

UPDATE / June-July 2003

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Appendix: full report from Public Hearing on famine and forced displacement

The Commission for Reception, Truth and Reconciliation in East Timor (CAVR - the Portuguese acronym) is a national, independent, statutory authority. The Commission is mandated to undertake truth-seeking, facilitate community reconciliation, report on its work and findings and make recommendations for further action. For further information, visit the CAVR website at www.easttimor-reconciliation.org

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'The dozen or so countries that have commissions more or less modelled on the Tutu (South African) commission now have the final report of that pioneering group. They must confront the basic tenet of that commission that no nation can give blanket amnesty to an out-going regime... Any new government has under international law an obligation to enact remedial measures for the victims of the old regime.'

Robert F Drinan SJ, National Catholic Reporter, 9 May 2003

This Update reports on CAVR's principal activities over the past two months, but has a special focus on some of the Commission's work for victims of human rights violations. CAVR's commitment to hear, honour and heal victims is integral to all our work, including our extensive programs of statement-taking, community reconciliation and public hearings which are regularly reported in Updates. Under-reported to this point, however, are other CAVR programs led by the Victim Support Division targeting some special needs of victims. These include the commencement of a series of healing workshops, CAVR's victim community profiling program and the victim hearings that conclude CAVR activities in each sub-district. This Update also includes a summary report (see Appendix) of our deeply disturbing Public Hearing on famine and forced displacement, focussing on the great famine of 1978-1980 which, according to the testimony received, resulted from Indonesian military action and wiped out tens of thousands of non-combatant East Timorese.

1. Healing workshop

CAVR held its first Healing Workshop for survivors of serious human rights violations from all districts, 23-27 June 2003. This three-day workshop was a collaborative process with key civil society groups and organizations involved in the work of supporting survivors of violations. Funding for this program has been provided by the Dutch agency, Hivos.

The workshop was held at the CAVR national office, and for three days transformed the ex-prison into a place of sharing stories, song, dance, painting, prayer and reflection. Forty survivors from 11 districts participated, 20 men and 20 women. At the last moment, participants from two districts could not attend due to the heavy rains across parts of country. Emphasis was on creating a safe environment to share life stories, to explore past experiences and future hopes in a supported, respectful and honouring way.

The Timorese women's human rights

Chairperson receives Ramon Magsaysay Award

Mr Aniceto Guterres Lopes, Chairperson of CAVR, has been awarded the 2003 Ramon Magsaysay Award for Emergent Leadership. The Award, announced in Manila on 30 July, reads: 'Aniceto Guterres Lopes, from East Timor, Chairperson of the Commission for Reception, Truth and Reconciliation, for Emergent Leadership. Mr Guterres Lopes is being recognised for his courageous stand for justice and the rule of law during East Timor's turbulent passage to nationhood'.

Responding to the announcement, Mr Guterres Lopes said: 'I am greatly honoured to receive this award. I feel it is not just for me, but for all Timorese who have committed themselves to placing human rights, justice and rule of law at the heart of forging our new nation. I would especially like to acknowledge my former colleagues at the pioneering human rights organisation Yayasan Hak, and my fellow Commissioners and colleagues at CAVR'.

Six other individuals from India, China, Japan, and the Philippines also received Awards for a variety of accomplishments. Established in 1957, the Ramon Magsaysay Award is Asia's equivalent of the Nobel Prize. It honours the memory and leadership of the third Philippine President and is given yearly to individuals and organisations in Asia who manifest the same sense of selfless service that ruled the life of the late Filipino leader.

Mr Guterres Lopes will receive the Award in Manila on 31 August. Congratulatory messages have been received from many quarters, including the UNMISSET SRSG and other high officials. In his message to the CAVR Chair, UNDP Senior Deputy Resident, Haoliang Xu, said 'the award is testament to your exemplary leadership of the CAVR and the Commission's fine work'. Following the Award, Mr Guterres Lopes, will visit a number of Asian capitals, including Jakarta, to speak about the work of the Commission.

NGO Fokupers led the first day of the workshop in a creative and supported process of assisting survivors to reflect on their life experiences. With symbolism participants reflected on their early lives before the time of suffering, on the traumatic experience of violation, on their lives as they are now and on how they hope to develop their lives. Stories and hopes were shared amidst tears and quiet, deep respect. A remarkable feeling of mutual support developed amongst the group in this first day, which carried into the final two days.

On the second day, Timorese arts group *Arte Moris* facilitated a painting workshop for participants in groups. While some groups painted, others did music and drama workshops facilitated by CAVR's Kieran Dwyer and Timorese musician Gil Madeira. These activities were an extension of the first days work, allowing participants other creative ways to express both their pain and their hopes for the future. Photographer Rose Magno documented activities and provided photographs to participants. Tears were mixed with much laughter this day, and celebration of each other's creativity and spirit.

The final day allowed time to reflect on the group's time together, and on hopes for the future and how to improve their lives. This final day also coincided with the International Day for the Survivors of Torture. A ceremony was held at the CAVR headquarters hosted by the Association of Former Political Prisoners (ASSEPOL), and workshop participants were part of the ceremony. Music by Francisco Maulohi's group was an interlude, before the closing Mass by CAVR Deputy Chairperson Fr. Jovito de Araujo. The Canossian Sisters of Balide provided support for the Mass.

Throughout the three days, other services were offered to participants. CAVR staff were able to refer some participants for counseling support from the NGO Pradet. Some participants were taken for medical consultations at the hospital. Alola Foundation also offered support in the form of clothing. The workshop also allowed the opportunity for participants, many from isolated villages in rural areas, to visit Dili and see new developments in their capital. The CAVR also thanks IOM for their support with bus and driver for daily transport, and especially the second day tour of Dili for participants.

In addition to its commitment to trying to help individual victims of human rights violations in their healing process, a major aim of these workshops is to ensure that the CAVR adequately listens to the voices of the survivors and victims and is able to represent their views and hopes in the recommendations for future action which will be made in the CAVR final report.

Evaluation by participants indicated that this was a worthwhile and valuable experience. Many said that they felt respected and loved by the CAVR and the supporting organizations. Many also said that it was very valuable for them to listen to others who had suffered, and to realize that it is possible to support each other. They expressed a wish to be involved in future CAVR activities, as they truly felt that this was their organization. They said they felt that they could make a contribution and help others. These evaluations represent a great challenge for the CAVR and future government and non-government initiatives. In three days participants shared both their pain, and their human beauty – their potential to blossom and play a full role in building the new Timor-Leste. The challenge is how to reach out across the country, to allow and encourage this full participation in life and society of so many that still carry the pain of past violations.

Future workshops will be held at the closure of CAVR work in each round of sub-districts. The next workshop will be held on 11-13 August.

