

UPDATE/ December 2002 – January 2003

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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 reconciliation called for presents two faces. One face is social... it must create a secure space and an atmosphere of trust that makes civil society possible. The other face is spiritual... The state can set up commissions to examine the wrongdoing of the past, but it cannot legislate the healing of memories...., it cannot guarantee forgiveness’.

Robert J. Schreiter

The December-January period saw a continuation of core CAVR work, particularly in the area of community reconciliation, some detail on which is provided below. A major highlight was the completion by CAVR district teams of their 3-month program cycle in the first 13 sub-districts (one per district). This was followed by the first of what will be a regular 3monthly national evaluation workshop between National and Regional Commissioners, together with the CAVR senior management team. Other highlights included the further development of the Commission’s ambitious truth-seeking program, initiatives in West Timor and Indonesia, the commencement on December 4 of a weekly national radio broadcast, the establishment of an Advisory Council, recruitment of new national and international staff, and the final stage in the rehabilitation of the former colonial prison. Commission staff took a well-earned two week break from 24 December to 6 January.

1. Community reconciliation

By the end of January, the CAVR has received 203 statements from perpetrators, and conducted hearings for 103 of these cases in 10 districts.

End-December was the final month of work in the first sub-districts of the CAVR program, meaning a busy time for CRP hearings. In fact, it has been necessary to run into January with these hearings. A recent evaluation workshop with CRP district staff indicates that as teams have learned from experience in this first sub-district, future work will be completed within the allotted three-month per sub-district.

Summary of hearings:

5 December Hata’as– Maliana: 3 Deponents, 7 Victims

Reason For Hearing: terrorising/intimidation, forced detention

Community Reconciliation Act: Apologise. Bound not to repeat. 2 months compulsory attendance of church group.

5 December Maneluma – Aileu: 1 Deponent, 2 victims plus their families.

Reason for Hearing: Assault.

Community Reconciliation Act: Apologise. Bound not to repeat.

6 December Atabai – Maliana: 6 Deponents, 6 Victims

Reason for Hearing: Theft of property/livestock, destruction of property, forced detention, low-level involvement in militia.

Community Reconciliation Act: Apologise. Bound not to repeat. 4 days labour building community hall.

6 December Laulara – Aileu: 1 Deponent, village community

Reason For hearing: Clarification of activities during the political conflict

Community Reconciliation Act: Apologise. Bound not to repeat.

11 December Alas – Same : 7 Deponents, village community, sub-village community, 7 individual victims

Reason for Hearing: Pro-autonomy activities, threatening behaviour, assault and intimidation, involvement with military.

Community reconciliation Act: Apologise. Bound not to repeat.

20 December Bazartete – Liquica: 7 Deponents, 16 victims

Reason for Hearing; House burning, beatings, intimidation.

Community reconciliation Act: Apologise. Bound not to repeat.

20 December Fatu'udu – Ainaro: 6 deponents. No further details are available at this point.

15 January Hatugau – Ermera: 7 Deponents, 3 Victims, village community

Reason for Hearing: Previous involvement with militia/paramilitary groups, theft, arson, intimidation

Community Reconciliation Act: Apologise. Bound not to repeat. 10 days labour planting trees on church land

17 January Letefoho – Ermera: 10 deponents, 6 Victims, town community

Reason For Hearing: Previous involvement with militia/paramilitary groups, arson, intimidation

Community Reconciliation Act: Apologise. Bound not to repeat. Attendance of church scout group for 1 deponent, 5 more to participate in ceremony with their community elders only.

25 January Sune Upe – Oecussi: 2 deponents, village community

Reason for Hearing: Intimidation of village population

Community Reconciliation Act: Apologise. Bound not to repeat

In the week of January 20, national office CRP staff conducted regional workshops in Oecussi, Maliana, Aileu and Baucau. These focussed on sharing experience between national and district teams as the first sub-district work is completed, improving co-ordination, and on improving work in the recording of the narrative statement by deponents.

Further support and ongoing capacity building programs will be developed as a result of this process.

2. Truth-seeking

This been an important period of consolidation of the truth-seeking program. District team activities have focused on continued statement taking, and in particular on improving the quality of statement recording. The national research program is operational, and in this period several major projects have been initiated. Preparations have been undertaken for the first national thematic hearing, in February on political prisoners. In addition, the national office has

reviewed and further developed systems of cataloguing, co-ordinating and storing data, for future analysis.

