their experiences reflected in the stories told by others. *Through recognising the suffering of individuals, we are recognising the suffering of all Timorese, we are listening to our national story,* said the chairperson, Aniceto Guterres Lopes, in summarising the experiences.⁷⁴

Contemporary witnesses and international players supplemented the statements. Unique in the way they were conducted, these hearings gave society its first opportunity to examine the conflict and all the accompanying controversies – from the civil war through the period of Indonesian occupation to the terror of the militia groups – and to provide information for others to hear.

5.1 Rona Ami Lian – Hear our Voices⁷⁵

11-12 November 2002

Hear our Voices was the motto of the first national hearing staged by the Truth Commission at which victims of human rights violations were invited to share their stories and their suffering with the rest of society. People throughout East Timor followed the hearing, which was broadcast live on radio and television, with deep emotion. Six women and eight men of different ages from all districts of East Timor gave evidence on what they had suffered at the hands of the Indonesian armed forces and East Timorese militias as well as of representatives of the political parties, UDT and Fretilin. Since the renovation of the old Comarca Prison as the headquarters of the Commission had not been completed, the well-

attended hearing was held in the building once used by the now disbanded East Timorese National Resistance Council (CNRT). The date of the hearing – 12 November 2002 – had been chosen with care: this was the 11th anniversary of the massacre at Santa Cruz cemetery, when the armed forces had shot into the crowd without advance warning, killing at least 270 people.

Madalena Pereira was 12 years old in August 1975 when members of the UDT burned down the house of her family, which supported Fretilin, and her grandfather died in the flames. From 1977 to 1978 she was held at the premises of the district military headquarters and forced to serve a soldier as a sex slave. Two children were born of the union with this man, whose name she has forgotten, one of whom died. *Many people have said to me 'Prostitute whose child has no father'. To this day I live alone, suffering, with my child and no husband.*

In 1975, Teresinha da Silva was detained with her family in a Fretilin prison camp where she saw people die of starvation because they were forbidden to search for food outside the camp. She described how her husband was stabbed to death by members of Fretilin and others were executed.

Atanacio da Costa from the enclave of Oecussi survived an attack by the Besi Merah Putih militia group a few days before the referendum in 1999, but he was more dead than alive, having been attacked with machetes and beaten with sticks. He had had to undergo 10 operations. He was still not well and urgently needed intensive care, but his financial means were extremely limited.

On 30 August 1999, the day of the referendum, soldiers picked up Germano Gomes Amaral and some of his friends early in the morning and took them to a house where militiamen were waiting for them. They were beaten with wooden sticks and iron bars; when Germano regained consciousness he saw his friend, Pedro da Costa, lying dead next to him. The men were later sent home but nobody knows to the present day what happened to the corpse of their friend. Others told of being hunted by Indonesian soldiers, captured and tortured in interrogation centres and prisons.

A young woman by the name of Esmeralda dos Santos was the last to appear before the Commission. She was an eye-witness of the attack launched on 6 September 1999 by Laksaur and Mahidi militiamen together with the Indonesian army on the Ave Maria Church in Suai, where some 2,000 people had sought refuge. The militiamen took her and other women to a school. *They started raping us from 7 p.m. until 4 a.m. the next morning.*

After a week the militiamen carried her off to West Timor where the raping continued. Esmeralda became pregnant. She asked the Commission if she could present her little daughter, whereupon the audience met Mary Robinson; Esmeralda had named her child after the former United Nations High Commissioner for Human Rights, who visited Suai in 2000 and met Esmeralda and her new-born child.

Overcome by the stories of suffering and by the dignity with which they were told, many of those present began weeping, rocking each other in a tight embrace and recalling their own traumatic experiences. A young woman, surrounded by her friends, recalled the murder of her husband the day after their wedding in August 1999.

Aniceto Guterres Lopes, the Chairperson of the Commission, closed the hearing with the words: *You have told us of your suffering during these two days of hearings, but I want to tell you that you are not alone. Through your stories you have shared your pain with us, and now we all feel this with you. You can see here today how the stories of your suffering have affected us all. We open our hearts to you.*

5.2 Political prisoners

17-18 February 2003

The hearing on political prisoners coincided with the official inauguration of the former Comarca Prison as the headquarters of the Truth Commission. The subject for the hearing could not have been more aptly chosen, given that 14 of those making statements had spent years behind the walls of this prison. During the Indonesian occupation of East Timor thousands of people were imprisoned and cruelly tortured without ever being charged or put on trial. Countless numbers of detainees were unlawfully executed. This was one of the worst human rights violations of all, which was often covered up by the practice of enforced disappearance. Those concerned were last seen in the custody of the security forces, but the authorities refused to accept that they had arrested them. Relatives inquiring into their whereabouts were told that they had travelled to a different place: *If they want to liquidate someone, they say that the person concerned has gone away to continue their studies, that they have gone to Jakarta or Lisbon or that they have been given an urgent call to go to Kelikai. Kelikai is an administrative post at the foot of Mount Matebian where many murders were carried out. Talking of Kelikai makes our hearts beat faster and our hair stand on end, because Kelikai meant certain death for those told to go there.*⁷⁶

Systematic killings and cases of forced disappearance were widespread during military offensives of the kind that took place particularly during the first phase of the conflict up to the opening of East Timor in 1989; however, they remained common practice right up to the referendum held in 1999.

The problem for East Timor was that as long as there were no independent observers on the ground, Indonesian disinformation could predominate in the world's press, said Martinho Martins and Gil Guterres from the Association of Ex-Political Prisoners (ASSEPOL) during their introductory remarks at the hearing.

Not only were the political prisoners completely isolated; an information blockade meant that the whole country was to all intents and purposes held incommunicado. Prisoners in rural areas, in particular, were completely on their own.⁷⁷ Random arrests, torture and executions were part of the military strategy to subjugate the East Timorese. No one who had contact with the resistance was safe; such contacts didn't even have to be proved, mere suspicion being sufficient. The armed forces threatened to wipe out the family and relatives of members of the resistance – a fate that affected the families of prominent members of the resistance, in particular. Close relatives and friends of suspected members of the resistance were frequently imprisoned and tortured in order to extort information from them and put pressure on suspects to surrender.

The number of prisoners soon exceeded the available prison capacity. People were held at regional and district military headquarters, police stations and secret service departments. The island of Atauro off the capital, Dili, became an island prison after the national uprising of 10 June 1980, which had proved abortive because of a lack of coordination. There were mass arrests and in the following years more and more people were imprisoned there. There was neither medical provision nor sufficient food. *Two or three prisoners died every day*, said José Guterres, a former prisoner.⁷⁸ According to estimates by Amnesty International, there were over 3,800 prisoners on Atauro in 1983.

5.2.1 Torture was part of the interrogation process

Torture and interrogation took place regularly on army premises with private houses being requisitioned whenever necessary. Amongst these places of terror were the Flamboyan Hotel in Baucau, which dated from Portuguese colonial times, and the Red and White House (*rumah merah putih*, a reference to the colours of the Indonesian flag). The latter is now the seat of a veterans' association. Among the infamous interrogation centres run by the secret service departments and the armed forces were the Sang Tai Hoo warehouse and the Tropical Hotel in Dili and private houses in the district of Farol.

In 1975, the TNI arrested my mother (...) I was a little more than 4 years old. It all began because my older brother was a member of Fretilin and all of my family had fled to the forest except for my mother who was a nurse. (...) In 1976 my mother was released.

My mother and I were taken to Sang Tai Hoo (...) my mother was slapped, whipped, given electric shocks, burned with cigarette butts, and threatened with a pistol. All I could do was watch. (...) Each time my mother was interrogated and tortured I was by her side together with an 'uncle' who was the interpreter. I also saw another man tortured by soldiers (...) until he fainted, then they'd pour water over him and when he

*regained consciousness they would resume the torture. (...) TNI arrested a man who was very old and couldn't walk, he could only crawl, together with his son who was maybe two or three years older than I was. Then TNI began to interrogate them, but the old man was just silent.*⁷⁹

According to the interpreter, Maria José Franco Pereira continued, the young boy then answered the questions since he had seen Fretilin members with weapons. From that point on the TNI said you could be sure that children would tell the truth and they began torturing Maria too. *Each time I was tortured my mother would scream and ask that they not torture me who was still little (...) But TNI didn't pay any attention and would torture first one and then the other of us.* In 1977, they were both transferred to Balide Comarca, where the interrogations of Maria's mother continued. *Once after she left she returned in an ill state.*

In 1979 they were both released, but Maria's mother never recovered and began forgetting things. She later suffered a stroke and died in 1983.

Maria da Silva was arrested on 29 January 1977 and taken to Sang Tai Hoo for interrogation. She was supposed to admit to being in contact with Falintil and receiving letters, but she did not confess anything. Maria was held there for 25 days, forced to undress, burned with cigarettes, raped, beaten and given electric shocks. She ultimately revealed the names of members of the resistance and places where she had had contact with Falintil. After that she was transferred to Comarca, where the torture continued. *They put nails in our clothes and raped us until morning.*

She was repeatedly locked away in the dreaded solitary cell. Only nuns and priests were allowed to visit her in prison at that time. The International Red Cross was not given access to the prisons until February 1982, over six years after the invasion. Its visits were irregular and restricted to a limited number of prisons. While Maria was imprisoned in Sang Tai Hoo, she and other prisoners were visited by the Bishop. He enquired about their situation and conditions in the prison. *This Bishop was chased away by TNI. They called him a 'dirty dog' and were cursing him as they chased him away.*⁸⁰

After her release on 16 July 1978 Maria worked in the Indonesian administration, but remained active in the resistance. *In 1980 TNI soldiers kept chasing and harassing me until I finally gave in to a TNI Lieutenant Colonel. I gave birth to a girl.*⁸¹

Torture was part of the interrogation process because they held the concept that if they didn't apply pressure it would be difficult to get a confession, said Gregorio Saldanha, one of the leading figures in the civil resistance movement.

Non-violent resistance came to the fore in the late 1980s and was actively supported by young people who had grown up under Indonesian rule. Defying the repressive Indonesian apparatus, they used every available opportunity for public protest. Indonesia's response was to step up the practice of random short-

term imprisonment for suspects, for example before visits by international observers and delegations.⁸² Gregorio Saldanha and other suspected supporters were arrested before the visit by Pope John Paul II to East Timor in 1989 and released on condition that they submit a report. *At that time, the Indonesian military thought that by arresting us they would prevent the demonstration to greet the arrival of the Pope because our network would be revealed.*⁸³

After the Pope had celebrated mass in front of over 100,000 believers there was a pro-independence demonstration. The police used violence to break it up before the eyes of foreign journalists, and some 40 young people were arrested.

The demonstration of 12 November 1991, better known as the Santa Cruz massacre, has become notorious. Gregorio, who had organised the demonstration, was shot, arrested and tortured. He described the psychological terror he was subjected to in graphic terms. He was repeatedly told that his family had been murdered and his village burned down because of what he had done.

5.2.2 Show trials

During the 1980s foreign criticism of prison conditions increased, especially of arbitrary imprisonment without indictment or trial. Show trials subsequently took place in which hundreds of East Timorese were found guilty of subversion and of *expressing hostile feelings* for the Indonesian government and given long prison sentences. The most spectacular show trial of this kind was of Xanana Gusmão, the leader of the resistance movement and the current president of East Timor. Xanana was captured on 20 November 1992, found guilty of rebellion and the illegal possession of weapons in May 1993 and sentenced to life imprisonment. He was not allowed to choose his own defence lawyer, a counsel being assigned to defend him just six days before his trial began. The speech made in his defence, which was 29 pages long, was interrupted by the judge after two pages had been read out because it was allegedly *irrelevant*.⁸⁴

Gregorio Saldanha was also given a life sentence. *Before I could answer one question, they would fire another one at me, so that I never had a chance to answer*, he said when describing the conduct of his trial during a hearing of the Truth Commission. *The questions they gave me were usually without direction and that caused me to often make errors in my response.*

Gregorio was assigned a lawyer from the best known Indonesian legal aid organisation LBH (*Lembaga Bantuan Hukum*), which gave him excellent support. But as long as Suharto was in power there was not a great deal that the lawyer and his organisation could do. From the moment he was charged it was clear that he would be given a life sentence, Gregorio said.

Detaining people without charging them or putting them on trial remained common practice in East Timor. In many cases prisoners were denied contact with lawyers, representatives of the International Red Cross and other organisations as well as with members of their families. This was the case at the start of their imprisonment at least, when the signs of torture were all too obvious. Bishop Belo and many other dedicated priests and nuns regularly went straight to the police, the armed forces and the authorities, demanding access to the prisoners and attempting to protect them; they offered many victims of persecution shelter on church premises, gave them work and placed them under their personal protection. Some of the prisoners were released after a few days, while others were detained for months or years. Frequently their release was conditional upon them signing a declaration obliging them to renounce their political convictions, this often being linked to an agreement to provide the armed forces with information about the resistance movement after their release. *The East Timorese were past masters in every subtle form of resistance: they demonstrated obedience in hypocritical gestures that were almost satirical and sabotaged the work of the oppressors while acting the busy assistant.*⁸⁶ In fact, only very few East Timorese were loyal supporters of the Indonesian occupying forces. However, this should not camouflage the fact that the latter were nevertheless successful in generating a climate of mistrust. Some East Timorese spied for the armed forces, while others only pretended to do so. The latter received valuable information from liaison officers in the army and supplied them with false information in return. Such cases entailed the risk of confusion in matters of loyalty, however, with occasionally fatal consequences.