Workshop participants

Ana Maria (Casa, Ainaro)	Rafael Freitas (Lisapat, Ermera)
Margarida Pereira (Casa, Ainaro)	Abrao Aleixo da Conceicao (Matata, Ermera)
Bendita da Silva (Maununo, Ainaro)	Alda Martins (Matata, Ermera)
Felismina Araujo (Tiliga, Ainaro)	Abilio de Araujo (Darulete, Ermera)
Gaspar Belo (Liurai, Aileu)	Dominggos Santana Cardoso (Lisadila, Liquica)
Joana Martins (Malere, Aileu)	Celestina Soares (Leopa Data, Liquica)
Juliana Martins (Remexio, Aileu)	Maria Martins (Pairara Puno, Lautem)
Alfaredo Coreira (Vemasse, Baucau)	Felixberta Madeira (Iliomar, Lautem)
Dominggos da Costa (Osoala, Baucau)	Casimero Justo dos Santos (Vero, Lautem)
Albertina Rica (Ranak, Suai)	Jacob dos Santos (Sabura Taz, Maliana)
Salvador Gusmao (Fohorua, Suai)	Bernardino Loe Leto (Uluatin Memo, Maliana)
Vitoria Cardoso (Lesuwen Oques, Suai)	Olandina Veronica (Dituaben, Maliana)
Jose Nuno Lopes (Nazare, Dili)	Vitor de Jesus (Hatur ralan, Manatuto)
Anacleto da Silva (Nakdodo, Dili)	Maria Jose (Uma Rentau, Manatuto)
Berta Pereira (20 Maio, Dili)	Camelia da Costa (Trans Kolokau, Same)
Hilaria Olandina A Carvalho (Bairo Pite, Dili)	Mateus Torejao (Caicasa, Same)
Joana de Jesus (Cristo Rei, Dili)	Mateus da Costa (Trans Weberek, Same)
Aquino Pereira (Kampung Alor, Dili)	Fatima Aban (Oe-Nuno, Oecussi).
Adriano Soares (Kaisahe, Ermera)	

From survivor to victor: Fr Michael Lapsley speaks to CAVR

Fr. Michael Lapsley of the Institute for the Healing of Memory in South Africa visited the CAVR on 23 June. Fr. Lapsley toured the CAVR ex-Comarca headquarters, and gave an afternoon presentation to Commissioners and staff. He spoke of his experiences and the personal struggle he went through to heal the trauma of losing his hands and an eye in a letter-bomb explosion in 1993.

Reflecting on the work of the CAVR, he talked of the challenge all survivors of human rights violations face to move from being a survivor, often stuck in their pain, to being a victor over these violations and regaining their lives. As he put it, survivors are left with a poison in their hearts from violation, and need to be helped to remove this poison. If it remains it poisons the survivors and their loved ones around them, and often manifests in other forms of sickness, pain or violence. Fr. Lapsley said that the CAVR can only really help start the slow healing process and that it must work to assist others to carry on that work when it closes.

Fr. Lapsley spoke of the challenges facing societies emerging from years of political violence. He passionately urged all workers of the CAVR to be strong advocates against violence in all its forms, to work actively for an inclusive society that says it is never alright to act violently against someone who is different or someone whose views you disagree with. He also urged CAVR staff to take care of themselves and to find helpful ways of dealing with the difficult subject matter confronted in the day-to-day work of the Commission.

Discussing the difficulty often faced by such commissions in developing recommendations that will be implemented by later governments, Fr. Lapsley closed by stressing the importance of the CAVR beginning to work with key government and civil society stakeholders now to develop policy recommendations to further the work of restoring the lives of survivors of human rights violations after the commission.

2. Victim community profiles

Little has been reported to date about CAVR's victim community profiling program, an important and creative innovation to promote people's participation in CAVR's work for truth and healing involving every district in East Timor.

The program is a key component in CAVR's truth-seeking, reconciliation and victim support activities. Administered by the Victim Support Unit, the program is being undertaken in every district in East Timor and aims to complete profiles in 5 villages

per sub-district (producing a total of 325 Victim Community Profiles at the end of the process). As at 20 July 2003, 145 profiles have been carried out.

The process begins when regional Victim Support staff organise a meeting of about fifteen to thirty community members, including the Chefe do Suco, women representatives, and other community members. The Victim Support staff lead the group through a year-by-year discussion of the impact of the political conflict on that particular community. These chronologies provide detailed information about issues such as party conflict in 1975, forced displacement, famine, and the impact of the conflict on family life and education. In addition, the community draws a detailed map of their village, and develops a list of recommendations based on community needs.

The village of Sabuli in Metinaro, for example, have profiled their experience in the following words: 'The community fled to the mountains in August and September of 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 10kg 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. All the women in the village were expected to attend'.

Victim community profiles serve three important purposes. First, the process of constructing the community profiles allows for extensive community-based involvement in CAVR activities and gives communities an opportunity to produce an agreed-upon version of their own local history and how human rights violations impacted on their lives. Second, the content of the profiles can be used by the research team within the Truth Seeking Unit as a starting point for investigation of events linked to the ten research themes. Finally, the community profiles will provide the Victim Support Unit with a basis for developing broad recommendations relating to the specific needs of these communities.

3. Sub-district victim hearings

At the close of 3-months of activities in each sub-district, CAVR district teams facilitate a community hearing to the theme of "Rona ami nia lian" (Listen to our voices). These are meetings for the CAVR to report back to the community about its work and about community participation, and especially to honour the stories of a number of survivors of human rights violations from the sub-district.

Hearings are usually attended by district community and administration leaders, and by large numbers of sub-district community members. Between six and eight survivors from villages in the sub-district who have previously given testimony to the CAVR are selected to tell their story before their community. Often community members attending the hearing will also spontaneously stand and tell of their and their family's or their community's experiences in a process that is about recognizing and honouring both individual and community experience.

To date CAVR district teams have held hearings in 37 sub-districts. These have proved an important addition to the CAVR programme in communities, to ensure a sense of accountability to communities before the CAVR closes its activities and to publicly recognize victims, survivors and communities.

4. Public Hearing on famine and forced displacement

CAVR held a public hearing on famine and forced displacement at its national office in Dili, 28-29 July. The hearing focussed on the late 1970s and early 1980s. Eleven

survivors of those years, from most districts across the country, recounted their experience of these desperate times which probably have no equal in East Timor's history, with the exception of the famine which occurred during the Japanese occupation of World War II. Two expert witnesses also testified: Gilman dos Santos, who at the time worked for Catholic Relief Services (CRS) of the US, and Pat Walsh, former Human Rights Director of the Australian Council for Overseas Aid (ACFOA).

A remarkably clear and consistent picture emerged from the testimony and questioning of witnesses by CAVR National Commissioners. While the timing seemed to vary somewhat in each part of the country, these early years after the invasion seemed to divide into three periods: the flight of the civilian population into the mountains following the invasion and organising of communities for survival in the mountains; the Indonesian military campaigns that gradually forced civilian populations down from the mountains; and the holding of civilian populations in camps after they had come down from the mountains.

As a reading of the Appendix at the conclusion of this Update will demonstrate, the Hearing was both deeply moving and deeply disturbing. Questions asked or arising from the Hearing included:

- Why was outside aid restricted or significantly delayed when humanitarian need was immense?
- To what extent was the displacement and famine due to military factors? Did the Indonesian military deliberately set out to starve the population in resistance-held areas into surrender?
- Did resistance crisis policies contribute in any way to this tragedy?
- Why was there no international outcry? Did sections of the international community contribute to this disaster through either military or political support for Indonesia?
- How many died?
- Were international law and codes of ethics complied with? What lessons were learned, or can be learned, from this tragedy?

The Hearing was broadcast live on national radio and television and was covered by two leading Indonesian media - Suara Pembaruan and Tempo. The Hearing is but one part of CAVR's broader inquiry into these issues. Research into these events, their causes and consequences, will continue. To help in this research, CAVR is asking Governments (especially Australia, Canada, India, Japan, New Zealand, South Korea, and the US) and non-government organisations (especially CRS, Indonesian Red Cross, and ICRC) to make their reports available to CAVR.

5. Community reconciliation

At the beginning of this two-month period, the number of statements from deponents/perpetrators seeking reconciliation stood at 650. At the end of the period, after completing work in the third sub-district of each district and moving to the fourth the number of statements taken had risen to 860, a total of 210 new statements having been taken by Community Reconciliation Process (CRP) staff across the country. During this 2-month period, 201 cases have gone through a CRP hearing.