Mr Sancho Goncalves has been appointed as the Head of Statement Taking at the national office. Closing activities in the first sub-district in December, and conducting socialization activities in new sub-districts provided an opportunity for statement-taking teams to evaluate their work to date. A key activity in this period has been a series of regional workshops in January with all district statement taking teams, to evaluate lessons learned and to implement practices to continually improve quality of statement recording. These workshops focused primarily on narrative composition, interview techniques and the importance of systematically completing all witness, victim and perpetrator statement forms. The team has been supported in this work by Ms Sophie Khan, brought to the Commission through German capacity building funds, and Mr Piers Pigou, a representative of the New York-based International Centre for Transitional Justice and former staff member on South African Truth and Reconciliation Commission.

In January, a manual review of statements taken to date was commenced with the objective of identifying which types of violations and events are being reported by community members and what types are at present under-represented. Results will be available in February. As fine-tuning with the electronic database is completed, this analysis work will be further enhanced.

The research program has developed significantly in this period. As reported previously, the key areas of focused research include significant massacres, forced displacement and famine, political imprisonment, the impact of violations and wartime on women and children, the Indonesian military, and the civil war period. The Co-ordinator of the Truth Seeking Unit, Mr Hugo Fernandes, is assisted in the research program by the Special Advisor, Mr Pat Walsh.

In this period Mr Fernandes has been assisted by Dr Emily Harwell in preparing detailed terms of reference for each area of research and in planning the research activities for these themes. Dr. Harwell has joined the CAVR for a three-month period with the assistance of German capacity building funds, has extensive Indonesia experience and has come from the Human Rights Watch New York office.

In this period the research team has prepared for the February thematic hearing on political prisoners, including co-ordinating interviews and statement taking with a wide range of former political prisoners.

Preliminary field research have continued for massacre investigations in Lautem, Viqueque, Quelicai/Ossu, Baguia/Mt Matebean, Atabae and Ainaro. This work has included conducting interviews with witnesses and mapping alleged mass grave sites with global positioning (GPS) equipment.

Further preliminary investigations into famine and forced displacement in Viqueque, Lautem, Ainaro, Aileu and Maliana have also been conducted. The CAVR has recruited 130 volunteer students to assist with a national gravestone survey, to assist in graphing peak periods of deaths in different areas.

In January the CAVR Program Manager and Co-ordinator of Truth Seeking visited Jakarta. This included establishing an Indonesia contact group, who will assist in various areas of research.

In January, terms of reference for a research program on women were finalised and a team recruited for a joint research project by CAVR and key Timorese women NGOs FOKUPERS and ETWave, to study the role and impact of conflict on women and their role as peacemakers. The team will receive orientation and training, and the program will commence in February. This team is assisted by Ms Karen Campbell-Nelson, who is seconded from the Artha Wacana Christian University in Kupang for this six-month project.

In February, final recruiting of Timorese researchers will be completed.

First national evaluation workshop

In December, National and Regional Commissioners came together in Dili for the first of what will be regular evaluation workshops. This coincided with the close of program activities in the first 13 sub-districts across the country.

The workshop was aimed at ensuring that the CAVR learns from its experience and is responsive to community aspirations and needs. These workshops will be held every three months, and are also aimed at developing democratic ways of policy development within the CAVR.

While each district presents its distinctive challenges and issues, results of the evaluation workshop indicated that generally communities are keen to work with the CAVR. Regional Commissioners highlighted the heavy workload in attempting to meet this demand.

Regional co-ordinators and district team co-ordinators, and members of the Senior Management team of the national office, from the staff, joined Commissioners for practical planning sessions of the workshop.

Changes to elements of the program, to co-ordination mechanisms and especially to how teams work in the field resulted from recommendations from this workshop.

This evaluation process was a major step in consolidating the district program of the CAVR.

3. Acolhimento/reception and victim support

The CAVR has been very active in its initiatives for West Timor in these two months.

With the 31 December change of status for East Timorese living in West Timor camps, the CAVR has participated in the networks actively seeking to share information with these communities and assist them to return to East Timor if they wish. This has included meetings at the Batugade border post, and assisting planning for public information campaigns.