5.2.3 Support from organisations in Indonesia

The authorities increasingly went over to transferring political prisoners to prisons in Jakarta and Semarang on Java, where they received legal counsel and humanitarian support from members of Indonesian human rights and legal aid organisations. Thanks to the legal assistance provided by LBH in the 1990s the situation of the political prisoners in Indonesia improved considerably; representatives of ASSEPOL have paid tribute to the valuable work performed in this respect. Luhut Pangaribuan, an LBH lawyer who defended many East Timorese, attended the hearing of the Truth Commission at which he reported on the difficulties he had encountered in his work. The pictures of the Santa Cruz massacre that travelled the world in 1991 not only made sure that Indonesia could no longer cover up its brutal treatment of the population in East Timor; they also opened the eyes of many people in Indonesia itself. A growing number of Indonesian non-governmental organisations showed their solidarity, arranging information campaigns and questioning their government's policy towards East Timor.

During the hearing of the Indonesian human rights defender, Ade Rostina Sitompul, President Xanana thanked her with flowers for having provided support for East Timorese prisoners over many years. Among them was Xanana himself, who was imprisoned in Jakarta up to 1999. Ibu Ade's brother and many of his friends were among the hundreds of thousands who had been imprisoned after Suharto's coup in 1965 and subsequent seizure of power. Since that time she had looked after political prisoners and their families. In 1987 Ibu Ade came to hear about the 47 East Timorese held at Cipinang prison in Jakarta and provided them with food, clothing and medicine. She reported on the strict observation that accompanied her visits and from 1989 they were stopped. Only in 1993, after there had been a change in the management of the prison, was she able to resume her visits. After the Santa Cruz massacre – which was followed by a spate of arrests – human rights and church organisations founded a network for the humanitarian and legal support of the East Timorese prisoners. *I went to Dili along with two lawyers, Luhut Pangaribuan and Hendardi, to act as liaison with the family members of the detainees. I used my connections with prisoners at Cipinang to gain the trust of the families of the detainees. I continued to do my prison work until the last of the East Timorese political prisoners were freed.*⁸⁷

After President Suharto was forced to step down in May 1998, the political prisoners were released in several waves. Among them, after the referendum of 1999, was Xanana Gusmão.

Deeply moved by what he had heard, Francisco Guterres Lu-Olo, President of Fretilin and of the National Parliament, closed the two-day hearing. He realised that what he had had to suffer himself over the 25 years of resistance he had spent in the mountains was not as bad as what the prisoners had had to endure. Addressing the country's political leaders, the eye-witnesses called for human rights to be observed, urging the politicians to prevent power in East Timor from ever being abused in such a way again.

In the final report the Commission's Research Unit will list all the places in East Timor and Indonesia where prisoners were held and compile a catalogue of all the inmates.

5.3 Violence against women in East Timor

28-29 April 2003

The Truth Commission's hearing on violence against women demonstrated the varied and specific ways in which women and girls became the victims of human rights violations during the Indonesian occupation from 1975 to 1999. At the same time – and this was no less important – the women giving testimony

provided an insight into the wide range of activities they were involved in to liberate their country. Their work was less spectacular, tending to remain invisible in accordance with their role in society. The view from outside also remained mostly focused on women's role as victims. *Yet women had influence in the resistance movement, playing an important role as carriers of information. They enjoyed recognition in 'underground work' because men needed them. People talked about their contribution and realised what they were doing,* said Licinha Gonsalves of the women's organisation Fokupers.⁸⁸ Women gave shelter to the wounded, provided fresh supplies of food and medicine, took an active part in civil resistance, carried out political education work and sustained the will to resist. Many also fought with Falintil.

Like their male counterparts they were recently registered during the survey carried out by the two veterans' associations on behalf of the government, but so far they have neither been incorporated in occupational reintegration programmes nor have they received any compensation. The contribution made by women in the resistance put up by Timorese society has not yet been given express public recognition either because, despite their political activities, no substantial change has taken place in traditions in favour of the recognition of equal rights. *Women are mentioned publicly on Independence Day and Women's Day, but no practical help is forthcoming,* says Manuela Leong Pereira, the head of Fokupers.⁸⁹ Licinha Gonsalves summarises the situation by saying: *The cooperation that existed between women and men in the resistance has only been carried over to a limited extent into life in independent East Timor. Today women are becoming invisible again, they no longer enjoy recognition and have to be brave in speaking out against this situation.*

The former Governor of East Timor, Mario Carrascalão, says that: *The aim of this violence against women was to reduce the power of the resistance.*⁹⁰

Wives and daughters were arrested in place of husbands and fathers whom the military suspected of belonging to the resistance. The wives of Falintil fighters constituted a special target. The raping of women was used as a means of waging war and many members of the armed forces used women as sex slaves.⁹¹ According to Mario Carrascalão, it was customary for the lower ranks to provide their superiors with women in the hope of being promoted. The soldiers described the women as their 'local women', a term designed to play down the brutality of what was in fact forced prostitution. As Carrascalão emphasised, the abuse of women and girls was in no way an accident or an isolated event. Violence against women was systematic in nature, being designed to intimidate and humiliate the population. The offenders were never called to account.

5.3.1 East Timor's strong women

Beatriz Miranda Guterres, whose husband disappeared in 1984 and was presumably murdered, spoke of how she was forced to live with three different Indonesian soldiers over the next 10 years. In each case she became pregnant and in each case the soldier returned to Indonesia leaving her behind with a child. The first was a soldier from the elite unit, Kopassus. After he had beaten her up, her brother-in-law called in the village chief and the neighbours. In the presence of the elite soldier the village assembly, including Beatriz' parents-in-law, told her that she should accept him. The liaison would be of no significance and nobody would deride her. Everybody knew that she had been forced into the situation. *If you don't accept, we will all die. It is better that you should sell your soul, then we will all survive.* When she was forced to live with the second soldier she told herself: *Okay, I'll cut myself in half. The lower half I'll give to him, but the upper half is for my land, the land of Timor.* In the end two soldiers fought over her and the village chief was called in to mediate. His displeasure was directed at Beatriz, however. It was her fault that there was a dispute. She was to choose one of the two men, but not both. When she replied that she was not aware of being guilty in any way she was shouted at and insulted. Today Beatriz lives in her village with her children and is an accepted member of the community. But that was not always the case. She spoke of having been treated badly by her community for a long time and being scorned as an 'army wife'. She was also accused of being a spy. She angrily dismissed these defamations; in the end nobody spoke badly of her any more.⁹²

Apart from the physical injuries involved, forced prostitution and rape not only inflict feelings of powerlessness and humiliation, they also frequently leave lifelong mental scars. Amnesty International writes that rape is a reflection of uninhibited power and of the utter contempt felt by offenders for their victims.⁹³

In addition to their physical and psychological suffering, women in East Timor suffered the additional affliction of being abandoned by their husbands, particularly if a child was the outcome of an act of rape. Some families also refused to accept that rape had taken place and rejected the women concerned. Many victims were forced either to work as prostitutes or to continue their role as sex slaves in order to provide for themselves and their children. The powerless, subordinate role of women in traditional East Timorese society forced them into a vicious cycle of permanent injury. Not only was violence inflicted on them by Indonesian soldiers, they were also ostracised by their own society and in many cases by the local church, too, which completely failed to live up to its responsibility of understanding the trauma and humiliation suffered by women and assisting them at a time of crisis. As a result many women regarded talking about their experiences as an absolute taboo.⁹⁴

Talking at the Truth Commission hearing about the injustices that had been inflicted, in particular sexual violence, was a far from easy step to take. Many women were afraid of offending their families and suffering social abuse. *The CAVR Commissioners were very tactful in supporting the women providing testimony and gave them time to speak,* said Maria Tschanz, who works for the German Association for Development Cooperation (AGEH) as a civil peace adviser to Fokupers, the Timorese Women's Communication Forum. Even during the preparatory workshop co-organised by Fokupers the women were clearly relieved that the time of silence had passed and that the public was prepared to listen.⁹⁵

Olga da Silva Amaral began her testimony by saying: *My small village is in the hills where you can't even drive a car. No leaders ever come to see us. But today, with the grace of God, the CAVR has opened a way for us women to come to the table and tell our stories to the nation.*

She reported on how in 1980 the army extended its presence into the villages and set up posts. In 1982, the armed forces carried out a major operation in the region, during which soldiers attacked schools and burned down houses. All the men in the village where Olga da Silva Amaral lived were arrested and taken to the island prison of Atauro off the coast of Dili. For the women this was the start of a nightmare. Olga aroused suspicion because she was looking after a wounded Falintil fighter at the time. She was arrested. *At that time only women were detained at the Dare Military Command Post. We were tortured one by one by ABRI and Hansip (Civilian Guard under Indonesian military command). Before I was raped, they hit me on the head with a wooden chair until I bled, I was hit with a firearm in my left ribcage until I was injured, I was kicked in the back with military boots until I was unable to walk. But the torture continued. I was given electric shocks to my ears, hands and feet. I was jumped all over until I felt that my blood no longer flowed and I had no more strength. That is when they raped me ... They tortured me like this for a month... There was never a day without rape.* Olga managed to escape but was rearrested a few months later.

Her tormentors kept her locked in a toilet for three months at the command post at Ainaro, where the interrogation, torture and rape continued. One day a fellow-prisoner became aware of her presence and whispered to her through a hole in the wall advising her to admit to all the allegations and claim she had acted on orders. She was subsequently put in a normal cell and released in April 1983. Not long afterwards her husband returned. In her words he, too, had suffered terribly during his two-year imprisonment in Atauro. *Our two families gathered to consider all the problems I had experienced while in the clutches of the Indonesian military. My husband and I received counselling from a priest. I decided to just turn everything over to my husband (...). The priest asked my husband if he wanted to receive me again as his wife, and he did.*⁹⁶

5.3.2 Violence in the civil war

Indonesian soldiers were not the only offenders. During the inner-Timorese political conflict in 1975 women became a target for violence because members of their families belonged to political parties. Even their own active party membership was not enough to protect women. *Although I was active in the OPMT (women's organisation affiliated to Fretilin), Fretilin arrested the whole of my family in 1977*, said Maria Antonia Santos Sousa.⁹⁷ Her father and uncle belonged to the UDT. Regarded as a traitor, she was interrogated, tortured and saw members of her family and many others die of hunger and wounds inflicted during torture in the Fretilin prison camp. The inhuman treatment meted out to the population and prisoners by the parties and later on by the resistance movement is one of the bleakest chapters in East Timor's recent history.

My sister suffered rape by FRETILIN members. And I, a FRETILIN member, was raped by UDT members, said Victoria Henrique during the testimony given by her sister Rita da Silva. Overcome by their emotions, they embraced on the stage. *We earned independence, we suffered because of this flag ... we are sisters ...we call on the political leaders of Timor to make sure that this never happens again ...* Father Jovito Araujo do Rego, the Deputy Chairperson of CAVR, summed up this session by saying that the painful testimony given was a reminder of the consequences of conflict to those Timorese men who thought it brave to have a warrior culture.⁹⁸

5.3.3 Militia violence in 1999

Ana Lemos, the daughter of Ines da Conceição Lemos, was active in the resistance. She was Deputy Secretary of OMT, the women's organisation of the National Resistance Council (CNRT), in the district of Ermera. She often took food to the prisoners in Gleno, which attracted the attention of both the secret police and the militiamen there. In 1999, she worked for the United Nations Assistance Mission in East Timor (UNAMET). The local UN workers were regarded by the militia groups and the armed forces as traitors of the worst kind and were systematically hunted. Ana suffered agonies at the hands of the army and the Darah Merah Integritas militia during the last days of her life. She was raped by all her captors in the front garden while her mother and her two children waited helpless inside the house. The militia leader fetched them two days later and in the evening a different militiaman told her mother that she needn't wait for her daughter any more since she had already been murdered. Her clothes were later found in a nameless grave in Ermera forest.

The militia groups also terrorised, intimidated and raped women and girls in the refugee camps in West Timor. Many of the militiamen vented their polit-

ical frustration by inflicting violence on women held there. This was reported by a group of women who examined the situation in 74 refugee camps. Women and girls returning to East Timor from the refugee camps were often rejected by their families, who feared that they would be disgraced because of the women's collaboration with the militia groups. There were cases in the district of Maliana in which priests refused to allow women who had become pregnant after being raped to enter the church or have their children baptised there. Cases of segregation in the community were reported as a result. *Many priests preferred to look to the heavens rather than at reality. But their views have changed in the meantime*, Manuela Leong Pereira explains. These were individual cases, however, and cannot be construed as representing the official policy of the local church. Contrasting with these instances were many illustrating the devoted help and assistance given by nuns and priests. Quite clearly, the development process taking place in the country must include the church as an integral part of society. One area in which this is now the case is that of domestic violence. *The main form of support Fokupers receives from the church is its taking up of the issue of domestic violence, which helps to create an awareness of the problem*, says Maria Barreto.⁹⁹ The church is also involved in providing consultation and advice to families and perpetrators. The support given by church relief organisations to women's organisations such as Fokupers helps involve the church to a greater extent and raise its level of awareness. The same applies to church cooperation as a whole, which fosters the development process within the local church.

5.3.4 Enforced birth control

Enforced sterilisation and compulsory participation in the government family planning programme were other forms of the abuse of women practised during the Indonesian occupation. According to John Fernandes, who was in charge of the programme in the district of Manufahi from 1983 to 1999, government employees implemented the birth control programme at the village level with the help of the armed forces. Hormone implants and hormone injections were the preferred methods. Special medicines were administered to counteract the side effects. *Nurses in the hospital would give this medicine to the wives of Indonesians whereas the people of Timor Leste were left to suffer*.¹⁰⁰

If women became pregnant, nevertheless, the pregnancy and birth often involved complications and occasionally the death of the mother even. Some children were born with deformities. Women were frequently sterilised after the birth without their knowledge, while contraceptive inoculations were performed in schools without girls giving their approval or being told what was happening.