CAVR is planning district trainings to improve the process for registration of CRP results with district courts, according to the provisions of Regulation 2001/10.

High levels of community participation in the CRP process have resulted in a backlog of applications for hearings. To address this backlog, and with the support of a grant from UNDP New York, the CRP Division completed recruitment of 15 new Timorese reconciliation staff (1 per district plus 3 at the national office).

New staff will assume responsibility for 'mopping up' cases still to be heard in previous sub-districts, as well as going ahead to future sub-districts and setting up demonstration hearings which can serve as a clear model of what the process involves when a team first arrives in a new area. The extra staff will also allow effective follow up visits to check on the completion of acts of reconciliation previously decided on through the reconciliation hearings. They will also conduct monitoring interviews to allow the wider gathering of information from those who have previously participated in the process for inclusion in the commission's final report. These extra resources will ensure that CAVR processes all cases before it ends its activities in March 2004.

Following a previous meeting with the CRP management and National Commissioners it was recommended by the commissioners that priority be given to people newly returned from West Timor. Discussion between CRP staff and Victim Support has resulted in more effective sharing of information and the submission by the Victim Support Division's refugee officer of a regular report on persons who have recently returned and declared an involvement in events related to the political conflict. This information will be in turn disseminated to the district teams in order to raise awareness of returnees to their districts and provide an opportunity to them to participate should they wish.

The CRP Division has also recently participated in discussions on the final report and the issues the Division can be expected to address in its contribution

6. Evaluation of the community reconciliation process

CAVR completed its report on the community reconciliation process in June. The report contains the results of an evaluation based on interviews with 39 participants in the reconciliation process, whether as deponents, victims, panel members or community observers. Participants were selected across districts.

Those interviewed felt the process was achieving its stated goals, that is, facilitating the reconciliation of communities with those members who have become separated or estranged as a result of the political conflict in East Timor. Indicators critical to this would seem to be:

- The level of participation (community and perpetrators).
- The perceived validity of the testimony given.
- The perceived cultural value of the reconciliation hearings themselves.

Potential impediments to the effectiveness of the process were indicated to be:

- The lack of community 'buy in' to the process.
- The absence, at the hearings of others known to have participated in acts damaging to their communities - particularly those now in West Timor.
- The limited nature of the time spent by the district teams in each sub-district.

The report makes a series of recommendations based on these findings. In summary these are:

- Further support and monitoring of the district teams in order to better prepare those participating in the hearings and to raise awareness of the process at the community level;
- A review of each districts' circumstances regarding the operational time left compared with the number of sub-districts and other factors such as size and population demographics;
- More effective sharing of information with the Victim Support Division's refugee officer to establish the identities and location of recent returnees who may be in need of assistance from the reconciliation process;

- Clarification, at a national and local level, of the role of the CRP in the wider terms of the justice system;
- The continuation of the monitoring process both as an ongoing internal process to better inform its management and through a subsequent, external evaluation, to provide a more thorough, impartial study of the process, its successes and failures.

7. Community reconciliations: June-July

- *9 June*: Ermera - Matata: 12 Deponents, Victims & communities.

Reason for Hearing: Militia membership, house burning, theft of livestock, beatings, intimidation.

Community Reconciliation Act: Build new flagpole for Independence Day, apologise, bound not to repeat.

- *13 June*: Ermera - Matata: 14 Deponents, 7 Victims & communities

Reason for Hearing: Militia membership, house burning, theft of livestock, beatings, intimidation.

Community Reconciliation Act: Build new flagpole for Independence Day, Clean land around the village office, apologise, bound not to repeat.

- *17 June*: Ermera - Tokoluli: 3 Deponents, Community

Reason for Hearing: House burning, militia membership

Community Reconciliation Act: Apologise, bound not to repeat.

- *20 June*: Ermera - Fatukero: 10 Deponents, 9 Victims, community

Reason for Hearing: Militia membership, involvement with Indonesian administration, beatings, intimidation, membership of Indonesian youth party,

Community Reconciliation Act: Apologise, bound not to repeat.

N.B. 1 Deponent unable to reconcile with a victim, further evidence of serious nature of crime (assault) – statement returned to OPG.

- *21- 22 June*: Dili – Suleur: 18 Deponents, community (2 direct victims subsequently identified in the hearing)

Reason for Hearing: Militia membership, threats, intimidation, terrorism of community members.

Community Reconciliation Act: Apologise, bound not to repeat. Deponents gave assurance to be at the service of the local leaders for three months to perform any labour for the community. Deponents contributed money, a goat and fortified wine to allow ceremonies to be performed.

- *23 June*: Bobonaro - Atudara: 6 Deponents, 8 Victims & community

Reason for Hearing: House burning, threats & intimidation, beating.

Community Reconciliation Act: Community service repairing priest's house 1 day a week for three months. Apologise, bound not to repeat.

- *24 June*: Manufahi - Betano: 18 Deponents, 13 Victims & community.

Reason for Hearing: Fretilin attacks on UDT supporters in '75, House burnings, theft, beatings and slander ('99)

Community Reconciliation Act: Apologise, bound not to repeat.

N.B. 1 Deponent unable to attend due to recent death of spouse

- *27 June*: Manatuto - Laleia: 2 Deponents, Victims & community.

Reason for Hearing: Militia membership

Community Reconciliation Act: Apologise, bound not to repeat.

- *30 June*: Bobonaro – Odomau: 3 Deponents, Victims & community.

Reason for Hearing: Militia membership, performing ceremonies for militia, involvement in Indonesian police service, house burning, destruction of property.

Community Reconciliation Act: Community service cleaning church 1 day a week for three months, payment of one sacrificial pig. Apologise, bound not to repeat.

- *3 July*: Baucau - Venilale: 5 Deponents, Victims & community.

Reason for Hearing: Militia membership, slander.

Community Reconciliation Act: Apologise, bound not to repeat.

N.B. 1 Deponent failed to appear at the hearing

- *5 July*: Oecussi – Bana Ufe: 2 Deponents, 2 Victims, community
Reason for Hearing: House burning
Community Reconciliation Act: Symbolic payment of rice, salt, 2 pigs, palm wine for communal meal. Apologise, bound not to repeat.
 - *7 July*: Ainaro – Kota: 10 Deponents, 3 Victims, community.
Reason for Hearing: House burning, beatings, theft.
Community Reconciliation Act: Apologise, bound not to repeat.
 - *9 July*: Viqueque - Ossu: 5 Deponents, Victim, community
Reason for Hearing: Militia membership.
Community Reconciliation Act: Apologise, bound not to repeat.
 - *10 July*: Aileu - Remixio: 1 Deponent, 15 Victims, community.
Reason for Hearing: Beatings, house burning, intimidation, terrorising community.
Community Reconciliation Act: Unable to reconcile – statement returned to OPG. CRP staff will return to explore possible re-hearing later.
 - *11 July*: Oecussi – Hau Ufe: 12 Deponents, 9 Victims, community.
Reason for Hearing: militia membership, house burning, assault, theft.
Community Reconciliation Act: Symbolic payment of palm whisky for communal meal. Apologise, bound not to repeat.
 - *15 July*: Manufahi – Welaluhu: 6 Deponents, 6 victims & community.
Reason for Hearing: Abuse of authority - head of sub-district and head of village ('85 – on), intimidation, militia activities ('99)
Community Reconciliation Act: Apologise, bound not to repeat
 - *16 July*: Los Palos – Mahenu II: 3 Deponents, 2 Victims, community.
Reason for Hearing: Militia membership,
Community Reconciliation Act: Apologise, bound not to repeat.
 - *17 July*: Suai – Zumulai: 10 Deponents: 5 Victims, community.
Reason for Hearing: Theft, house burning, beatings.
Community Reconciliation Act: Apologise, bound not to repeat.
 - *18 July*: Bobonaro - Purugua: 4 Deponents, 1 Victim & community.
Reason for Hearing: Suspected collusion with Indonesian military, militia membership.
Community Reconciliation Act: 1 day a week general cleaning duties for three months. Apologise, bound not to repeat.
 - *21 July*: Bobonaro - Asalao: 18 Deponents, 13 Victims & community.
Reason for Hearing: House burning, theft of livestock & property, beating.
Community Reconciliation Act: 1 day a week general cleaning & repair to priest's house duties for three months. Apologise, bound not to repeat.
 - *22 July*: Manufahi - Babulu: 20 Deponents, 16 Victims, communities.
Reason for Hearing: Destruction of property, beatings, militia membership.
Community Reconciliation Act: Apologise, bound not to repeat.
- N.B. 3 Deponents unable to reconcile with a victim, further involvement in a serious crime (assault) – statements returned to OPG.