In January, the Program Manager and the Co-ordinator of the Truth Seeking Division visited West Timor for meetings with NGO and civil society leaders, to explore the possibility of developing a partnership to conduct a comprehensive outreach program with East Timorese communities in West Timor. As a result, National Commissioners have approved a plan that will see small teams of West Timorese NGO workers, including East Timorese living in West Timor, conduct a 5-month outreach program in all four districts in West Timor. These teams will travel to Dili in February for orientation and training, and commence work in West Timor in March. In addition to the outreach program, a limited program of statement taking will take place.

In December, a capacity building team from the national office travelled to district teams to provide support and further training in the community profiling program which is an integral part of the victim support program. This activity is proving very popular with communities, as they gather in groups to discuss and record the human rights history of their community. Results of these activities will enable the CAVR to analyse more clearly the impact of violations upon communities.

In addition, the victim support team at the National Office has been busy preparing for the February 17-18 national hearing on political prisoners.

4. Community outreach, public information and media

The CAVR Radio Program, "Dalan ba Dame" (The Road to Peace), commenced weekly broadcasts on 4 December. The program is currently aired on Radio Timor Leste and the Catholic Radio Kmanek. Discussions are taking place to have it broadcast on the various community radio outlets in the districts. Establishment of this program was supported by USAID. This is the central popular means of sharing information about the CAVR across the country, with a major focus on covering district activities and giving voice to district communities.

Television Timor Leste has also provided coverage of a number of community reconciliation procedures during December.

As district teams are in full implementation of the CAVR program throughout the year, the public information team is preparing a comprehensive information and education campaign to support this program and the objectives of the CAVR of promoting human rights and reconciliation. This campaign will involve publications, further video programs, music and events aimed at raising community understanding and enthusiasm.

The West Timor outreach program is explained in the section on acolhimento/reception.

5. Human resources

National staffing of the CAVR is near completion, with a few remaining positions to be filled as certain elements of the program are developed. In the month of January, six national staff joined the Commission: Celina Fernandes, Victim Hearing Officer; Jose Julio, Acolhimento/Reception Officer; Teresa Abi Luis, Community Reconciliation Officer; Orlando do Rego and Jacob Freitas as Logistic Officers/Drivers; and Daniel Gomes as Cleaner.

Six positions in the UNDP '200 list' remain unfunded at the end of January, though discussions are well progressed in relation to five of these. In terms of positions recently filled, the CAVR is particularly fortunate to gain the services of Mr Burgess as Principal Legal Counsel. Mr Burgess has worked with UNAMET, UNTAET and UNMISSET, as Humanitarian Officer, District Administrator (Liquica) and Director of the Human Rights Unit respectively. Mr Burgess's experience and standing with both Timorese and international organizations will be of great value to the CAVR.

Two further advisors have joined the CAVR in January for specific projects, funded through their respective organizations. Mr Piers Pigou has been funded by the New York-based

International Centre for Transitional Justice to assist the CAVR Truth Seeking Division. Ms Karen Campbell-Nelson is on secondment from Artha Wacana Christian University, to assist the CAVR-FOKUPERS team research project on violence against women. This project commenced in January and will report after six months.

New York workshop on 'Managing Truth Commissions'

On 2-4 December, CAVR Chair Aniceto Guterres Lopes and Advisor Kieran Dwyer participated in a workshop in New York for present and past Truth Commissions, entitled "Managing Truth Commissions." Hosted by the International Centre for Transitional Justice, the workshop took a very practical approach to identifying the major challenges of managing truth commissions, and allowed those currently managing commissions to share experiences and ideas together and with past commission representatives. Current commissions represented were Ghana, Peru and East Timor (Sierra Leone did not attend, though a civil society representative attended); past commissions represented were Guatemala, Argentina, South Africa. At the end of the workshop it was agreed to establish an affinity group, to continue practical sharing of information and experiences.

While in New York, the CAVR team also participated as panel members in presentations at International Peace Academy (chaired by former United Nations High Commissioner for Human Rights Mary Robinson), the Open Society and New York University, met with the New York Times Editorial board and a number of international human rights organisations.

6. Advisory Council

An Advisory Council of eminent individuals has been established in this period. The Council includes East Timorese and international members, and its role is to enhance the Commission's status and credibility and offer assistance by providing authoritative advice and feedback to National Commissioners.