The impact of the perfidious use of the family planning programme for mil-

itary and political objectives is still being felt today: many women avoid the few clinics that exist in poverty-stricken East Timor out of fear and mistrust. Only if there are complications do they seek medical assistance, by which time it is often too late. After the liberation of East Timor, the country has experienced a tremendous baby boom, yet 850 of 100,000 live births end in maternal fatality. The World Health Organisation estimates that one in five children is born dead or dies during birth, while 8 to 9% of children do not survive their first year. East Timor currently has the highest birth rate in the world, but also the highest maternal and child mortality rate. According to figures issued by UNICEF, only 24% of women receive professional assistance during childbirth. The government has responded to the problem by training midwives and initiating after-care programmes. Another equally urgent task is the provision of sex education and a suitable family planning programme so that women have an opportunity to practise birth control. Women in East Timor have 7.5 children on average. It is nothing unusual for families to have more than 10 children. Still births and complications during and after birth are frequent occurrences, often leading to the death of the mothers.¹⁰¹ Only recently the church in East Timor came out in favour of a programme of natural family planning.

5.3.5 Outlook

The two-day hearing of the Truth Commission left a deep and lasting impression of the dignity and inner strength with which the women relived the worst moments of their lives. They repeatedly broke down in the process yet insisted that it was important for them to give testimony. The hearing caused great dismay and consternation amongst the audience and was followed with keen interest by people throughout the country on radio and television.

Women in East Timor have traditionally had an inferior status. They were victims of human rights violations not just because they were involved in the resistance movement, but also because of their powerless role in society. The unsympathetic attitude of society to women also makes them think that in reality they are not victims but guilty parties. A working group looking into the structural causes of violence against women established that inequality between men and women got worse during the years of conflict. The group also examined the specific needs of women who suffered from violence; their recommendations on support for rehabilitation and in the healing process will be incorporated in the Commission's final report. In their messages to the political leaders and the nation the women who gave testimony during the hearing urged that consideration be given to all the women throughout the country who had suffered in a similar way and that help be provided for the many widows and orphans

to improve their situation in life.

A delegation of the Indonesian National Commission on Violence Against Women, Komnas Perempuan, was also invited to the hearing. Women from Aceh and Papua, two provinces in Indonesia, in which there are separatist movements, made it clear that the pattern of violence is the same everywhere and that women are always the ones to suffer. Exemption from punishment still applies in Indonesia. Ita Nadia, a lawyer from Jakarta, stressed how important it is for the development of a community that women who are the victims of violence should be integrated as a part of the foundations for a new society.

*A question which often arises in Timor Leste today is (...) who fought and suffered most for our freedom, National Commissioner Orlandina Caeiro said in her concluding remarks. In this discussion the role of women is never given the place it deserves. Who owns our independence? The answer to this includes a major place for women, and we must not forget this.*¹⁰²

The hearing of the Truth Commission on Women and Conflict created a sense of awareness and showed just how much violence there is, says Maria Barreto. The achievement of independence has underlined the need to continue waging the struggle for women's rights, because it has become clear just how strong the patriarchal tradition is in the country and that this is the structural cause of violence against women. Women are of lower value and have no rights. So they must redouble their efforts to break down the system and raise awareness that women have the same rights.

But it is not only the case that the traditional social order oppresses women, Licinha Gonsalves explains, it also contains elements that give women a recognised position in society. Cultural factors that have a negative impact on women are used to limit their activities to the household and to oust them from the positions they rose to during the resistance, including in the economic sphere. What now encourages us to speak out resolutely in favour of women's rights and equality is the fact that many women are working together, organising themselves and asking what their rights are. The awareness that women have rights has made us strong.

5.4 Forced expulsion and hunger¹⁰³

28-29 July 2003

In September 1978, the Indonesian government invited the ambassadors of several countries and selected journalists to East Timor to see for themselves whether integration corresponded with the wishes of the population or was pure fiction. This was the reason for the invitation given by Mochtar Kusumaatmadja, Indonesian Foreign Minister at the time. The guests visited a strategic camp near Dili, where the military had penned in the people they had driven out of the mountains. It is estimated that between 300,000 and 370,000 people were liv-

ing in such camps throughout the country at that time. What the ambassadors – and the visibly shocked foreign minister saw – was crushing poverty, illness and people close to starvation: it became clear to the visitors that East Timor was in the throes of a humanitarian catastrophe.¹⁰⁴

Precious months passed before the International Red Cross and the American Catholic Relief Services (CRS) – and only these organisations – were granted access to East Timor. ... *the humanitarian assistance that came was late, but it also saved many people*, CRS staff member Gilman dos Santos told the hearing. *It was too late because Timor was closed off. Not even the Indonesian civilians knew about what was happening here. Indonesian journalists, or international journalists, could not report on what was going on here. We couldn't even telephone to other parts of Indonesia. It was closed, very closed and tightly watched by the Indonesian military.*

CRS ceased its activities after five years because of the military controls and persistent obstruction. The relief organisations faced a dilemma, said Pat Walsh, the former Human Rights Director of the Australian Council for Overseas Aid (ACFOA). How could the relief workers meet their humanitarian commitments without simultaneously serving the interests of the Indonesian military? Indonesia did not want any spectators on the island as long as it had failed to achieve its military objectives. Compared with these, humanitarian aid was not important. Food could only be distributed in areas controlled by the military with the express intention of forcing the population up in the mountains to surrender. The camps were unfit for human habitation. There was neither sufficient food and drink nor medical care, and the help provided by the Indonesians was minimal. Deliveries of aid were held back and sold even. Most of those who fell ill in the camps died.

The invasion of the Indonesian troops on 7 December 1975 was a military disaster, as the man behind the strategy, General Benny Murdani, who died recently, conceded in his biography.¹⁰⁵ Instead of capturing East Timor in a lightning attack, the armed forces got embroiled in an interminable disaster. Despite its military superiority Indonesia was incapable of breaking the resistance right up to the very end – and its failure prompted it to resort to ever more brutal methods in its conduct of the war.

5.4.1 Escape to the mountains

The entire civilian population was subjected to systematic violence and terror. Whole areas were depopulated and the inhabitants interned in camps. There are few records of the early years of the Indonesian occupation when tens of thousands of people died as a result of the war. The testimony given to the Truth Commission by 11 witnesses who survived this period provided a very clear picture

of the pattern of systematic violence that spread from one region to the next in different stages. In the first stage the Indonesian armed forces concentrated on taking the cities of Dili and Baucau and other towns. The inhabitants subsequently fled to the mountains, where they initially managed to survive, planting crops, building provisional shelters and setting up their own organisations. The task of a support and solidarity committee, for instance, was to care for the sick and starving. It took months – and in some cases years – before the military succeeded in gradually penetrating the rural areas. Extensive bombing raids were carried out. *Every day the planes came back to bomb. (...) Thousands and thousands died, died of starvation, died without medicine, died from the bombs dropping on us.*

The communities continued their flight together, leaving the army to move in, destroy their fields and gardens and kill their water buffalo and other animals. The civilian population could no longer stay long enough in any one place to plant crops and so their situation deteriorated rapidly. *I can still remember, in August 1977, on one day we could bury over 80 dead bodies.*

Manuel Carceres da Costa stated that most of the victims were children who died of starvation and old people who were so exhausted they couldn't carry on.

Maria José da Costa from Same described how the enemy began to systematically encircle those who had fled during the dry period in August 1978. They were shot at from warships and bombarded from the air while the army set the dry grass on fire. The area was sprayed with petrol beforehand to make sure it burned very quickly. *I witnessed many people who were burnt to death. My grandmother was burnt to death. We were not able to assist one another, we were trapped by the situation. After we got out we still saw old people who had been left by their families. We could only look but were not able to do anything, because the enemy kept chasing us.*

5.4.2 Return to the internment camps

Close to starvation and weakened by disease, more and more people came down from the mountains and forests and surrendered to the armed forces. But that was not the end of their martyrdom. To separate these people from the resistance movement and cut off their support for it they were detained in camps. Those who left the camp were only allowed to move within a radius of 100 metres and – in some cases – up to one kilometre. But this area was not enough for them to find food and so the dying continued.

In 1981, a military commander came to Quelicai and announced: *Whoever has family in the forest has to be punished.*

Joana Pereira, who was 13 at the time, and her 9-year-old brother were taken away and interned on the island of Atauro off Dili. Her older brother was fight-

ing in the mountains against the military. The prisoners on Atauro received neither enough food nor medical care. Only after the International Red Cross was allowed to distribute food in 1982 did the situation improve somewhat. *I am so sad today when I talk about this*, said Joana at the end of her testimony. *I ask the CAVR and the government to remember the people who died on Atauro ... record their names.*

5.5 Massacres

19-23 November 2003

I want to say that I do not see myself as a victim, explained Simplisio Celestino de Deus, who survived the massacre at Santa Cruz cemetery on 12 November 1991. *I see myself as someone who has struggled and who succeeded in liberating our land.*¹⁰⁶

Open resistance to the occupying power required great courage. The massacre at Santa Cruz was only one of many, but the difference was that it was witnessed by foreign journalists. The film-maker, Max Stahl, succeeded in filming the brutality displayed by the armed forces and in getting the footage out of the country despite enormous difficulties. The pictures unleashed a storm of outrage and protest all over the world. At the time the hearing took place, the Truth Commission's Research Unit had gathered evidence of over 120 massacres in the period under investigation, the definition of a massacre being that at least five people were killed in one place at any one time. 17 survivors, eye-witnesses and relatives gave testimony during the three-day hearing. Professor Geoffrey Robinson of Amnesty International, who was responsible for East Timor and Indonesia from 1989 to 1995, was invited as an expert along with the film-maker, Max Stahl.

Representatives of the two civil war parties, Fretilin und UDT, who battled for power in August 1975, were also among the offenders. This highly sensitive issue was the subject of a separate hearing; the testimony given to the hearing on the political conflict is dealt with in the next section.

Indonesia's invasion began in the early hours of 7 December 1975. Felismina dos Santos Conceição watched as aircraft dropped paratroopers over Dili and soldiers gradually took control of the city. The army told the inhabitants of the various districts to leave their homes and rounded them up; men and women were then separated. The men were taken to one side of the building, whereupon the sound of machine-gun fire was to be heard. Felismina's brother was still alive, but he died of his wounds without the women being able to help him. *When more of the family members of the victims came to this place to look for their families, ABRI saw us and started shooting in our direction. We ran and left that place ...*

5.5.1 We call this the village of widows

The killings that took place in Kraras in 1983 are regarded as the most infamous crime committed during the Indonesian occupation. There was never an official investigation and the exact number of victims is still not known. The Truth Commission's Research Unit is trying to uncover the facts. *We call this the village of widows* says the former Governor, Mario Carrascalão.

Lieutenant-General Prabowo Subianto, Suharto's son-in-law and a former commander of the elite unit, Kopassus, played a key role in the massacre.¹⁰⁷ In 1983, the inhabitants of Bibileo, who had fled into the mountains, surrendered and were first detained in a camp in Viqueque, said the village chief, José Gomes. The community was not allowed to return to its former village, being forcibly settled in the Kraras area instead. In 1982, the armed forces killed two former members of the armed resistance, Falintil, and five civilians; the latter had just returned from their fields when the firing started and they were shot dead. This incident and the persistent sexual harassment of widows, whose husbands had been killed by soldiers of the Zipur 4 territorial battalion, led to a regional uprising. 14 members of Zipur 4 were killed and the inhabitants fled in fear to the woods. The next day the army combed the region, forcing the civilians to retreat. Anyone trying to escape was shot dead on the spot. More than 50 people who had surrendered were massacred on the road to Kasese – husbands, wives, pregnant women and children. Some of the inhabitants were then taken by the army to the village of Buikarim. In September 1983, Gomes went on, over 100 men were taken away by the army and murdered. *They were taken forcibly as if to go back and find food back in Kraras for the needs of the civilians.*

Massacres were designed to deter and intimidate the population, but they also took place out of revenge. In many cases the corpses were mutilated. Particularly cruel was the practice of forcing the population to participate in the massacres themselves.

A handout by the German Justitia et Pax Commission offers the following explanation of this practice: *Dealing with the dead in a violent manner, reflected in making them disappear, in mutilation, or in anonymisation of the bodies, frequently directly targets the relatives or the group to which the dead belong. The family members experience such action as profound insecurity and humiliation, which in many cases, in particular if the fate of the murdered person is unsolved, leads to an ongoing condition of traumatic insecurity.*¹⁰⁸

During the hearing Professor Robinson had the following to say: *The dozens of massacres and multiple killings that took place in East Timor from 1975 to 1999 were not random events, and they were not the actions of "rogue elements." Testimony, documentary evidence and recurring patterns over 24 years make it clear that they were part of broader policies of systematic terror and revenge, implemented with the knowledge and acquiescence of the highest military and civilian leaders of Indonesia, and sometimes on their orders.*

5.5.2 The massacre at Santa Cruz cemetery

The second day of the hearing was devoted entirely to the massacre at Santa Cruz cemetery. Simplisio Celestino de Deus described how the urban underground movement was gathering increasing support. The peaceful protest activities it organised made it progressively clearer that the integration of East Timor was by no means complete and that people were suffering from the policies pursued by the Indonesian government, which was trampling their human rights under foot. A peaceful protest action was organised to accompany the arrival of a delegation of Portuguese parliamentarians, but their visit was cancelled at the very last minute. The Indonesian secret service knew about the preparations for the protest action; it carried out an intensive search for members of the resistance, killing Sebastião Gomes at Motael Church in Dili. After mass had been said for Sebastião in the early morning hours of 12 November 1991, a procession of some 1,500 young demonstrators set off in the direction of Santa Cruz cemetery, where they unfurled banners calling for independence and shouted slogans. *We organised our own security to make sure that no-one was carrying knives or weapons. I did not think the Indonesian military would shoot*, Simplisio said.