8. Welcoming returnees

As reported in previous Updates, the CAVR refugee officer from the Victim Support Division continues to meet returnees at the Batugade reception centre to welcome them home and explain how CAVR might assist in their social reintegration. CAVR also monitors their return to their communities. By the end of July, 252 East Timorese have returned from West Timor in 2003. UNHCR expects this pattern of returns to continue in the short term. However, because returns are small and slow, renewed efforts are being made to encourage returns, including a proposed series of 4 border meetings to be organised in August by the Office of the President.

9. Truth seeking

This two-month period has been a time of positioning the truth-seeking process of CAVR to be able to fully examine the information it is gathering.

By the end of July, CAVR has taken 4609 statements from victims and witnesses across the country. The Head of the Statement Taking Unit, Sancho Goncalves and advisor Susanna Barnes are paying particular attention to monitoring the quality of these statements. 2115 of these statements have been read and coded, using a coding vocabulary of 39 codes developed in collaboration with the CAVR legal office. To ensure standardisation, the 6 statement readers, led by Alvaro da Silva who was recently appointed Head of the Data Processing Unit, recently held a workshop on human rights concepts and definitions and each week undertake a coding exercise to ensure consistency. Four data processing staff have entered 1304 of these statements in the CAVR data base. Database expert Ken Ward returned for a 6-week period in June-July to undertake design modifications to the data base and to workshop effective use of its facilities, including quality control and access to the data-base by the research team. The database will be a major tool for the CAVR in analyzing information about violations gathered through the statement-taking process. Six additional data processing staff were recruited in July.

In July, Diogo Neto Frago, was appointed Head of the Research Unit in the Truth-Seeking Division. Diogo joined CAVR in November 2002 and previously worked in the national statistics bureau. A major undertaking for the Division during the period under review was the Public Hearing on Famine and Forced Displacement held 28-29 July. (See this Update). At the end of July, 5 additional staff were recruited to work on existing research themes. They will commence work early September.

In July, the Truth-Seeking Coordinator, Hugo Fernandes, attended a workshop in Peru on 'Managing Truth Commissions' (see report below). Also in July, Dr Aki Matsuno, advisor to the CAVR research program, visited Jakarta to conduct interviews with three key Indonesian figures about events in East Timor in 1975.

Several short-term international staff worked at the Commission in July, especially within the Truth Seeking Division. The need for these key inputs reflects the development of the Division approximately half-way through implementation of district work. With over 4500 statements gathered and a growing range of material from other sources, the Division is now developing strategies to maximize understanding of the richness of this information.

Piers Pigou, formerly of the South African Truth and Reconciliation Commission, was funded by the New York-based International Centre for Transitional Justice (ICTJ) to spend July assisting the Co-ordinator of the Division assessing all aspects of progress and management. Piers worked for three months at the Commission earlier in the year. Statistician Romesh Silva of the American Association for the Advancement of Science (AAAS) spent 4 weeks analysing the results of the national gravestone census conducted by 26 UNTL students in May and June and assisting Timorese staff implement a pilot Retrospective Mortality Survey (RMS) to examine the death toll figures in Timor-Leste. The pilot RMS was conducted in Remexio and Metinaro. He also appraised the various data-gathering and recording mechanisms of the Commission and offered detailed advice as to best practice on information management and quality control to facilitate analysis for the final report of the Commission. CAVR is now considering whether to conduct a full Retrospective Mortality Survey.

At the end of July, Professor Geoffrey Gunn completed two and a half months as a volunteer researching the role of international actors. In July, Dr Gerry van Klinken also returned to assist with research in key areas including the Retrospective Mortality Survey pilot study and analysis of the death toll in Timor-Leste during the mandate years. Australian volunteer Charmaine Chew joined the Division for three months starting June, to focus on coding statements taken by international human rights agencies over the mandated period. Helene van Klinken also returned as a volunteer for three months assisting with research into children and conflict. Dr Karen Campbell-Nelson returned to assist with writing the report on the theme of 'Women and Conflict'. CAVR particularly wishes to record its profound thanks to those who have freely and generously given of their time and expertise as volunteers.

During this period, the Truth-Seeking Division continued its research into events in 1975 and conducting interviews and meetings with witnesses and representatives of East Timor's five historical political parties in preparation for the Public Hearing on political party conflict. This important Hearing will now be held in October.

Thanks

CAVR wishes to express its thanks to the Embassy of Portugal in Dili for copies of the two-volume report on the decolonisation process in East Timor published by the Council of Ministers, Lisboa, in 1981. The volumes are: Vol. 1 - *Relatorio do Governo de Timor (13 November 1974– 7 December 1975)* and Vol 2 - *Relatorio da Comissao de Analise e Esclarecimento do Processo de Descolonizacao de Timor*.

CAVR also wishes to express its thanks to the Australian Embassy in Dili for the gift of two volumes of documents relating to East Timor published by the Department of Foreign Affairs. The volumes are: *East Timor in Transition 1998-2000: An Australian Policy Challenge* (2001), and *Australia and the Indonesian Incorporation of Portuguese Timor 1974-1976* (2000).

10. New national staff

CAVR welcomed the following staff during the June-July period:

Florival dos Santos (Finance)
Mario da Silva Pereira (Finance)
Diva M Alves (Institutional Development and Training)
Gil Barros (Truth-Seeking)
Joao Ende (Radio program)

Following recommendations by the joint ICTJ-UNDP mission reported in the last Update, 15 new staff were recruited in July to address a backlog of reconciliation cases. These staff will commence training and deployment in early August:

Felismena dos Santos	Domingas Amaral G
Dionisia Maria Fernandes	Cristina A Liu
Alexandrinha F dos Santos	Virginia Pereira
Martinha Ines Soy	Leonilda Barros F
Helena Soares	Rita Coreia
Brigida Napan	Lidya Carmo
Forenca Simoes	Ligia M Ferreira.
Serjinha Fernandes	

Support for CAVR

In a background paper presented to the Timor Leste and Development Partners meeting in June 2003, the Judicial System Monitoring Program (JSMP) commented that 'CAVR... has made an important contribution over the last 12 months towards bringing justice and closure to many hundreds of ordinary people in the East Timorese community'. The comment concluded 'JSMP supports the important and highly valued role played by the CAVR in this regard and applauds the decision of the Government to extend the CAVR's mandate to October 2004'.