The composition of the Council is not yet complete, but at present its membership comprises:

- Dr. Jose Ramos Horta (Minister for Foreign Affairs, RDTL, Nobel Peace Laureate)
- Dr. Ana Pessoa (Minister for Justice, RDTL)
- Pastora Maria de Fatima Gomes (Assembleia de Deus, East Timor)
- Mr Sergio Vieira de Mello (United Nations High Commissioner for Human Rights, former Special Representative of the Secretary-General in East Timor, UNTAET)
- Mr Ian Martin (Vice President of International Centre of Transitional Justice, former Special Representative of the Secretary-General in East Timor, UNAMET)
- Mr Munir SH (Head of Imparsial, Indonesian Human Rights Watch, lawyer)

In his acceptance letter, the UN High Commissioner for Human Rights, Mr Sergio Vieira de Mello, said:

"... I am confident that the Commission offers a promising opportunity for genuine and long-lasting reconciliation, by giving the people of Timor Leste recourse to air their grievances and receive official acknowledgement of their past suffering. I look forward to contributing to that process."

7. Finances and procurement

CAVR wishes to acknowledge generous practical support from UNHCR in the form of a number of vehicles and motorbikes. The support has been made possible by the downsizing of UNHCR as it reduces its presence in East Timor in response to the changing situation in West Timor.

With the onset of the wet season, CAVR has procured and distributed to field staff some 200 raincoats, mattresses, and mosquito nets. This is necessary because staff are away from home for extended periods working in the sub-districts.

8. Visits and visitors

- 4-6 December: CAVR Chair Aniceto Guterres Lopes, and Advisor Kieran Dwyer, attend 3-day workshop in New York with current and former Truth Commissions, hosted by International Centre for Transitional Justice.
- 5 December: CAVR Chair participates in panel discussion at Open Society, New York.
- 6 December: CAVR Chair Aniceto Guterres Lopes, and Advisor Kieran Dwyer brief New York Times editorial board on the work of the CAVR.
- 6 December: CAVR Chair Aniceto Guterres Lopes, and Advisor Kieran Dwyer participate in panel discussion at New York University.
- 8 December: Advisor Kieran Dwyer meets research team at Yale University, New York State.
- 9 December: visit by Miss Rosalind Corrigan, Desk Officer East Timor and Indonesia, South-East Asian Department, Foreign and Commonwealth Office, United Kingdom
- 10-12 December: CAVR Chair Aniceto Guterres Lopes participates in GAJE conference, Sydney Australia
- 15 December: visit by His Excellency Mr Tetsuro Yano, Vice Minister for Foreign Affairs, Japan and Mr Uemura, Director of Second South East Asia Division, Ministry of Foreign Affairs, Japan.
- 20 December: visit by Mr Michael Miklaucic, Director USA War Crimes Issues Office
- 9 January: meeting with President Xanana Gusmao at Palacio de Cinzas.
- 17-19 January: National Commissioner Rev. Agostinho de Vasconcelos participates in Justice Symposium, Melbourne, Australia
- 21 January: visit by David Whittlesey, Deputy Executive Director of the Geneva based NGO WSP International.
- 22 January: meeting with Ms Florence Sechaud, Head of Mission, International Committee of the Red Cross.
- 13-26 January: consultative visit by Paul Seils, International Centre for Transitional Justice, New York.

9. Rehabilitation of former Balide prison

At the end of December, an extension of approximately one month was granted to the contractor PT Rosario to complete the rehabilitation of the former colonial prison in Balide. The compound, located beside UNHCR, will serve as the CAVR national office until the end of its work in mid 2004. The building, rehabilitated with a grant from the Japanese Government, will

then be transferred to community management led by ASSEPOL, the ex-political prisoners association, to be used as a human rights centre and museum.

A key challenge in rehabilitating the complex has been to strike a balance between conservation of its historical prison features and meeting the demands of a modern functional office. The Tasmanian based engineering firm Pitt and Sherry have provided strong architectural and technical support throughout the project. The official opening of the complex will be conducted on 17 February by President Xanana Gusmao, himself one of many thousands of former East Timorese political prisoners. The opening will coincide with the commencement of a two-day public hearing into political imprisonment.

Update Dec-Jan 2003 final