But that is precisely what happened. Sebastião was seized in the small chapel in the middle of the cemetery, where he had sought refuge along with many others, some of whom were seriously wounded. *An ABRI member from Battalion 303 from Sulawesi cut my ear ... I was beaten, and kicked in the head where they had cut my ear off ... I thought they wanted to kick me till I died. They finally put me into a Hino truck which was already full with dead bodies. When the vehicle began to move there was someone amongst the bodies who still moved. I felt I wanted to die, all my friends were killed ...*

Max Stahl showed excerpts from his video footage and described the dreadful scenes. *The troops were clearly not out of control and were not doing anything on their own initiative.*

The killing continued in the military hospital to which the wounded had been taken; people were carried off, executed and buried in mass graves. At least 270 people lost their lives and even today there is still no trace of many of them. Max Stahl accused the then Australian Foreign Minister, Gareth Evans, of having deliberately played down the extent of the massacre. His interpretation of the events had been readily seized upon by other governments, as a result of which the international pressure exerted on Indonesia was not enough to secure a full explanation of the massacre involving the participation of independent institutions.

Professor Robinson summed up as follows: *The massacres, and massive violence generally, could not have happened without the direct and indirect support of key foreign governments especially the US and Australia. By providing critical military as well as economic aid, and by systematically lying about and covering up the extent of*

the killing, these states (and many others besides) were complicit in them, and arguably share responsibility for them.

Professor Robinson came out strongly in favour of opposition to exemption from punishment for the crimes committed in East Timor and of the setting up of an international tribunal. In the 1980s diplomats had said there could never be independence for East Timor, but it came about nevertheless. A tribunal was a dream, he said, but it too could become reality.

5.5.3 Recommendations to the government

At the end of the hearing the Vice-Chairperson of the Commission, Father Jovito de Araujo, commended those who had given testimony for their courage. It was important to learn from the violence of the past and to work to avoid any repetition of the bad example set by the Indonesian military. He summarised the recommendations and demands raised during the hearing in the following five key points:

1. The military must always be kept separate from political power and never be used against peaceful actions.
2. We should never allow civilian security groups to be formed or tolerated by the government.
3. Human rights must be the basis of our government. (...) These civil rights must be respected even when it makes governing more difficult.
4. Justice and the law must be applied equally to all people. (...) The mechanisms of justice can never be applied to groups because of different beliefs of those groups, or because they oppose those in power.
5. Reconciliation must be based on justice if it is to be effective.

5.6 The political conflict 1974-76

15-18 December 2003

The most sensitive political issue in East Timor's recent history is the conflict between the parties during the period of decolonisation from 1974 to 1976, which reached its sad climax in a bloody civil war between Fretilin and UDT in August 1975 that cost the lives of some 1,500 people. The Portuguese administration in place at the time withdrew to the nearby island of Atauro, thus ending its centuries-long colonial rule over East Timor. Indonesia exploited the ensuing power vacuum and marched in on 7 December 1975 under the pretence of putting an end to the civil war. As emerged later, Indonesia's secret service had urged the UDT to stage a coup against the Fretilin government.

Popular fear that the rivalry between the parties will erupt into violence remains deep-seated; the multi-party system lasted for only a short while, ending in the six-week civil war. Even today there are persistent rumours that the UDT could again attempt to stage a coup and seize power. This is despite the fact that the old party was the clear loser in the elections to the constitutional assembly on 30 August 2001. It won just 2.4% of the votes and has two seats in parliament.

The fear of division and political violence is an expression of how deeply this darkest chapter in East Timorese history is etched into the minds of the people. There has been very little discussion of the crimes committed by the parties at the time; the 24-year occupation by Indonesia and the unifying impact of resistance to it forced clarification and a review of the crimes into the background. *Timorese people have never had the chance to talk openly about the terrible events of August 1975. For many, these events are shrouded in mystery and rumour, and have the potential to foster half-truths, allegations and lies*, said Aniceto Guterres Lopes, the Chairperson of the East Timorese Truth Commission.¹⁰⁹

5.6.1 Representatives of the parties before the Commission

The Truth Commission in Dili invited representatives of the old parties to attend a hearing from 15 to 18 December 2003 on the political conflict from 1974–76. 13 politicians, including Xanana Gusmão, José Ramos-Horta, Mari Alkatiri and Mario Carrascalão, accepted the invitation. Months of preparation involving representatives of the parties preceded the four-day hearing, which is regarded as ‘historic’. All the politicians appeared before the Commission as key figures at the time and not as current incumbents in political office. Speaking from Portugal, the last Governor of Portuguese Timor, Major-General Lemos-Pires, gave testimony in a video conference. Unfortunately, Jusuf Wanandi, who has worked for the Center for Strategic and International Studies (CSIS) in Jakarta since 1975, could not attend in person either and handed in a written statement. CSIS played a major role in the planning and implementation of East Timor’s integration. The think tank worked closely with the Indonesian secret service, BAKIN, at the time and invested considerable resources to ensure that Indonesia’s activities were presented in the international arena as being lawful. The former Australian consul, James Dunn, was heard as an expert. Survivors of the violence committed during this period were given an opportunity to make statements. To give the younger generation a vivid impression of this period, which is so crucial for East Timor, the Commission staged a photo exhibition and showed rare film footage.

The hearing revolved around the reflections of the politicians on the period concerned: this included their responsibility for the acts of violence, their requests for forgiveness and the lessons learned for the benefit of East Timor now

and in the future. Aniceto Guterres Lopes spoke the following words of warning at the beginning of the hearing: *Let us not run away from the need to look at our history. What has happened is the truth, it took place. Let us learn from these experiences together so that the old wounds can indeed be cleaned out and be allowed to heal properly (...) in a spirit of reconciliation and the desire to create a peaceful and prosperous future for our people. Excuses such as necessity, security and war are never sufficient to justify violations of basic rights of our individual citizens.*¹¹⁰

At the opening of the hearing Bishop Basilio do Nascimento thanked the politicians for their humility and courage in appearing before the Commission. The East Timorese needed to achieve reconciliation with themselves, their country and their history, the Bishop stressed, while making it clear just how difficult this would be. *We hear words of justification and legitimisation ... ‘because of war I did this’ ... we need to examine this. We know our dead will never return, but we need to know the circumstances of their deaths. Justice for ordinary Timorese people includes clearing the name, and making sure that people have not forgotten (the victims) ...*

Popular interest was tremendous. Over 800 people crowded into the inner courtyard of the former prison and all over the country people listened to the hearing on the radio. The statements the politicians made did not come easily to their lips. East Timor’s current Minister of the Interior, Rogério Lobato, confessed: *I knew it was wrong, but he had killed my younger brother. I lost control. I didn’t kill him, but I beat him up twice, badly*, he continued, asking the community and the man’s family for forgiveness. As a Falintil commander he had borne responsibility for the acts of violence but had never been told by the party to organise them. Members of Fretilin had abused their power as individuals, he said.¹¹¹

5.6.2 Without external interference there would never have been a civil war

After the current Prime Minister, Mari Alkatiri, had concluded his testimony by saying *I can state that I didn’t do anything. I wasn’t even [Fretilin] president or secretary*, he was cross-examined impatiently by Commissioner Jose Estevao, who said: *I would like you, as a leader of Fretilin, to say whether Fretilin violated human rights.*

When the Indonesian army invaded the country, Fretilin – ignoring protests from the International Red Cross – had taken prisoners with them into the mountains. Their corpses, together with those of other prisoners from local prisons, were found in mass graves in Aileu and Same in 1976. They included the corpses of UDT leaders and of the founder of the Apodeti party.

Mr Alkatiri said: *I’m not saying the people killed themselves. But I don’t know who did. Because of the context, Fretilin accepts responsibility.*¹¹²

When Alkatiri and other exiled members of his party returned to East Timor after the 1999 referendum he apologised for the human rights violations committed by Fretilin. Alkatiri may have left the country before the killings began, but many still believe that the present leadership knows the identity of the offenders. Alkatiri conceded that inexperience and an inability to resolve political differences peacefully had contributed to violence and the civil war. He reported in detail on the political activities at that time, the failure of the coalition between the UDT and Fretilin and the subsequent civil war. However, he pointed out that external factors had been of decisive importance for this development, specifically the international alliance between Lisbon, Jakarta, Washington and Canberra for East Timor's incorporation into Indonesia. Alkatiri's theory is that *without external interference there would never have been a civil war*. Fretilin had imprisoned UDT members as well as its own people at that time. There were no violations of human rights in the prisons, Alkatiri said, and the International Red Cross was given access. If there had not been any interference and pressure from outside, the problem could have been resolved very quickly.

The current foreign minister, José Ramos Horta, emphasised that the civil war in 1974/75 had been triggered by the superpowers in the context of the Cold War and had paved the way for Indonesia's invasion. Dr. Horta also said that he had not come to accuse Fretilin or UDT; in no process was there ever just white or black – the truth lay in between. However, there could be no justification for the murder of so many people. *They were not in battle, they were prisoners. This is a dark element of our history. (...) Never again*. He believed that the party leaders were opposed to violence, but they lacked the capacity to control the entire country.

James Dunn analysed the reasons for the humanitarian disaster of the 24-year occupation by Indonesia, reflecting on the international perception of the conflict and the policies pursued by the countries involved. Jusuf Wanandi examined the position adopted at the time by Indonesia, which perceived a communist threat in East Timor and had been led to understand by Portugal that it would support East Timor's integration into Indonesia.

The former Portuguese governor, Mario Lemes Pires, conceded that his government had lacked the political will to handle the decolonisation of East Timor in a responsible manner. His problem had been that he had stood alone at the time in question and that Portugal had largely forgotten East Timor due its domestic problems, the revolution and decolonisation in Africa. He justified the withdrawal to Atauro by saying that his task had been to prevent a guerrilla war against the Portuguese government in East Timor. José Ramos-Horta praised Pires' role, saying he had been made a scapegoat, "a victim of the process", adding that Portugal had no blame in the outcome.

Lobato, a young officer in the colonial army at the time countered by saying that the Portuguese could have restored order instead of withdrawing. *We told the governor that, if he did so, the Timorese soldiers would support him.*¹¹³

5.6.3 Appeal for understanding

Everyone agreed that the behaviour of the inexperienced East Timorese politicians was of no significance in view of the long-planned annexation of the country by Indonesia. Xanana Gusmão appealed for understanding. He first spoke in detail about the political and social climate in East Timor after the Carnation Revolution in Portugal. He came to the conclusion that the parties had failed to act in the national interest. Their leaders had not intervened to halt the use of violence. On the contrary, they had used it as a tool in the political struggle and been delighted to receive reports that members of the rival party had been beaten up. Fretilin's response to the UDT coup had been one of revenge. However, it had not taken the captured members of the UDT and Apodeti to the mountains with the express intention of killing them when Indonesia invaded. The Indonesian paratroopers had landed, the troops had occupied Dili and were approaching at great speed. *I can say that the massacre was not a planned political programme, not a political policy or strategy. It happened, yes.*

The Fretilin Central Committee had lost control, having been put under severe pressure by the enemy attacks. Attention had been focussed completely on the enemy, and the committee had had no time to attend to other problems.

By comparison the former Fretilin President, Xavier do Amaral, was very frank in conceding: *We were in the midst of war, we had no transport, medicines or food. Some of the prisoners were very ill. If we let them survive, they could have fallen into enemy hands, to be used against us. So we took a decision to kill them. That was a common decision, taken by every level of the leadership.*¹¹⁴

In 1977, Xavier do Amaral was condemned for high treason by the Fretilin Central Committee and removed as president. In order to protect the people in his native region of Turiscai from the atrocities of the Indonesian army he had attempted to negotiate a troop reduction and armistice at the local level. Aquiles Soares, the traditional leader in Quelicai, had acted similarly. Fretilin commanders executed him together with three men from his group near the village of Vermasse. Xavier do Amaral was spared, however, being passed on from one unit to the next over a period of 12 months and finally captured during an attack by Indonesian troops. Purges were carried out in Fretilin ranks after Amaral had been toppled. Eye witnesses gave testimony on the November massacres during the CAVR hearing. Domingos Maria Alves said that Amaral was a traitor and that

many people had been captured by Falintil and beaten up. *The next day, they ordered six people to dig a hole in order to bury the prisoners who would be killed. At noon, they began to line up 20 people and chose ten who would be killed and who were taken to the edge of the river ...* The prisoners were told to close their eyes and pray and were then shot dead.

5.6.4 Violence against the civilian population

Both parties killed captured members of the other side, while Fretilin also carried out killings within its own ranks. The civilian population, too, was increasingly drawn into the conflict and caught between the fronts. In his testimony Angelo Araujo Fernandes described how Fretilin members came into the village and arrested him together with his father, two of his brothers and five of his friends. The prisoners were driven to the edge of a precipice where they were fired at until they finally toppled over the brink. Angelo, the sole survivor, managed to escape. *But they returned and shot my entire family and relatives, a total of 37 people. (...) including children and pregnant women. I want to know who sent them to kill my family. Why did they send them? I cannot tell my children who killed their grandparents.*

Florentino de Jesus Martins reported on the execution of Fretilin members by the UDT in Ermera district in August 1975: they were taken away in groups of four and shot. The killing stopped with no more than about 30 out of 75 prisoners still alive. According to Florentino, this may have been because the UDT had been told that Falintil troops were advancing. When they finally arrived and heard of the killing *they subsequently captured UDT and tied them up ... in the end several of them were also killed.*¹¹⁵

5.6.5 The parties accept responsibility

Tension heightened when João Carrascalão, one of the three UDT leaders in 1975, took the floor. Months before the hearing, Carrascalão had protested against accusations that his party had staged a coup in the mid-70s and might even now be planning to do so. At a press conference he explained that the UDT had staged a demonstration against Fretilin's communist doctrine but not a coup.¹¹⁶ Before the proceedings began he said he thought the time for the hearing was not right: *There were horrendous crimes committed at the time and some people still remember, they saw their mothers being killed and it is very painful to remind them of that. And we don't know the outcome if we are going to point the finger at those perpetrators and that is why I think it is not the right moment.*¹¹⁷

But then he made a statement that was to fundamentally change the course of the hearing:

I want to say that I was sad as this hearing went on ... each party wants to tell its own story ... nobody is admitting they did wrong. I did wrong. All the victims that Fretilin killed, it's my fault. Fretilin victims killed by UDT, my fault ... if you look for who was to blame, you don't need to look so far, I was at fault. The movement of 11 August. The name of this was not the anti-communist movement, but the movement of 11 August ... Many called it a coup d'etat ... it was not an anti-Fretilin movement, it was not to take power ... it was not to start a war ... we did not want blood to run, we didn't want violence ... this violent action happened spontaneously from the base ... I am responsible ... there were no orders to kill from the parties.