The UNMISSET Daily Press Review reported on 18 July that the US Congress 'supports efforts by East Timor's Commission for Reception, Truth and Reconciliation to consolidate peace and reconciliation and encourages the President to expeditiously assist in the provision of information requested in the January 24, 2003 letter from the Commission'. (Note: the latter is a reference to a request by CAVR Chairperson, Aniceto Guterres Lopes, for official information relevant to CAVR's terms of reference under the Freedom of Information Act, FOIA).

11. Visits and visitors

3-5 June: Commissioner Isabel Guterres represented CAVR at the regional conference in Fiji on protecting civilians in armed conflict

3 June: visit by Portuguese journalist, Adelino Gomes (Publico), who also provided a statement on events in East Timor in 1975.

3 June: representatives of European Commission visit CAVR for discussions on CAVR positions in the UNDP-administered 200 posts program.

4-5 June: CAVR Chair, Aniceto Guterres Lopes, attends donors conference at Hotel Timor.

6 June: briefing at CAVR for Matt McCandless, State Department, USA.

8 June: briefing for Andrew Grene, UNMISSET Desk Officer, New York.

9 June: briefing and tour of Comarca for Intrepid tour group.

9 June: CAVR representatives attend Queen's birthday reception at British Mission

12 June: meeting with Cynthia Burton, AusAID

16 June: signing of grant contract at CAVR with representatives of Japanese Embassy.

18 June: Head of Good Samaritan Congregation, Sr Sonia Ward, visits

23 June: talk to staff by Fr Michael Lapsley, SMM, Director, Institute for the Healing of Memories, South Africa.

24 June: CAVR briefing to President Xanana Gusmao.

25 June: visit by David Whittlesey and Beth Williams, WSP Geneva.

26 June: tree planting at CAVR to mark international torture day.

30 June: briefing to Phillip Winn, Office of National Assessments, Canberra.

30 June – 5 July: Commissioner Isabel Guterres represented CAVR at a conference on conflict resolution in former Yugoslavia and Rwanda. Held in Bellagio, Italy, the conference was organised by Berkeley University. CAVR was invited to give participants the benefit of another perspective and particularly to receive a first hand briefing on CAVR's unique work in community reconciliation. Commissioner Guterres also visited the Pontifical Commission for Justice and Peace in Rome to research documentation on East Timor.

2 July: attendance at farewell for Hideo Fukushima, Charge d'Affaires, Japanese Embassy.

4 July: briefing to Prime Minister Mari Alkatiri.

7 July: meeting with Sr Joao Carrascalao, UDT President.

9 July: meeting with Sr Paulo Freitas, Trabalhista President

10 July: briefing to Indonesian Embassy staff at CAVR

11-15 July: 3 CAVR representatives attend conference in Peru

14 July: meeting with Sr Leao Amaral, KOTA President.

16 July: meeting with Sr Jose Reis, Fretilin Deputy Secretary-General.

21 July: visit by representatives of German Government

28 July: visit by Professor Ben Kiernan, Yale Genocide Studies Program

28 July: visit by Professor Kjell Ake Nordquist, Uppsala, Sweden

12. Finances

In June, the Office of the Inspector General completed its second audit of CAVR finances. The audit covers the financial period 1 May 2002 to 31 December 2002.

With the exception of items in a Suspense Account (which has since been addressed), the Inspector General concluded that the financial statements represented fairly the financial position of the Commission for the period in question. The audit also made a number of practical recommendations which have been agreed to by CAVR.

On 16 June, CAVR signed a grant contract with the Japanese Government for US\$470,000. This grant is the second tranche of the original \$1million pledged to CAVR by the Japanese Prime Minister during a visit to Tokyo by Xanana Gusmao in January 2002. The grant is earmarked to a specific number of CAVR projects. The first tranche was used for infrastructure, particularly the rehabilitation of the Comarca and four regional offices. Also in June, the Government of Sweden (SIDA) and UNDP made a joint grant of US\$291,545 to CAVR and the Dutch agency, HIVOS made a grant of \$35,000 to assist with healing workshops and other activities of the Victim Support Division.

During the period in question, CAVR has had a number of positive meetings with the Australia-East Timor Capacity Building Facility and AusAID to discuss continuation and strengthening of the current international advisory arrangement in the CAVR Finance Division.

13. CAVR in the Pacific

National Commissioner, Isabel Guterres, represented CAVR at a regional conference on the protection of civilians in armed conflict held in Fiji, 3-5 June 2003.

Commissioner Guterres joined 65 other participants from government and civil society organisations. Countries represented were Australia, East Timor, Fiji, Solomon Islands, Indonesia, Tonga, Vanuatu and the Indonesian Province of West Papua.

The protection of civilians is a topical but novel subject in the South Pacific, where armed conflict is more recent in the experience of new states having occurred recently in Papua New Guinea, Solomon Islands and Fiji. The leading regional institution, the Pacific Islands Forum, has prioritised regional security since the Fiji and Solomon Islands coups in 2000 and has established procedures that enable the Forum to act in the event of security crises in Forum member states.

Issues were discussed with the help of presentations by experts from UN departments and representatives of key national and regional institutions. The role of customary law, traditional chiefs and traditional methods of peacemaking, restitution, and reconciliation in the protection of civilians were emphasised. The importance of regional coordination for the control of small arms and police/military armouries was also emphasised.

Managing truth commissions

Fr Jovito de Araujo (Deputy Chair), Lucio dos Santos (Director) and Hugo Fernandes (Coordinator, Truth-Seeking) attended an international workshop on truth commissions in Lima, Peru, 11-15 July 2003. The workshop, entitled 'Managing Truth Commissions', was organised by the International Centre for Transitional Justice (ICTJ) and brought together representatives of four current truth commissions to discuss the practical issues of managing such bodies. Commissions present were Peru, Sierra Leone, Ghana and East Timor. Observers attended from the black community of Greenboro, USA, which is planning a commission.

The CAVR delegation found the meeting very useful and stimulating. The workshop discussed the relationship between truth, justice and reconciliation and associated dilemmas. On a practical level, considerable time was devoted to looking at issues such as relationships between National Commissioners and the executive, assessing and building community/civil society participation and support, the final report, and negotiating recommendations with key stakeholders – including the community. CAVR will workshop ideas and recommendations from the Peru meeting with staff in August.

ICTJ plans to hold a follow up meeting in Sierra Leone, probably in November 2003.

APPENDIX

FAMINE AND FORCED DISPLACEMENT National Public Hearing, 28-29 July 2003 CAVR National Headquarters, ex-Comarca Balide Dili

‘... They did the encircling like this: war ships fired from the sea, warplanes attacked from the air, the dry tall grass was burnt and then the army marched in by land ... the fire was so big, many did not survive ... After we got out we still saw old people who had been left by their families. They were in a sitting position. The men wore new clothes, and hung *belak* from their necks, *caibauk*, and golden bracelets on their arms. The women were wearing golden earrings and golden necklaces, and had black scarves over their heads, as if they were going to attend Mass in church. We could only look but were not able to do anything, because the Indonesian soldiers kept chasing us ...’

Maria Jose da Costa (Same, Manufahe district, on 1978 Indonesian military encirclement campaign in Dolok village, Manufahe)

Public testimony about the terrible years of forced displacement and famine in Timor-Leste in the late 1970s and early 1980s was given before the Commission for Reception Truth and Reconciliation in Timor-Leste (CAVR) on 28-29 July 2003. Survivors and two expert witnesses gave testimony before the National Commissioners in the capital Dili, describing the terrible events in which tens of thousands of Timorese people are thought to have died. Broadcast live across the country on television and radio, a picture emerged from local and regional stories of the national tragedy that unfolded in a country that was closed to the world during the years after the 1975 invasion by Indonesian troops.

Survivors wept as they gave testimony, remembering whole families and loved ones who did not live. Mr Manuel Carceres da Costa of Laclo in the eastern district of Manatuto spoke for many when he said:

‘I want to say to you all, especially to those who are educated, listen to those who suffered in this time, especially widows and those who continue to have difficulties in their lives. I thank the CAVR for allowing us to talk of this time ... It is an honour to speak here, as there were so many who suffered and died and cannot be here.’

Over two days, the CAVR heard from 11 survivors of these years, from most districts across the country, and two aid workers. Mr Gilman dos Santos worked for the US aid agency Catholic Relief Services when they came to Timor in 1979. Mr Pat Walsh was Director of Human Rights for the Australian Council for Overseas Aid (ACFOA), and gave testimony regarding the international response to the crisis.

From the survivors, a remarkably clear and consistent picture emerged. While the timing seemed to vary somewhat in each part of the country, these early years after the invasion seemed to divide into three periods: the flight of the civilian population into the mountains following the invasion, and organizing of communities for survival in the mountains; the Indonesian military campaigns that gradually forced civilian populations down from the mountains; and the holding of civilian populations in camps after they had come down from the mountains. This report will follow testimony as it speaks of these different phases.

Flight to the mountains

Witnesses from the districts gave evidence of the news they received of the Indonesian military invasion of the capital Dili in December 1975, and of how it took months and sometimes over a

year for the military to reach their rural areas. Town and village populations fled to the mountains as the military neared their communities.

'During the Indonesian military invasion in Dili, on 7 December 1975, before Christmas there were people from Dili that had returned to Laçlo. They said to us 'now the Indonesian military has entered Dili and killed many people. They have shot people dead and used tanks to take everything the people owned.' We heard this information and thought 'rather than ... stay here and let the enemy destroy us, it is better ... to flee to the forests.' We also hoped that assistance from the outside world would come quickly ...' - Manuel Carceres da Costa, Laçlo Manatuto

Others spoke of being able to remain in their towns in the interior until late 1976 or 1977, when the Indonesian military approached their areas.

Testimony consistently spoke of the initial period in the mountains as being a time when communities could manage to support themselves. Food was taken to the mountains, organizing committees of women and young people were formed to grow crops and provide health support. Generally this seems to have lasted to a period sometime in 1977 for most communities. Mr Gilman dos Santos, a former aid worker with CRS testified:

'Between 1975-1977 the food situation in the forest wasn't so bad. People could move around and plant according to the season. The Indonesian military only controlled district and sub-district towns, even though fighting occurred in the hills.'

But as testimony repeated stories of escalating Indonesian military campaigns, life in the mountains became unsustainable for the large civilian population. The CAVR heard testimony of the terrible bombing campaigns over the central mountains of Kablaki, and the eastern mountain range of Matebian in 1978, and in other areas such as Laçlo. It heard of encirclement campaigns, using bombardment from air and sea and the burning of grasses and crops to trap civilian populations. Manuel Carceres da Costa spoke of terrible human cost of this time:

'Every day the planes came back to bomb, every afternoon when we needed to tend our crops the planes would come. Thousands and thousands died, died of starvation, died without medicine, died from the bombs dropping on us.'

A pattern emerged of communities constantly on the run, being harried by the Indonesian military advance. With the killing of livestock and destruction of crops, unable to tend planted crops and with diminishing food supplies, people began to die.

Ms Merlindi da Conceicao of Liquica district spoke with quiet dignity:

'... the Indonesian military operation took control of the area where we stayed ... (we) escaped to the forest in the area around Tehui, Hatuquesi village ... On May 5 1976 my grandmother, Maria Correia dos Santos, died in the forest ... due to lack of food and illness, as there were no medicines ... there was a huge military invasion of the village of Hatuquesi ... two years later ... my mother Domingas da Conceicao died in Daruto, Vatuvuo village, in Maubara due to starvation, she was ill but there were no medicines ... One month later, my younger brother Rosalino da Conceicao (12 years old) also died of starvation ... at that time in the forests we only ate the leaves of beans ... three months after Rosalino's death, on 26 September 1978, my younger sister Elisa Bete (2 years old) also died in the area of Malaebui, Darubatlaio village in Maubara. She also died of hunger ...'

There was rarely time for proper burial, as people fled the military advance:

'... Among those who died there were some who died in a sitting position. When we tried to lift them up or carry them we realized that that person had already died. There were others who died in a sleeping position. There was no more food for the people who had fled in order to be able to stay alive ...'

“When we heard the warplanes coming, we were very frightened. We ran on top of the bodies of people who had been shot. Parents left their children, who were still very small, and many families left their older members who were not capable of running anymore, because we had to save ourselves.” Joao Sereno (Suai, Covalima, on 1977)

Manuel Carceres da Costa spoke of the constant attacks from the Indonesian military, including the use of the US-supplied slow-flying attack plane the OV-10:

‘In May 1978 the situation became even more difficult. The enemy started attacking from the border ... and then in July 1978 the military began to encircle and destroy us ... many died ... because their legs were wounded, they could not walk anymore, even new born babies died of starvation. Those who died we could only wrap in mats and leave them just like that. We did not have time to bury them because the enemy kept chasing us.

... We moved during the night and during the day we had to hide because the OV-10 warplanes kept following us and shooting at us and dropping bombs on us, so that many friends, family members and others died ... this continued on and on ...’

Coming down from the mountains

Testimony spoke of survivors, sick and starved, struggling down from the mountains to surrender to the Indonesian military during 1978 and 1979. Gilman dos Santos, at the time distributing aid with the Indonesian Red Cross (later with CRS) testified:

‘In 1978 the food situation in the forest got more difficult, because the Indonesian military controlled more of the territory right down to the remote villages. This food problem was confirmed by the state of those who came out of the mountains, they were very thin and sick.’

Again patterns emerged in testimony after testimony. People came down from the mountains in terrible conditions, and on surrendering to Indonesian forces were held in camps. Survivors called these “concentration camps.” Evidence was consistent that conditions in these camps were terrible, with insufficient water, food or medical treatment. People already close to starvation and life-threatening illness were neglected. As Gilman dos Santos put it:

‘The efforts of the Indonesians to aid this situation and bring medical support were minimal ... what I am trying to say is that most people in the camps who were sick died.’

Mr Francisco Soares Pinto gave testimony of conditions in camps in the eastern district of Lautem:

‘On 28 November 1978 the Indonesian military from Battalion 328 entered the area of Iliomar. Two days later they prohibited us to leave the concentration camp any further than one kilometer ... this order immensely limited the mobility of the people, and ... we could no longer leave to look for food ... The result was that people experienced a very serious famine.

‘In order to survive we ate dry coconuts or the young ones ... but after a while there were no more coconuts left ... there was no more food left, and so one by one the people died in the concentration camp due to starvation. ... During one day it was figured that 5-10 people died ...

‘From morning until night one could hear people cry from one barrack to another barrack. We could also hear people echo each other because in one barrack someone died and in the neighbouring barrack there was someone else who died as well. In one grave, they would bury 2-4 bodies ...’