Carrascalão had thought that if students and the communist soldiers returned to Portugal there would be no need for Indonesia to invade. But Indonesia had never pursued any other goal. He provided detailed information about Indonesia's preparations for the invasion and the large-scale secret offensives. At the same time, however, he talked about his painful years in exile and reported on how Fretilin and UDT had cooperated during that time.

Mari Alkatiri, now Fretilin General Secretary, then took the floor again and the expectations of what he would have to say were considerable. Moved by João Carrascalão's brave testimony, he accepted that Fretilin bore responsibility for the killing of prisoners. This was a crucial moment in the hearing. Alkatiri admitted that the party needed to formally rehabilitate those who had been accused of high treason and executed. Widows who were still members of the party wanted to know whether their husbands were to go on being regarded as traitors and their families along with them.

Francisco Lu'olo Guterres, now Fretilin President, was the last to appear before the Commission. He had been a member of the Falintil resistance movement in the mountains throughout the Indonesian occupation and gave a detailed report on its activities. Xanana Gusmão, who had taken over the worn-down resistance movement in 1983, had responded to the wish for national unity by setting up the National Resistance Council in 1987. Xanana had subsequently left Fretilin to act as neutral leader of the National Council. At the same time Falintil had separated from the party and become the common armed wing. Guterres stressed that this step could have enabled them to gain the support of the East Timorese. He apologised for the violence committed in the name of Fretilin. *The lesson we have to learn is that something like this must never ever be repeated.* João Carrascalão spontaneously went up to him and both politicians embraced in a gesture of reconciliation. Others followed their example. Deeply moved and with tears in their eyes, the audience shared in this poignant moment. In his very emotional closing speech Xanana thanked the Truth Commission for having brought all the politicians together and pointing out the responsibility they bore. With tears in his eyes, the president admitted that he too, as a member of

the Fretilin Central Committee, had to assume responsibility for the wrong that had been done.

5.6.6 The circumstances were to blame

Opinions were divided when it came to an analysis of the hearing. One of the journalists present, Jill Jolliffe, summed up the situation by saying that most of the witnesses had defended their party's version of the civil war and that they had all formally asked for forgiveness. With a few exceptions, however, the errors they had admitted to – such as fomenting intolerance and losing self-control – were so general in nature as to be meaningless. The politicians had avoided assuming responsibility, using the opportunity instead to engage in a symbolic demonstration of reconciliation. In the end, everybody had embraced and slapped each other on the back in the hope that this would suffice to wipe out the memory of the fratricidal violence.¹¹⁸

All in all, the hearing may have done little to clarify the causes of the civil war. A consensus was sought and found: the circumstances themselves were to blame for the atrocities. Be that as it may, the hearing should in no way be underestimated. It exceeded the expectations of many of those present and could easily have taken a different course. For the first time the politicians, including representatives of Apodeti, who favoured integration into Indonesia and fought as partisans alongside the Indonesian armed forces, took a public stand on this crucial phase in their history. They provided background information, thus giving the younger generation of today valuable insights into the events of the past. The task of the East Timorese now, which goes beyond the work of the Truth Commission, is to evaluate and critically review this information in the context of nation-building. In his concluding remarks Father Jovito Araujo stressed that the significance of the hearing lay in the fact that it had brought the representatives of the parties together. They had listened to each other in a constructive manner without engaging in mutual recriminations, had sought understanding and accepted responsibility for their own actions and those of their parties.

5.7 The right to self-determination and the international community

15-17 March 2004

The battle for the sovereignty and status of East Timor was a conflict of international dimensions, since the United Nations had never recognised the country's annexation by Indonesia, regarding East Timor not as an independent state, but as a non-self-governed area. This meant that while Indonesia was *de facto*

the occupying power in East Timor, Portugal remained *de jure* the administrative power. In international law the decolonisation process in East Timor was regarded as having been interrupted by the Indonesian invasion and the population as having since been deprived of its right to self-determination. The UN General Assembly and the UN Security Council passed resolutions (384/1975; 389/1976)¹¹⁹ calling for the immediate, unconditional withdrawal of the Indonesian army and reiterating East Timor's inalienable right to self-determination. These resolutions proved ineffective, however. More far-reaching resolutions, which would have committed Indonesia to observe international law or imposed sanctions on the country for non-observance, did not materialise; the same applied to the issuing of a mandate to the Security Council because of non-adherence to the resolutions. Hence it was up to the individual member states of the United Nations to work out their own positions on recognition of East Timor.¹²⁰

The attitudes taken by governments and institutions to the conflict were just as crucial for its onset as they were during the 24-year occupation and the resolution of the conflict. In the course of the hearing the Truth Commission examined whether states had fulfilled their obligation – as such as well as at the practical level – to respect East Timor's right to self-determination; to this end it invited government and UN representatives to come to Dili.

Countries such as the USA and Australia had given the Indonesian government the go-ahead for its invasion. Looking back, Kenneth Chan, who worked for the Australian Foreign Ministry from 1972 to 1997, said: *I thought it was a policy of failure because it didn't acknowledge a basic principle of international law that there should be a free and fair act of self-determination for the people of East Timor. Maintaining an effective relationship with Indonesia was driving policy above all else.*¹²¹

In 1974, the Australian government had informed President Suharto that, in its view, the former Portuguese colony of East Timor should become a part of Indonesia. This was the message that Suharto had been waiting for and it paved the way for the invasion a year later. During subsequent negotiations with Indonesia on the lucrative oilfields in the Timor Sea Australia even went so far as to recognise the annexation.

5.7.1 International community: creeping recognition instead of criticism

In many other countries, too, there was creeping recognition of the status quo. Despite the massive violations of human rights and the continuing breaches of international law, the international community lacked the political will to urge Indonesia to resolve the conflict. Leading industrial nations, such as the USA, Great Britain, Germany and others, were prepared to supply the Indonesian mil-

itary with arms and supply training at any time. Indonesia with its vast resources and huge population was of overriding economic and geopolitical significance. Mild criticism of the armed forces and the human rights violations was occasionally voiced from official quarters, but this was little more than rhetoric given the ongoing economic and military support for the regime. Support for East Timor mostly ended at the point where moral support ought to have developed into political action. Even after Indonesia's new president Habibie paved the way for a political solution to the conflict in 1999, the power politics and vested interests pursued hitherto by individual countries continued to determine their approach to the new situation. The violent excesses and, as a result, the destruction of East Timor after the referendum of 30 August 1999 were the outcome of the international community's failure in the field of foreign policy. A steady increase in the pressure exerted on the Indonesian government could have provided better protection for the population and the UN mission. There was no dearth of information in the run-up to the referendum; East Timorese players, NGOs and international observers gave urgent warnings of the pending disaster. But the simple fact of the matter was that the countries which enjoyed good relations with Indonesia lacked the political will to give the requisite priority to a non-violent resolution of the conflict.¹²²

East Timor's Truth Commission officially invited the governments of Indonesia, Portugal, Australia and the USA to attend the hearing. Invitations were also sent to a number of former high-ranking government members from these countries. Regrettably, this initiative proved fruitless. Governments had difficulties in identifying suitable people with sufficient knowledge of East Timor politics at the time. While many of those contacted expressed their support for the Commission, prior commitments forced them to turn down the invitation to attend. Invitations were then sent to political experts, acting in their capacity as private individuals, who were prepared to contribute their knowledge and analysis during the hearing without being obliged to defend the policy of their respective governments. The difficulty in accepting political responsibility before an official body would appear to be a problem that affects not just East Timorese politicians.

Ian Martin, Head of the United Nations Assistance Mission in East Timor (UNAMET), and Francesc Vendrell, who was responsible for East Timor at the UN Secretariat for many years, accepted the invitation and reported on their work. Talks on resolving the conflict had been held between Indonesia and Portugal under the aegis of the United Nations and in compliance with Resolution 37/30 of the UN General Assembly of 1982. For many years these talks had produced no more than a willingness to talk. However, thanks to the political changes in Indonesia and the structures that were already in place, the United Nations had immediately been in a position to respond to the offer made by President Habibie to resolve the conflict.

5.7.2 International solidarity

Although many high-ranking politicians stayed away from the hearing, those who came to Dili provided the East Timorese population with valuable, first-hand information on the international dimension of the conflict. During the occupation very little information on political developments in the international arena found its way into the country, let alone into the districts. That the wall of pragmatism and ignorance, with which the international community had responded to the conflict over a long period, was finally overcome was due to the efforts of the East Timorese in exile and the legal assistance provided by human rights organisations, solidarity groups and church relief agencies. They persistently denounced human rights violations, put the East Timor conflict on the political agenda and vehemently demanded a change in foreign policy towards Indonesia. Slowly but surely the picture of Indonesia in the public mind was transformed: its image as a stable and reliable power crumbled; what emerged ever more clearly was the picture of a corrupt dictatorship that was incapable of reform, violated human rights and increasingly clashed with the interests of other countries. After the Cold War was over, calls for democratisation and good governance gained in significance and closer attention was paid to the critical voices of non-governmental organisations.

For many East Timorese the hearing offered an opportunity to get to know some of the players in the struggle for East Timor's right to self-determination: Luisa Pereira (Portugal), David Scott (Australia), Yeni Rosa Damayanti (Indonesia), Arnold Kohen (USA) and Sister Monica Nakamura (Japan) reported on behalf of the many political initiatives, campaigns and solidarity movements around the globe. Abel Guterres explained how East Timorese in the diaspora often campaigned under difficult conditions for the right to self-determination, lobbying governments, the media and institutions, cooperating with non-governmental organisations and giving the conflict a public dimension. Their work was an integral part of the resistance which supplemented the efforts and sacrifices of the East Timorese inside the country.

An exhibition of posters, publications, pictures of activities, press reports and a lot of other campaign material in the documentation centre provided a vivid illustration of the oral reports that had been given. Places where activities had been carried out on behalf of East Timor were marked on a huge map of the world and organisations were named as an expression of thanks to the innumerable people who had advocated independence for East Timor.¹²³

5.8 Children and the impact of the conflict

29-30 March 2004

The last of the thematic hearings held by the Truth Commission gave a forum to children and young people from East Timor who had grown up during the years of conflict. Twelve eye witnesses vividly described the effects of violence and the arbitrary use of power on their young lives. They issued an urgent call for future generations of children in East Timor to be allowed to live and grow up in an atmosphere of normality and a climate free of violence and conflict.

In 1977, 10-year-old Petrus Kanisius gave himself up to the Indonesian army in Maubissi. He was taken to the Seroja military orphanage in Dili, where some 300 children were accommodated. *Occasionally our name was changed to that of the soldier who brought us.*¹²⁴

The children were given military-style training and were often beaten, even those who were no more than four years old. Without the knowledge of his family Petrus was then taken to an orphanage at Semarang in Central Java and presented to President Suharto along with 19 other orphans on 7 September 1977. He did not return to East Timor until 1994.

Constantinho X Ornai described what happened to his father, an active member of Fretilin. On 25 November 1976, his father was executed by a rival Fretilin group, *just like cutting down bananas*. Constantinho told how he was then interrogated by the group, later giving the names of the East Timorese who had killed his father to the Indonesian army in the hope of the crime being avenged. *My grandmother did not agree with this.... (so) I just buried the events around the murder of my father and uncles.*

Alexandrino da Costa was 14 years old when he was shot and wounded by soldiers on 12 November 1991 at the Santa Cruz cemetery. He only just escaped being murdered because one of the soldiers thought he was too young. After an operation Alexandrino was sent by the army to Jakarta for three years. *This was to change our way of thinking but that wasn't possible.*

Julieta Jesuirina dos Santos was the only child to give testimony during the hearing. Accompanied by her mother, she described how her father was murdered in the church at Liquiça on 6 April 1999. She was nine years old at the time. She gave a graphic description of the fear that overcame her and of the chaos in the church when the Besi Merah Putih militiamen attacked.

Alfredo Alves was 11 years old in 1978 when, despite his mother's protests, he was taken away by a military officer from Sulawesi, whom he was to serve as a military assistant. One of his tasks was to reload rifle magazines during combat missions. Whenever camp was struck, it was the young Timorese helpers who had to carry the soldiers' heavy baggage. Alfredo told of being given injections of stimulants. Although soldiers were strictly forbidden to take children back with

them, his officer smuggled him home to Sulawesi on a boat in 1980. Many years passed before he succeeded in returning to East Timor with the help of a letter written by a military commander in Surabaya.

Aida Maria dos Anjos' brother was a Falintil commander. She was 14 years old when a car stopped outside her school in Viqueque during the Kraras uprising and the army took her away. *I did not know anything about politics but I had to bear its risks*. She described the terrible events that followed, how she was arrested and then flown by helicopter to be interrogated in Baucau. She was an eye witness of the torture of her sister-in-law and the execution of her father. *Why did they have to kill my father? My father did not know anything about politics. He was just a simple farmer who went to his garden every day. My brother was involved in politics, not my father, who was already old, nor us girls.*

Children in the refugee camps in West Timor sent video messages. They would like to play together again and meet their friends. Maria Fatima dos Carlos said that *because there is a feeling of revenge among us, I and my friends must be separated.*

The fate of the children and young people whose lives have been marred by the conflict make it clear that East Timor's path to reconciliation will be far from over when the Truth Commission ends its work.