Edmundo da Cruz also spoke of conditions of camps in Lautem, in Parlamento and Com:

'The Indonesian military concentrated us in the sub-district of Parlamento together with people from Lautem. We stayed in the concentration camp of Parlamento for over one year. During our stay we suffered a lot, because we were prohibited from leaving the camp further than 100 metres. The result was that over 2000 people in the camp suffered starvation. In one day 2-5 people died of hunger, especially the children and the elderly ... the military didn't give us anything to eat at all ...'

Evidence was heard of the Indonesian military strategy of exile and imprisonment to the island of Atauro, in attempts to separate the people from the resistance fighters still in the mountains. It seems imprisonment on Atauro was used against those who had family still in the mountains.

Rosalina da Costa was the eldest survivor to give testimony. She spoke of how her family was separated after the invasion, and what it was like to stay behind in the town after others had fled to the forest:

'My husband and four of our children ran to the forest. I stayed behind with one of our children. For three years we did not surrender. ... an Indonesian military commander raped me, and a colleague of his raped E. though she was pregnant at the time ... they raped us for seven months ... the Indonesian military raped us women, whether we were married or not ...'

'In 1981, during Operation Kikis or "Fence of Legs" operation in Aitana ... my children and I were moved to Atauro ... we were imprisoned on Atauro for four years, seven months and seven days ... on Atauro it was terrible, there was no food ...'

'We returned to Same. But the people there would not accept us. They called us batar fuhuk (rotten corn), they said we were Fretilin and they wouldn't give us food ...'

'My husband went to the forest. To this day, I do not know if he is alive or dead.'

Joana Pereira of Quelicai in the eastern district of Baucau testified:

'My older brother Pascoal Freitas, who was called Nixon, was still in the forest, holding a weapon and involved in fighting the Indonesian military ...'

On 29 August 1981, the Quelicai Koramil (Indonesian military commander at sub-district) said to us 'Whoever has family in the forest has to be punished.' And so the Koramil made a list of all our names ... only then did I learn that we were going to be held on Atauro island, because Nixon was still in the forest. At the time I was 13 years old, and Mateus was only about nine years old.

... the following day ... the Quelicai Koramil took us guarded by four armed trucks towards the harbour of Laga ... and then on 30 August ... the Indonesian military took us and several other families ... towards Dili on warship number 502 ...'

On September 1, 1981 we were sent to Atauro island on warship number 511 at 8 o'clock in the morning ... when we arrived there my brother and I were placed separately. He stayed in house number 22 with 60 people. I stayed in house number 24 with 70 people. ...'

... Because the food allocations were so small there was famine ... So many died because there was not enough food. People from Viqueque and Los Palos. Two-five people died every day, especially small children and old women and men ...'

I am so sad today when I talk about this. My small sister died. My mother and father are no longer with me. I am so sad ... I feel that this was a result of war, we suffered

for the land of Timor. I ask the CAVR and the government to remember the people who died on Atauro ... record their names.'

The village of Mauxiga, in the central mountains of Ainaro, also suffered terribly at this time. At the public hearing on Women and Conflict held in April, moving testimony was given by Olga da Silva Amaral. At this hearing, two men gave testimony of a clandestine activities against the Indonesian military in Mauxiga in August 1982, and the subsequent crackdown. Abilio dos Santos Belo was amongst a group captured and sent to Atauro:

'The military ordered us to get on a ferryboat. In the boat I saw my older brothers and sisters, my mother and grandmother ... We arrived in Atauro on 1 September 1982 ... we were not moved to the prison, because all the barracks were full ... the temperature was very hot, which killed a lot of children and elderly people ... we continued to stay in the town of Atauro ... during this imprisonment on Atauro we suffered immensely. It was difficult to find food, medicines and clothes. We only received assistance from the Indonesian military in the form of mouldy maize ... this was not enough food ... three months later the International Red Cross entered Atauro. Our lives began to get better ... In October 1984, the people held on Atauro returned to Dili ...'

Antonio Pires fled to the mountains, and was later captured by the Indonesian military. He spoke of the punishment meted out to the civilian population:

'Members of the ... four aldeias (villages) were ... captured, even children and the elderly. They were taken to the Koramil where they were brutally tortured in sadistic ways. They were stripped naked, beaten with sticks, burnt with cigarette butts, given electric shocks, tied with ropes, hung from a tree, killed, stabbed with spears, drowned in water, tortured under the beating sun, the women were raped, and others buried alive ...'

Abilio dos Santos Belo concluded:

'For the people of Mauxiga, 20 August 1982 is an historic day, like Kraras and 12 November. The people of Mauxiga are sad. Please write down their names and this will help cure our wounds.'

From these troubling testimonies, the CAVR heard of the remarkable resilience of communities. Decimated in the mountains without food and fleeing from the Indonesian military, it became clear that upon coming down from the mountains and surrendering, many began the task of reorganizing a clandestine resistance against the Indonesian military. It is also clear that when the Indonesian military learned of these efforts, civilian populations often suffered terrible human rights abuses. It will be the task of the CAVR to examine responsibility for these abuses. It is also the task, difficult and challenging, for the CAVR to examine if and to what extent policies and practices of the resistance may have contributed to human rights violations.

Limited, late relief

Survivors spoke of the difference to their lives in the Indonesian-military controlled camps when the International Red Cross was able to enter and distribute food and medicines in 1979. On Atauro, in camps in Metinaro outside Dili and Lautem in the east, witnesses testified to the importance of this relief.

Mr Gilman dos Santos then worked with US-agency Catholic Relief Services, the only other international agency operating in Timor. He gave valuable testimony on the scale and nature of the humanitarian crisis at this time and of the limited ability of agencies to address it. During his work with CRS, Mr dos Santos traveled to all districts across Timor and observed for himself the condition of communities and the role of the Indonesian military.

'In 1979 CRS arrived. The presence of international organizations in 1979 was due to the terrible situation of famine across all of East Timor. This assistance came one year

after the report of the visit of the Ambassadors – imagine, one year later, but still it helped. At that time we never heard of anyone visiting from the United Nations, even though we were in immense conflict.

I want to say that the humanitarian assistance that came was late, but it also saved many people. It was too late because Timor was closed off. Not even 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 very closed, very closed and tightly watched by the Indonesian military. Because of these tight controls, CRS left Timor after five years.'

Mr dos Santos said that CRS worked seven days a week, often 16-18 hour days in its first six months of operation, trying to get food out to communities. He delivered food to the "concentration camps", and spoke of the obstructive approach of most military.

'Just traveling between Dili and Baucau we had to stop 13 times at every district and sub-district command, checking all our papers. We already had 26 signatures but they would require more ...there were some military people who were helpful, in Vemasse for example, and in Turiscau and Alas ...

To overcome problems with the military we told them the food came from America. We showed them the US flag on the packages, and the Indonesian soldiers were very afraid of the Americans. We were surprised about this because we thought they worked with them ... they were afraid when we said it was from America ...'

Earlier Mr dos Santos had spoken of problems of military corruption in relation to distribution of government food:

'We often heard, or saw with our own eyes, that the military sold the food aid to stores or to those who could pay for it.'

Asked by the Chairperson of the CAVR, Mr Aniceto Guterres Lopes, whether CRS was able to distribute humanitarian relief in a politically neutral way or whether they had restrictions placed on them, Mr dos Santos replied:

'CRS was only allowed to distribute food to those people in TNI-controlled areas. We could not distribute to people in the mountains. TNI did not want food distributed to people in the mountains, because they thought this way they could force them down to surrender ...'

Mr dos Santos praised the assistance of the Timorese church, and especially praised Fr Locatelli of Fatumaca who 'gave immense help in the east'.