IV. Prospects

The Truth Commission in East Timor was widely accepted. It made a valuable contribution to reconciliation, respect for human rights and the exposure of violence and repression. The silence has been ended, offenders can find their way back into society and victims rid themselves of the resentment they feel towards offenders. However, this purging only appears to have taken place at an individual level, and many have the abiding impression that justice has not been done. The endeavours of the Truth Commission have sharpened people's awareness that injustice continues.

Popular expectations of the Commission grew with its work, the more so as the government of East Timor was not genuinely in favour of putting offenders on trial and efforts to this end proved abortive. The victim-related, participatory work of the Truth Commission nurtured the realisation that reconciliation cannot be achieved without justice. The quest for the truth was designed to bring about both an individual and collective healing process. However, this healing process cannot be sustained if East Timor's government urges reconciliation yet – for pragmatic reasons – gives good-neighbourly relations with Indonesia priority over legal treatment of the human rights violations. Its propagated policy

of the need to return to normality entails hushing up the violence under the guise of reconciliation and is thus tantamount to an uncritical settlement with the offenders.¹²⁵ Injustice is thus being inflicted on the victims and their families for a second time. East Timor's Truth Commission was designed to supplement the prosecution of less serious crimes; it cannot compensate for the failure of politicians and the legal system. There can be no reconciliation for family members and the victims of serious human rights violations without the legal prosecution of offenders. For such victims reconciliation is an empty word; they feel they are being ridiculed. The culture of impunity constitutes a serious disregard for the dignity and rights of the victims.

Almost six years after the referendum in East Timor, it is time to face the fact that the efforts made hitherto to bring about criminal prosecution have failed. Neither the Ad Hoc Human Rights Court in Jakarta nor the Prosecution Service nor the Special Court in Dili were in a position to call those mainly responsible for the violence in 1999 to account. The people of East Timor have gained the impression that the treatment being meted out is unequal. The 'small fry', the hangers-on in the militia groups, have been prosecuted while those who committed serious crimes, most of whom are in Indonesia, have got off scot-free. This impression has been reinforced by the ruling of the Ad Hoc Court in Jakarta: the only persons sentenced to 10 years imprisonment in the first instance were the two ethnic East Timorese. Moreover, the government has given priority to the integration of the militia leaders over the needs of the victims for prosecution. It appears highly unlikely at the moment that East Timor or Indonesia will set up the necessary institutions for criminal prosecution. Since the Special Court in East Timor was obliged to terminate its work in May 2005, there is little hope that those who bear the greatest responsibility for the human rights violations will be put on trial. In the interests of the victims, their families and the credibility of the United Nations' involvement this chapter of international criminal prosecution cannot be regarded as closed. Too much has been promised and too little achieved.

In February 2005, Kofi Annan set up an international commission of experts. It has been charged with evaluating the criminal prosecution procedures in East Timor and Indonesia and with submitting proposals for an effective solution to the UN Secretary-General as to how those responsible for the crimes in East Timor in 1999 can be legally prosecuted.

The Indonesian government is sceptical about the commission of experts, however. It is worried that the experts might see their evaluation as constituting grounds for setting up an international tribunal for the criminal prosecution of those mainly responsible in Indonesia. It feels that an evaluation of this kind is no longer necessary since it agreed with the government of East Timor in December 2004

on the establishing of a Truth and Friendship Commission as an alternative to criminal prosecution, but by no means as a supplement to it.

This bilateral Truth and Friendship Commission is encountering the declared resistance of numerous human rights and non-governmental organisations in East Timor and Indonesia which feel that it will merely sweep the past under the carpet.

The commission plans to probe into the events of 1999 and support symbolic acts, such as naming offenders and encouraging them to apologise to their victims. It can recommend amnesties for people who cooperate fully in uncovering the truth, but it cannot hand over any offenders to the criminal prosecution authorities. It would also like to investigate whether people have been falsely accused of human rights crimes and rehabilitate them wherever necessary. The commission thus absolves Indonesia and East Timor of the duty to subject offenders from military and administrative circles to serious criminal prosecution.¹²⁶

A statement issued by the East Timor National Alliance for an International Tribunal (ANTL), a coalition of human rights, women and victims' organisations, claimed that the Truth and Friendship Commission was an attempt to whitewash the crimes committed by Indonesia in East Timor in 1999. This, it said, guaranteed exemption from punishment and protection for the offenders. *Both governments have thus demonstrated that they are ignoring the legal appraisal process by the prosecuting authority and the work of the Truth and Reconciliation Commission in East Timor.*¹²⁷

Bishop Alberto Ricardo da Silva of Dili and Bishop Basilio do Nascimento of Baucau, speaking on behalf of church leaders, have come out clearly against the Truth and Friendship Commission, saying that it envisages neither moral compensation for the victims of the crimes nor punishment for the offenders. *The people will not accept impunity for crimes against humanity. The victims who suffered these crimes and their families deserve more than this.*¹²⁸

*The greatest obstacle to reconciliation is the lack of justice*¹²⁹ (52-year-old woman from Dili). Justice would appear to be beyond the reach of victims in East Timor. Exemption from punishment – even after decades – always generates a social demand for criminal prosecution which cannot simply be pushed to one side by those in power. Cases in Africa, Europe and South America show that it is politically unwise to leave the past untouched and to try and draw a line. Keeping silent about the past does not suppress the need to come to terms with it: it merely delays the process.¹³⁰ Things can change rapidly in politics and new opportunities will arise for victims to exercise their rights. *Truth and reconciliation commissions cannot therefore be regarded either as a substitute for a criminal appraisal of past injustice nor as a second-best option, if the legal system fails.*¹³¹ Criminal prosecution and truth commissions supplement and support each other. Together

they make sure that account is taken of the popular need for justice, truth and reconciliation.

East Timor has faced up to its past, but the process will by no means be over when the Truth Commission concludes its work, particularly since the policy of forgive and forget pursued by the present government of East Timor is failing to do justice to the demands of the victims and their families. A discontinuation of the prosecution of those who committed serious crimes in East Timor will have an impact primarily on the victims but also on the offenders. The latter will be deprived of the opportunity to come to terms with the past, recover their identity and re-establish relations with their victims and society.¹³² The importance of reintegration into society has been underlined by the reconciliation processes of the Truth Commission for less serious crimes. On the one hand, a failure to provide punishment for criminal offences calls into question the basic security that derives from the validity and application of the rule of law. On the other hand, the message being sent out by the government is that violence can indeed be an effective means of asserting individual interests.¹³³

The Truth Commission linked social and legal aspects in its appraisal of the past and confirmed the population in its rights. Its work contributed in a major way to the development of a sense of history in this young nation. It penetrated deep into the country's conflict-ridden past. To ensure that victims are not victimised a second time the church and civil society organisations are working to counteract the process of forgetting and are advocating a culture of remembrance instead. Hugo Fernandez, the Head of the Truth Seeking Unit, sees the next great difficulty in the implementation by the government of the recommendations made by the Truth Commission.¹³⁴ If the recommendations are not put into practice at all – or only to a limited extent – the significance of the crimes will be diminished. East Timor has a long and stony road ahead of it and its people will require our ongoing support and solidarity as they travel down it.

Abreviations

ABRI	Angkatan Bersenjata Republik Indonesia – the Indonesian armed forces prior to their restructuring into the armed forces (TNI) and police (POLRI) on 1 April 1999
APODETI	Associação Popular Democrática Timorense – Timor People's Democratic Association; party that backed integration into Indonesia
ASSEPOL	Associação dos Ex-Prisioneiros Políticos – Association of Ex-Political Prisoners
Babinsa	Binatara Pembina Desa – Village-level non-commissioned officer (military)
Bakin	Indonesian government intelligence service
Besi Merah Putih (BMP)	Red White Iron militia, especially in Liquica und Maubara
CAVR	Comissão de Acolhimento Verdade e Reconciliação de Timor Leste – Commission for Reception, Truth and Reconciliation in East Timor
CNRT	Conselho Nacional de Resistência Timorense – National Council of East Timorese Resistance, founded in 1987 by Gusmão as a broad alliance of all the resistance groups advocating East Timor's right to self-determination, initially called CNRM (National Council of Maubere Resistance)
CRP	Community Reconciliation Process
CSIS	Center for Strategic and International Studies – Institute in Jakarta
Darah Merah	
Integrasi	Red Blood of Integration – militia group
ETTA	East Timor Transitional Administration – with East Timorese and UN staff
Falintil	Forças Armadas Libertação Timor Leste – Armed Forces of National Liberation of East Timor; armed wing of Fretilin, cross-party force after 1987
Fokupers	Timorese Women's Communication Forum
Fretilin	Frente por Timor Leste Independente – Revolutionary Front for an Independent East Timor; the largest political party in East Timor
Hansip	Pertahanan Sipil – Civil defence forces (military)
INTERFET	International Force for East Timor – led by the Australian Army under the supreme command of Major-General Peter Cosgrove
KB	Keluarga Berencana – family planning – Indonesian government's national birth control programme
Korem	Komando Resor Militer – military region headquarters
Kodim	Komando Distrik Militer – military district headquarters; East Timor was divided up into 13 kodims
Komnas	
Perempuan	Komisi Nasional Perempuan – National Commission for Women in Indonesia
Kopassus	Komando Pasukan Khusus TNI-Angkatan Darat – Special Forces Unit
KPP-HAM	Komisi Penyelidik Pelanggaran HAM di Timor Timur – Commission of Inquiry to investigate the serious human rights violations in East Timor; set up by Komnas HAM on 22 September 1999
Laksaur	Militia group in Covalima lead by Olivio Moruk
Lulik	Holy – animistic faith in East Timor
Mahidi	Mati atau hidup untuk integrasi Indonesia – Life or Death for Indonesia; militia group in East Timor, especially in Covalima and Ainaro, led by Cancio Lopes de Carvalho; the name Mahidi is presumably a reference to the militia trainer, Major-General Mahidin Sibolaen
Nahe Biti	literally: to roll out a mat – traditional method of arbitration in East Timor
OMT	Organização da Mulheres Timorense – Women's organisation of the National Council of East Timorese Resistance (CNRT)

OPMT	Organização Popular da Mulheres Timorese – Women’s organisation affiliated to the Fretilin party
POLRI	Kepolisian Republik Indonesia – Police of the Republic of Indonesia
SCIU	Serious Crimes Investigation Unit – Investigating agency looking into crimes against humanity committed in East Timor in 1999
Tais	Traditional woven fabrics that play a major role in ceremonies
TNI	Tentara Nasional Indonesia – National Indonesian Army, after the restructuring of 1 April 1999
UDT	União Democrática de Timorese – Democratic Union of East Timor, political party
UN	United Nations
UNAMET	United Nations Assistance Mission to East Timor – established on the basis of the New York Agreement of 5 May 1999 on the preparation and conduct of the referendum, headed by Ian Martin
UNTAET	United Nations Transitional Administration in East Timor – headed by Sergio de Mello up to the country’s official independence on 20 May 2002
UNMISSET	United Nations Mission of Support in East Timor – UNTAET follow-up mission
Yayasan HAK	Human rights and legal aid organisation in East Timor

Selected literature on East Timor

East Timor’s Reception, Truth and Reconciliation Commission (CAVR)

www.easttimor-reconciliation.org

Almeida, Ines

Gewalt gegen Frauen in Ost-Timor, in: Indonesien-Information, Nr. 1/1999, p. 12-15, http://home.snafu.de/watchin/II_1_96/FetoRai.htm.

amnesty international amnesty international

Menschenrechtsverletzungen in East Timor, June 1985
Indonesien und East Timor, Kein Paradies für Menschenrechte, Bonn 1994

Braun von, Leonie

Trading Justice for Friendship; An Analysis of the Terms of Reference of the Commission of Truth and Friendship for Indonesia and East Timor, Information and Analysis, March 29, 2005, Watch Indonesia!, <http://home.snafu.de/watchin/CTF.htm>

Braun von, Leonie

Gerechter Schlaf des Krokodils? In: East Timor stößt die Durchsetzung des Völkerstrafrechts an politische Grenzen; in: Der Überblick, Nr. 1/2005

Carey, Peter

Dimensions of Domination: Institutionalised Violence against Women during the Indonesian Occupation of East Timor (1975-1999); in: Ingrid Wessel/Georgia Wimhöfer (Eds.): Violence in Indonesia, Hamburg 2001

Cristalis, Irena Braun von, Leonie, Schlicher, Monika

Bitter Dawn. East Timor, a People’s Story, London 2002

Burgess, Patrick

Gerechtigkeit für East Timor, Positionspapier zur Reform der Strafverfolgung der Menschenrechtsverbrechen in East Timor und Indonesien, Ed.: Watch Indonesia!, Deutsche Kommission Justitia et Pax, Diakonisches Werk, Misereor, missio Aachen, März 2005, <http://home.snafu.de/watchin/Gerechtigkeit.htm>

Cohen, David

Justice and Reconciliation in East Timor; in: Criminal Law Forum, Vol. XV, No.1-2/2004, pp. 135-158

Evers, Georg

Intended to Fail, The Trials Before the Ad Hoc Human Rights Court in Jakarta, Edited by the International Center for Transitional Justice, August 2003, http://www.ictj.org/downloads/IntendedtoFail_designed.pdf

Evers, Georg

East Timor – der schwierige Weg zur Staatswerdung, missio Aachen, Reihe Menschenrechte, Nr. 4, Nov. 2001, printed version currently not available; http://www.missio-aachen.de/Images/MR%20EastTimor%20deutsch_tcm14-12078.pdf

Fleschenberg, Andrea

Human Rights in East Timor – The Difficult Road to Statehood, http://www.missio-aachen.de/Images/MR%20EastTimor%20englisch_tcm14-12079.pdf

Fleschenberg, Andrea, Flor, Alex, Schlicher, Monika

East Timors Wahrheitskommission; in: Indonesien-Information, Nr.1/2004, S.45, http://home.snafu.de/watchin/II_1_04/wahrheit.htm

Aussöhnung ohne Gerechtigkeit: East Timors Regierung wünscht keine Prozesse; in: Indonesien-Information, Nr. 1/2003, http://home.snafu.de/watchin/II_1_03/Aussoehnung.htm

- Greenless, Don, Garran, Robert** Deliverance, The Inside Story of East Timor's Fight for Freedom, Australia 2002
- Häusler, Bernd** Justice for the Victims – A Legal Opinion on the Indonesian Human Rights Trials Concerning the Crimes Committed in East Timor in 1999, March 2004, Ed. by Watch Indonesia!, German Commission of Peace and Justice, Misereor, missio Aachen, Human Rights Desk of Diakonie; English Translation by Bernd Häusler: Gerechtigkeit für die Opfer. Eine juristische Untersuchung der indonesischen Menschenrechtsverfahren zu den Verbrechen auf East Timor im Jahr 1999, Deutsche Kommission Justitia et Pax (Hrsg.), Schriftenreihe Gerechtigkeit und Frieden, Nr. 98, Bonn, April 2003, <http://home.snafu.de/watchin/>
- International Center for Transitional Justice** Crying without Tears: In Pursuit of Justice and Reconciliation in Timor-Leste: Community Perspectives and Expectations, by Piers Pigou, New York, August 2003, http://www.ictj.org/downloads/Crying_Without_Tears_designed.pdf;
- International Center for Transitional Justice** Justice Abandoned? An Assessment of the Serious Crimes Process in East Timor, written by Megan Hirst and Howard Varney, New York, June 2005, http://www.ictj.org/downloads/ictj_justice-abandoned.pdf
- Kingsbury, Damien (Ed.)** Guns and Ballot Boxes: East Timor's Vote for Independence, Monash Asia Institut, Australia 2000
- Judicial System Monitoring Programme** Unfulfilled Expectations: Community Views on CAVR's Community Reconciliation Process, Dili, August 2004
- Judicial System Monitoring Programme** Justice for Timor Leste: Civil Society Strategic Planning, International Conference, Proceedings, Dili, October 2004, [http://www.jsmp.minihub.org/Reports/jsmpreports/JSMP%20Conference%20Reports/reports\(e\).pdf](http://www.jsmp.minihub.org/Reports/jsmpreports/JSMP%20Conference%20Reports/reports(e).pdf)
- Judicial System Monitoring Programme** The Future of the Serious Crimes Unit, Issue Report, Dili, January 2004, [http://www.jsmp.minihub.org/Reports/jsmpreports/The%20future%20of%20SCU/The%20future%20of%20SCU%202004\(e\).pdf](http://www.jsmp.minihub.org/Reports/jsmpreports/The%20future%20of%20SCU/The%20future%20of%20SCU%202004(e).pdf)
- Judicial System Monitoring Programme** The Unique Contribution of the Community-Based Reconciliation Process in East Timor, Prepared by Fausto Belo Ximenes, 28 May 2004
- Kalbusch, Marco** Friedenssicherung durch Recht: Die Verfolgung schwerer Straftaten in East Timor, In: Vierteljahresschrift für Sicherheit und Frieden (S+F), 4/2002, http://home.snafu.de/watchin/II_1_03/Verfolgung.htm
- King's College London** East Timor Report, A Review of Peace Operations, 28 February 2003, <http://ipi.ssp.kcl.ac.uk/rep006/>
- KPP-HAM** Executive Summary Report on the investigation of human rights violations in East Timor, Jakarta, 31 January 2000, <http://home.snafu.de/watchin/KPPHAMe.htm>
- Kress, Claus** The 1999 Crisis in East Timor and the Threshold of the Law of War Crimes; in: Criminal Law Forum, 13, 409-470, 2002

- Ludwig, Klemens (Ed.) Martin, Ian** East Timor – Der zwanzigjährige Krieg, rororo aktuell, Hamburg 1996
- Meier, Jörg** Self-Determination in East Timor: The United Nations, the Ballot and International Intervention, London 2001
- Open Society Institute, Coalition for International Justice** Der Osttimor-Konflikt (1998-2002), Gründe und Folgen einer gescheiterten Integration, Berlin 2005
- Pigou, Piers** Unfulfilled Promises: Achieving Justice for Crimes Against Humanity in East Timor, November 2004, http://www.justiceinitiative.org/db/resource2?res_id=102368
- Pinto, Constancio, Jardine, Matthew** The Community Reconciliation Process of the Commission for Reception, Truth and Reconciliation, Report for UNDP Timor-Leste, April 2004
- Rapoza, Philipp** East Timor's Unfinished Struggle - Inside the Timorese Resistance, Boston 1997
- Rapozza, Philipp** The Serious Crimes Process in Timor-Leste, Speech delivered on 28 April 2005 in Dili at the International Symposium on UN Peacekeeping Operations in Post-Conflict Timor Leste: Accomplishments and Lessons Learned, <http://www.etan.org/et2005/may/08/28judge.htm>
- Roosa, John** Trügerische Erscheinung: Der alltägliche Widerstand der Ost-Timorezen gegen die indonesische Besetzung, in: Indonesien-Information, Nr.3/2000, http://home.snafu.de/watchin/II_Dez_00/Truegerische_Entscheidung.htm
- Schenk, Christine** Fostering the Past and Reconciliation in Southeast Asia and Pacific: A Comparison between Timor-Leste and Bougainville, International Conference: From Dealing with the Past to Future Cooperation, 31 January-2 February 2005, Berlin, Friedrich-Ebert-Stiftung & gtz, <http://www.gtz.de/de/dokumente/en-reconciliation-southeastasia-pacific.pdf>
- Schlicher, Monika** Intervention in Asien: Das Beispiel East Timor – Konfliktlösung ohne ausreichende Prävention, in: Thomas Hoppe (Ed.): Schutz der Menschenrechte – Zivile Einmischung und militärische Intervention, Analyse und Empfehlungen, vorgelegt von der Projektgruppe „Gerechter Friede“ der Deutschen Kommission Justitia et Pax, März 2004, <http://home.snafu.de/watchin/intervention.htm>
- Schlicher, Monika, Flor, Alex** Ost-Timor – Der bittere Sieg; in: Jahrbuch Menschenrechte 2001, Ed.: G. von Arnim, V. Deile, F-J. Hutter, S. Kurtenbach und C. Tessmer in Verbindung mit deutscher Sektion von Amnesty International, Ludwig-Boltzmann-Institut für Menschenrechte, Institut für Entwicklung und Frieden, <http://home.snafu.de/watchin/>
- Schlicher, Monika** Intended to Fail: Die Prozesse vor dem Ad-hoc-Menschenrechtsgericht in Jakarta; in: Indonesien-Information Nr.1/2004, http://home.snafu.de/watchin/II_1_04/prozesse.htm
- Schlicher, Monika, Flor, Alex** East Timor – Konfliktlösung durch die Vereinten Nationen; in: Die Friedens-Warte, Bd. 78/2003, heft 2-3; S. 251-279, <http://home.snafu.de/watchin/>

Schlicher, Monika

Frauenrechte sind Menschenrechte: Frauen in East Timor, in: Indonesien-Information, Nr. 1, April 1996, S.34-38, Ed.: Watch Indonesia!

Taylor, John G.

Indonesia's Forgotten War; The Hidden History of East Timor, London 1991

The La'o Hamutuk Bulletin

Vol. 5, No. 3-4: October 2004, Part 1, Issue Focus: Justice, http://www.etan.org/lh/bulletins/2004/bulletinv5n3.html#Special_Panels_

The La'o Hamutuk Bulletin

Vol. 4, Nov. 2003, Issue Foci: CAVR & Refugees, <http://www.etan.org/lh/bulletins/bulletinv4n5.html>

Watch Indonesia!

Deutsche Kommission Justitia et Pax, Diakonisches Werk, Misereor, missio Aachen: Aide-Mémoire zur 61. Sitzung der Menschenrechtskommission der Vereinten Nationen, 14. März bis 22. April 2005: Die Strafverfolgung schwerer Menschenrechtsverletzungen – Die Vereinten Nationen sollten ihr Engagement in East Timor verstärken und die drohende Straflosigkeit verhindern, http://home.snafu.de/watchin/AideMemoire_Impunitydt05.htm
„Der spitze Stein im Schuh“ – Der East Timor-Konflikt und die wachsende Demokratiebewegung in Indonesien; in: Klemens Ludwig (Ed.): East Timor – Der zwanzigjährige Krieg, rororo aktuell, Hamburg 1996, pp. 108-109

Weiß, Rolf**Footnotes**

- 1 CAVR Homepage, www.easttimor-reconciliation.org, Quotable Quotes
- 2 German Commission for Justice and Peace: Memory, Truth, Justice: Recommendations on Dealing with Burdened Past, A Handout, Schriftenreihe Gerechtigkeit und Frieden 102e, Bonn, September 2004, p. 6
- 3 CAVR Homepage, Quotable Quotes
- 4 A general overview of the situation is provided in Volume 4 of the missio series of Human Rights booklets written by Georg Evers: Human Rights in East Timor – The Difficult Road to Statehood, missio Aachen 2001, http://www.missio-aachen.de/Images/MR%20East%20Timor%20englisch_tcm14-12079.pdf
- 5 Cf. Thomas Hoppe (Ed.): Schutz der Menschenrechte – Zivile Einmischung und militärische Intervention, Analyse und Empfehlungen submitted by the 'Just Peace' group of the German Justitia et Pax Commission in March 2004, p. 142. Latin American countries, in particular, show that societies cannot achieve peace otherwise and that the call for a reappraisal of the past does not fade away with the years.
- 6 Cf. Georg Grossmann, Hildegard Lingau, Gunnar Theissen: Vergangenheits- und Versöhnungsarbeit, gtz, Eschborn 2002, <http://www.gtz.de/de/dokumente/de-crisis-versoehnungsarbeit.pdf>
- 7 CAVR Update October-November 2003, Appendix: Report on Public Hearing on Massacres, Opening remarks by Mr. Anice-to Guterres Lopes
- 8 German Commission for Justice and Peace: Memory, Truth, Justice, p. 8
- 9 German Commission for Justice and Peace: Memory, Truth, Justice, p. 8 In his novel *The Feat of the Goat* Vargas Llosa impressively describes the seductive temptation of power and the spiritually crippling effect that a regime of violence has on both victims and perpetrators.
- 10 German Commission for Justice and Peace: Memory, Truth, Justice, p. 11
- 11 Cf. International Center for Transitional Justice (ICTJ): Crying without Tears: In Pursuit of Justice and Reconciliation in Timor-Leste: Community Perspectives and Expectations, by Piers Pigou, New York, August 2003, http://www.ictj.org/downloads/Crying_Without_Tears_designed.pdf; Judicial System Monitoring Programme (JSMP): Unfulfilled Expectations: Community Views on CAVR's Community Reconciliation Process, Dili, August 2004
- 12 Cf. Justice for the Victims – A Legal Opinion on the Indonesian Human Rights Trials Concerning the Crimes Committed in East Timor in 1999, by Bernd Häusler; March 2004, Ed. by Watch Indonesia!, German Commission of Peace and Justice, Misereor, missio Aachen, Human Rights Desk of Diakonie; English Translation by Bernd Häusler: Gerechtigkeit für die Opfer. Eine juristische Untersuchung der indonesischen Menschenrechtsverfahren zu den Verbrechen auf East Timor im Jahr 1999, Deutsche Kommission Justitia et Pax (Hrsg.), Schriftenreihe Gerechtigkeit und Frieden, Nr. 98, Bonn, April 2003, <http://home.snafu.de/watchin/> or <http://www.justitia-et-pax.de/de/shop/img/Heft98.pdf>; Open Society Institute / Coalition for International Justice: Unfulfilled Promises: Achieving Justice for Crimes Against Humanity in East Timor, November 2004, http://www.justiceinitiative.org/db/resource2?res_id=102368; David Cohen: Intended to Fail: The Trials before the Ad Hoc Human Rights Court in Jakarta, International Center for Transitional Justice (Ed.), August 2003, http://www.ictj.org/downloads/IntendedtoFail_designed.pdf; Monika Schlicher: Intended to Fail: Die Prozesse vor dem Ad-hoc-Menschenrechtgericht in Jakarta; in: Indonesien-Information, Nr.1/2004, http://home.snafu.de/watchin/II_1_04/prozesse.htm
- 13 Watch Indonesia!: Presseerklärung, 14.08.2002: Jenseits des Rechts - Urteil gegen ehemaligen Gouverneur von East Timor ist Rechtsbruch, http://home.snafu.de/watchin/Jenseits_des_Rechts14.08.02.htm
- 14 Washington Post Foreign Service: Indonesian Military Applauds Human Rights Acquittals, 31.08.2004
- 15 Quoted from Andrea Fleschenberg: Osttimors Wahrheitskommission; in: Indonesien-Information, Nr.1/2004, p.45, http://home.snafu.de/watchin/II_1_04/wahrheit.htm
- 16 Bishop Belo: Much done but much still to do in East Timor, International Herald Tribune, 30.08.2002
- 17 Marco Kalbusch, Friedenssicherung durch Recht: Die Verfolgung schwerer Straftaten in East Timor, in: Sicherheit + Frieden, 21 (2003), http://home.snafu.de/watchin/II_1_03/Verfolgung.htm
- 18 Tempo Magazin, Feb./März 2004; Andrea Fleschenberg, Alex Flor und Monika Schlicher: Aussöhnung ohne Gerechtigkeit: East Timors Regierung wünscht keine Prozesse; in: Indonesien-Information, Nr. 1/2003, http://home.snafu.de/watchin/II_1_03/Aussoehnung.htm
- 19 Leonie von Braun: Gerechter Schlaf des Krokodils? In East Timor stößt die Durchsetzung des Völkerstrafrechts an politische Grenzen; in: Der Überblick, Nr. 1/2005
- 20 ABC, Militia leader among those charged over 1999 atrocities, Asia Pacific Program, 06.02.2003
- 21 This situation is described in greater detail in: Rethinking Justice for East Timor, Position Paper on the Reform of the International Justice Process in East Timor and Indonesia, Written and edited by Leonie von Braun and Monika Schlicher, Watch Indonesia! Published by: Watch Indonesia!, Deutsche Kommission Justitia et Pax, Diakonisches Werk, Misereor, missio Aachen, February 2005, http://home.snafu.de/watchin/Rethinking_Justice.htm
- 22 Judge Philipp Rapoza: The Serious Crimes Process in Timor-Leste, Speech delivered on 28 April 2005 in Dili at the "International Symposium on UN Peacekeeping Operations in Post-Conflict Timor Leste: Accomplishments and Lessons Learned", pp. 7, 15
- 23 Cf. Judicial System Monitoring Programme (JSMP): Unfulfilled Expectations, p. 27
- 24 Cf.: Versöhnung ohne Strafe?, Kirchenamt der EKD, Dezember 2004, pp. 8, 21; Hoppe, p. 129ff
- 25 These were Fokupers, the Timorese Women's Communication Forum; ETWAVE, East Timorese Women Against Violence; Yayasan Hak, Foundation of Law, Human Rights and Justice; the Justitia et Pax Commission of the Catholic Church; ASSEPOL, the Association of Ex-Political Prisoners; and Presidium Juventude.
- 26 Patrick Burgess: The Contribution of the East Timor Commission for Reception, Truth and Reconciliation (CAVR) to the Fight against Impunity, 11.12.2003