In closing his submission, Mr dos Santos reflected:

'I think people died of hunger because of the war. When people ran to the mountains after the invasion, people could organize their own food. But when they came down from the mountains the Indonesian troops prevented them from tending their gardens.'

Mr Pat Walsh, former Human Rights Director of the Australian Council for Overseas Aid (ACFOA), spoke of the international climate at this time. In his submission to the CAVR he gave a sense of the international context to the crisis in Timor, putting into relief the situation on the ground with an analysis of the political sensitivities of key international governments and agencies, and the decisions and compromises made in relation to humanitarian responsibilities in this regard. His detailed analysis bears a full reading, and this report cannot adequately summarise its import.

Mr Walsh stressed the importance of understanding the famine of the late 1970s by considering its wider military and political context.

'At the time Indonesia's campaign to incorporate East Timor was in trouble, both in East Timor and internationally. Due in no small measure to the brutality and violence of Indonesia's military intervention, large numbers of people had fled to the mountains ... despite superior numbers and equipment, Indonesia had failed to crush Fretilin militarily. This failure to secure rapid, outright conquest and to win the hearts and minds of the East Timorese was compounded by diplomatic setbacks internationally with the issue attracting on-going attention in the UN, US Congress and other international forums. This was deeply embarrassing both for Jakarta and for Indonesia's main allies who had always stressed the importance of a rapid takeover with minimum public fuss ...'

Mr Walsh named Australia and the US as two of these key allies in this period. He also spoke of the complex reaction of the Catholic Church:

'There was something of a division of opinion in the Catholic Church on East Timor. Many people in East Timor turned to the Church and Dom Martinho Lopes and later Dom Carlos bravely spoke out for the people. But my visits to New York and the Vatican in 1980, and fairly frequent visits to Vatican representatives in Jakarta, made it clear that the concerns of local church leaders ... were subservient to what is known in nation-states as the national interest. That is to say that the Church was preoccupied with its relations with Islam in general and Indonesia in particular.'

Mr Walsh referred in detail to a report on the famine he wrote in 1979 for Action for World Development, an Australian-based Church NGO. The report was adopted by ACFOA, the peak body for some 100 Australian development NGOs.

The report concluded that the main elements of the crisis confronting East Timor were:

- 'a mounting death toll due to continuing war, malnutrition and disease,
- massive displacement of people from the interior into problem-ridden, Indonesian controlled camps,
- the lack of capacity of the Indonesian Red Cross – the only permissible channel for overseas aid (apart from the Catholic Church's small program),
- and the misappropriation of aid.'

Mr Walsh noted that Indonesian defence statistics obtained by ACFOA at the time stated that over 300,000 East Timorese were living in these controlled camps by December 1978. He said that 'Australian agencies believed that the embargo on foreign aid was part of a wider embargo on access by independent media and human rights bodies designed to keep the East Timor question out of the public eye'.

He noted that:

'International humanitarian law recognizes that those affected by calamity or armed conflict are entitled to protection and assistance. It defines legal obligations on states and warring parties to provide such assistance or allow it to be provided, as well as to prevent and refrain from behaviour that violates fundamental human rights ... What did seem clear to us, however, was that Indonesia's efforts at humanitarian relief were a much lower priority than its military operations and that independent agencies would not be permitted until Indonesia had achieved its military objectives.'

Mr Walsh considered the involvement of ICRC and CRS from late 1979 when the Indonesian government permitted these two agencies access to Timor. The task facing these agencies is captured painfully in the report of the CRS May 1979 survey visit to East Timor, compiled by its Program Director Mr Frank Carlin, a veteran of 14 years of relief work in Asia, and quoted by Mr Walsh:

'The situation observed by Mr Carlin ... was, in many locations, one of intense human suffering due to illness, hunger and starvation. Death rates were high. Those critically

ill were not limited to the very young and the very old – normally the first to succumb to sickness and starvation. Many persons in their prime years were dying. There were large numbers of teenage youths and young adults in a marasmic state, a condition which had reduced them to little more than walking skeletons ... in those locations where large numbers of people had recently come down from the mountains conditions were as critical as anything Mr Carlin had ever encountered ...'

Acknowledging that these agencies' efforts saved many lives, Mr Walsh commented

'The famine was a complex emergency of the first order involving not only precious human lives but significant power interests. The dilemma for agencies concerned was how to meet their humanitarian relief obligations without at the same time also aiding Indonesia's military objectives in East Timor...'

Completing his submission, Mr Walsh made a number of conclusions and a series of recommendations focused on furthering the healing process of the community and seeking to help Timorese and the international community learn from this time.

'In formulating its final report, the CAVR will be talking to Indonesia, and of course we are all very conscious of conflict going on in Aceh. What happened in East Timor in the 1970s and 1980s should not happen in Aceh in 2003. If Indonesia followed the code of ethics, then this would help.'

Conclusion

The national public hearing on *Famine and Forced Displacement* was formally closed by Foreign Minister and Nobel Peace Laureate Dr Jose Ramos Horta. Dr Ramos Horta is on the Advisory Board of the CAVR, and took the opportunity to express his personal support for the work of CAVR and that of the Government and the President. He noted that the establishment of the truth was a critical step in seeking justice for past crimes. He also spoke of his own family's recent efforts to find the remains of his four siblings who died during the occupation years, and reflected that this important stage in family healing was something people were now doing across the country.

Dr Ramos Horta also gave an account of the Government's position on justice for past crimes. He highlighted the obstacles to obtaining further justice and the failure of the Ad Hoc Tribunal in Jakarta. He issued a challenge to the international community, as the Secretary General of the United Nations prepares a report on justice in Timor-Leste for the Security Council. His message was that we in Timor-Leste have a clear conscience on justice, we have done all that we can. Timor-Leste cannot be expected to lead a process for further justice. It is up to those who committed crimes in Timor to examine their conscience, and those that supported them. It is up to the international community if further action is to be taken.

The period of the 1970s after the Indonesian military invasion is little documented and not widely understood except by those who suffered terribly and those involved in the military campaign. This public hearing was part of a process of bringing to light some of the most difficult years of human rights violations in Timor-Leste, when tens of thousands of people died. In two days we heard testimony of the actions of the Indonesian military, of the Timorese resistance to this invasion, and of the actions of international governments and agencies.

The CAVR is mandated to establish the truth about past human rights violations which occurred in this time. The period examined by this hearing saw probably the highest death toll of the entire 24 years of Indonesian occupation. The right to life and food are fundamental rights enunciated in the Universal Declaration of Human Rights.

The CAVR will continue its work to fulfill the mandated task of reporting on the underlying causes of these violations, including policies and practices that contributed to their occurrence. The CAVR seeks to help communities honour the painful memories of this suffering, and those

who lost their lives. In understanding the causes of what happened in Timor in this period, it is hoped that the CAVR may also make it a little harder for the international community to allow this to happen again in other places.

After two days of testimony on this agonizing period in the experience of the Timorese people, one is left with the words of the survivors and the haunting images of photographs taken by Australian press photographer Peter Rodgers in Laga in October 1979, which were displayed at the hearing. The young girl from Laga with her beautiful large eyes looking up fixedly into someone's eyes beside the camera, her wasted body its own testimony to her suffering. The young 20-year old man with an old man's large head and frail body leaning forward, all his energy used just sitting on a bench. These images, and the words of Joana Pereira

'... I am so sad today when I talk about this. My small sister died. My mother and father are no longer with me. I am so sad ... I feel that this was a result of war, we suffered for the land of Timor. I ask the CAVR and the government to remember the people who died ... record their names.'

Update June-July 2003