- 27 CAVR Bulletin, May 2002
 28 CAVR Bulletin, May 2002
 29 CAVR Homepage, Comarca; CAVR, Comarca – From colonial prison to centre for reconciliation and human rights, February 2003
 30 CAVR Homepage, Comarca
 31 Author's interview with Ben Larke, a member of and consultant to the Truth Commission in its reconciliation processes in the communities
 32 The Community Reconciliation Process of the Commission for Reception, Truth and Reconciliation, Report for UNDP Timor-Leste by Piers Pigou, April 2004, p. 79
 33 On the militia groups and the military response to President Habibie's East Timor policy see Jörg Meier: Der East Timor-Konflikt (1998-2002), Berlin 2005, p. 46ff; Monika Schlicher: Intervention in Asien: Das Beispiel East Timor – Konfliktlösung ohne ausreichende Prävention, in: Thomas Hoppe (Ed.): Schutz der Menschenrechte – Zivile Einmischung und militärische Intervention, Analyse und Empfehlungen, submitted by the 'Just Peace' project group of the German Justitia et Pax Commission, March 2004, p. 267ff
 34 Author's interview with Ben Larke, a member of and consultant to the Truth Commission in its reconciliation processes in the communities
 35 Judicial System Monitoring Programme: Unfulfilled Expectations, p. 14
 36 CAVR Update August-September 2002
 37 CAVR Update October-November 2002
 38 CAVR Update October-November 2002, Appendix: Report on a Community Reconciliation Process by Kieran Dwyer, Advisor to CAVR
 39 Cf. Judicial System Monitoring Programme: Unfulfilled Expectations, pp. 39-41
 40 Pigou, pp. 77-78
 41 Patrick Burgess: Justice and Reconciliation in East Timor, in: Criminal Law Forum, Vol. XV, No.1-2/2004, pp. 135-158
 42 Pigou, p. 81
 43 JSMP: Unfulfilled Expectations, p. 26
 44 Cf. JSMP: Unfulfilled Expectations, p. 25
 45 Pigou, p. 58, JSMP: Unfulfilled Expectations, p. 15
 46 Information supplied by Judge Siegfried Blunk, 26 November 2004
 47 Pigou, p. 81
 48 JSMP: Unfulfilled Expectations, pp. 16-18
 49 JSMP: Unfulfilled Expectations, p. 20
 50 JSMP: Unfulfilled Expectations, p. 22
 51 JSMP: Unfulfilled Expectations, pp. 23-24
 52 International Center for Transitional Justice (ICTJ): Crying without Tears: In Pursuit of Justice and Reconciliation in Timor-Leste: Community Perspectives and Expectations, by Piers Pigou, New York, August 2003, p. 39
 53 The Constitutional Assembly resolved that Portuguese, the former colonial language, and Tetum, the local language, should be the official languages in East Timor. This language ruling is not uncontroversial since, according to the government's national development plan, only 5% of the population speak and understand Portuguese.
 54 JSMP: Unfulfilled Expectations, p. 45; cf. also Pigou, p. 100
 55 JSMP: Unfulfilled Expectations, p. 44
 56 Extending CAVR, Comments by Aniceto Guterres, in: JSMP: Justice for East Timor, Civil Society Strategic Planning, Conference Proceedings, Dili October 2004, p. 39
 57 International Center for Transitional Justice: Crying without Tears, p. 37, p. 31, p. 28
 58 German Commission for Justice and Peace: Memory, Truth, Justice, p. 20, p. 26
 59 Author's interview with Santana Fernandez
 60 Author's interview with Mary Barreto, who works for Fokupers
 61 Author's interview with Hugo Fernandez
 62 Cf. CAVR, Update Dec. 02-Jan. 2003
 63 Author's interview with Susana Barnes
 64 Author's interview with Aniceto Neves
 65 Cf. Thomas Hoppe (Ed.): Schutz der Menschenrechte, p. 23
 66 Author's interview with Akihisa Matsuno
 67 Author's interview with Christine Schenk
 68 CAVR Update June-July 2003, Victim Community Profiles
 69 Cf. The La'o Hamutuk Bulletin, Vol. 4, Nov. 2003/CAVR
 70 Author's interview with Kieran Dwyer
 71 CAVR, The Final Report, Message from Ancieto Guterres Lopes, Chairperson
 72 CAVR, The Final Report, Message from Ancieto Guterres Lopes, Chairperson
 73 Author's interview with Carmen da Cruz
 74 CAVR: Update October-November 2002, 1. Victims national hearing
 75 Sources: CAVR: Summary of Narrations of those giving Testimony "Hear Our Voices", Dili, 11-12 November 2002; CAVR: Update Oct-Nov 2002: Victims National Hearing
 76 Amnesty International: Menschenrechtsverletzungen in Osttimor, June 1985, p. 26
 77 Political Prisoners in East Timor 25 April 1974 – September 1999: Introduction on behalf of ASSEPOL, p. 4
 78 Political Prisoners in East Timor 25 April 1974 – September 1999: Introduction on behalf of ASSEPOL, p. 7
 79 CAVR: Summary of Statements (English) Day 1, 17 February 2003: Maria José Franco Pereira

- 80 She presumably means Dom Jose Ribeiro, the head of the East Timorese Church at that time.
 81 CAVR: Summary of Statements (English) Day 2, 18 February 2003: Maria da Silva
 82 Cf. Amnesty International: Indonesien und East Timor, Kein Paradies für Menschenrechte, Bonn 1994, p. 131ff
 83 CAVR: Summary of Statements (English) Day 2, 18 February 2003: Gregorio Saldanha
 84 Cf. Amnesty International: Indonesien und East Timor, Kein Paradies für Menschenrechte, Bonn 1994, p. 133ff
 85 CAVR: Summary of Statements (English) Day 2, 18 February 2003: Gregorio Saldanha; Gregorio later complained that he had been forced to submit a declaration that corresponded with the wishes of the interrogator but not with the facts.
 Cf. Amnesty International, p. 132
 86 John Roosa: Trügerische Erscheinung: Der alltägliche Widerstand der East Timoresen gegen die indonesische militärische Besetzung; in: Indonesien-Information, Nr.3/2000, http://home.snafu.de/watchin/II_Dez_00/Truegerische_Entscheidung.htm
 87 CAVR: Summary of Statements (English) Day 1, 17 February 2003: Ade Rostina Sitompul
 88 Author's interview with Licinha Gonsalves
 89 Author's interview with Manuela Leong Pereira
 90 CAVR, Update April-May 2003, Appendix: Report from Public Hearing on Women and Conflict
 91 Cf. Monika Schlicher: Frauenrechte sind Menschenrechte: Frauen in East Timor, in: Indonesien-Information, Nr. 1, April 1996, Ed.: Watch Indonesia!, http://home.snafu.de/watchin/II_1_96/FetoRai.htm
 92 CAVR, Update April-May 2003, Appendix: Report from Public Hearing on Women and Conflict; CAVR: Public Hearing on Women and Conflict
 93 Cf. Amnesty International, Frauen in Aktion – Frauen in Gefahr, Bonn 1995, p. 37f
 94 Ines Almeida, Gewalt gegen Frauen, in: Indonesien-Information, Nr. 1/1999, Watch Indonesia!, p. 13, http://home.snafu.de/watchin/II_1_99/Almeida.htm
 95 Author's interview with Maria Tschanz
 96 CAVR: Public Hearing on Women and Conflict; CAVR, Update April-May 2003, Appendix: Report from Public Hearing on Women and Conflict
 97 CAVR, Update April-May 2003, Appendix: Report from Public Hearing on Women and Conflict
 98 CAVR, Update April-May 2003, Appendix: Report from Public Hearing on Women and Conflict
 99 Author's interview with Maria Baretto
 100 CAVR: Public Hearing on Women and Conflict
 101 Cf. Timor Sun: Birth Pangs of a new Nation, 25. June-1 July 2004; Miranda E. Sissons: From One Day to Another, Violations of Women's Reproductive and Sexual Rights in East Timor; Ed.: East Timor Human Rights Centre, Melbourne 1997; Andrea Fleschenberg: Das Gestern im Heute: Frauen in East Timor; in: Südostasien, Nr. 3/2001
 102 CAVR, Update April-May 2003, Appendix: Report from Public Hearing on Women and Conflict
 103 Sources: CAVR Update June-July 2003, Appendix: Report from Public Hearing on Famine and Forced Displacement; CAVR: Public Hearing: Forced Displacement and Famine, 28-29 July 2003
 104 Cf. John G. Taylor: Indonesia's Forgotten War, London 1991, pp. 88-89
 105 Julius Pour: Benny Moerdani: profil prajurit negarawan, Yayasan Keuangan Panglima Besar Sudirman, 1993, Chapter 19
 106 CAVR Update October-November 2003, Appendix: Report on Public Hearing on Massacres; unless stated otherwise, all the statements are taken from this report.
 107 CAVR Update April-May 2003
 108 German Justitia et Pax Commission: Memory, Truth, Justice, p. 26
 109 CAVR: Media Release, The Timorese Political Conflict of 1974 – 76, 9.12.2003
 110 CAVR, Update Dec. 2003-Jan. 2004, Appendix 2: Report on Hearing on Internal Political Conflict; unless stated otherwise, all the statements are taken from this report.
 111 CAVR Update Dec. 2003-Jan. 2004: Timor-Leste International and Local Media Monitoring 18.12.2003, Suara Timor Leste: Rogério Lobato not responsible for violence in 1975; Asia Times, Jill Jolliffe: East Timor faces historic wrongs, 23.12.2003
 112 The Age: Strongman weeps over his brutality, 20.12.2003
 113 Asia Times, Jill Jolliffe: East Timor faces historic wrongs, 23.12.2003
 114 Asia Times, Jill Jolliffe: East Timor faces historic wrongs, 23.12.2003
 115 CAVR UPDATE, October-November 2003; Appendix: Massacres – CAVR National Public Hearing, 19-21 November 2003
 116 UNMISSET, Local Media Monitoring, Suara Timor Leste, 12.08.2003
 117 Radio Australia: East Timor: Reconciliation hearing seeks to resolve bitter past, 16.12.2003
 118 Cf. Asia Times, Jill Jolliffe: East Timor faces historic wrongs, 23.12.2003
 119 All the UN Security Council resolutions on East Timor are available at www.un.org/peace/etimor/docs/UntaetDrs.htm
 120 For detailed information see Catholic Institute for International Relations (CIIR) / International Platform of Jurists for East Timor (IPJET): International Law and the Question of East Timor, Nottingham 1995.
 121 Associated Press: Ex-Diplomat: Australia Shares Blame for East Timor Occupation, 16.03.2004
 122 Cf. Schlicher, Intervention in Asien: Das Beispiel East Timor; in: Thomas Hoppe (Ed.): Schutz der Menschenrechte
 123 Those from Germany included Misereor, missio Aachen and Watch Indonesia!
 124 CAVR Update, February-July 2004, Public Hearing on Children. All other quotations in this section are taken from the same report.
 125 Cf. German Commission for Justice and Peace: Memory, Truth, Justice p. 14
 126 For more details see: Leonie von Braun: Trading Justice for Friendship; An Analysis of the Terms of Reference of the Commission of Truth and Friendship for Indonesia and East Timor, Information and Analysis, March 29, 2005, Watch Indonesia!, <http://home.snafu.de/watchin/CTE.htm>
 127 Timor Leste National Alliance for International Tribunal, 21.12.2004

- 128 Lusa: East Timor: Catholic bishops blast government for causing 'great offence' to church, 11.04.2005
- 129 ICTJ: Crying without Tears, p. 34
- 130 Spain may be cited as an example in this respect, where social and political appraisal of the past has only recently begun 25 years after the end of the dictatorship. Cf. Julia Macher: Verdrängen um der Versöhnung willen?, Friedrich-Ebert-Stiftung, Reihe Gesprächskreis Geschichte, Heft 48
- 131 Georg Grossmann, Hildegard Lingau, Gunnar Theissen: Vergangenheits- und Versöhnungsarbeit, gtz, Eschborn 2002, p. 24
- 132 Guatemala: Nie wieder – Nunca más, Ed. REMHI und Menschenrechtsbüro des Erzbistums Guatemala, Aachen, p. 361; cited in: German Commission for Justice and Peace: Memory, Truth, Justice, p. 29
- 133 German Commission for Justice and Peace: Memory, Truth, Justice, p. 29
- 134 Author's interview with Hugo Fernandez