

**THE UNIQUE CONTRIBUTION OF THE  
COMMUNITY-BASED RECONCILIATION PROCESS IN EAST TIMOR<sup>1</sup>**

Prepared by  
**Fausto Belo Ximenes**

**28 May 2004**

---

This paper was developed as part of the Transitional Justice Fellowship Programme, co-hosted by the International Center for Transitional Justice and the Institute for Justice and Reconciliation. Fausto Belo Ximenes is a graduate of the 2004 Programme. Fausto Belo Ximenes is presently working as a Legal Researcher with the Judicial System Monitoring Programme (JSMP) in Dili, East Timor.



## **Executive Summary**

The Commission for Reception, Truth and Reconciliation (CAVR) was established to accommodate the desire for reconciliation both amongst the leadership and the people of East Timor, and it endeavours to ascertain the truth regarding the past human rights violations. CAVR is currently expected to submit its final report to the President of the Republic of East Timor some time in October this year. It is therefore timely to analyse its operation, including the contribution it has made towards the process of justice and reconciliation in the new East Timor.

Although this Paper does not provide an overall analysis regarding the mandates of CAVR, it aims to provide a mini-analysis and evaluation of the particular contribution CAVR has made through its well-known mandate of ‘Community-based Reconciliation Process’ (CRP). Based heavily on the regulation that stipulates the establishment of CAVR, this Paper seeks to analyse the contradictions that have emerged in the interpretation of the Community-based Reconciliation Process as a non-punitive measure that is proposed to confer impunity to the perpetrators of past human rights violations.

As discussed in the Paper, the Community-based Reconciliation Process facilitated by CAVR does not confer impunity nor does it provide the chance for deponents to escape from their responsibility. Furthermore, the full disclosure and public apology it requires from the deponents does not mean that the deponents will be free from prosecution, as has occurred in other Truth and Reconciliation Commissions.

In the Community-based Reconciliation Process facilitated by CAVR, a deponent is further required to carry out ‘community reconciliation acts’ recommended by the CRP Panel after his/her statement is reviewed by the Office of the General Prosecutor. Only in cases where the Office of the General Prosecutor does not find the commission of serious crimes and where it chooses not to exercise its jurisdiction over the concerned statements, can deponents participate in the Community-based Reconciliation Process. Failure to meet these conditions would result in prosecution or the imposition of a fine or a certain period of imprisonment.

In looking at the above-mentioned procedures, it is fair to argue that the process was not only a Community-based Reconciliation Process, but it was indeed a Community-based *Justice* and Reconciliation Process - a process that is just according to the community, different to the formal justice process as applied by the court of law. It was indeed a Community-based Justice and Reconciliation Process due to the fact that the deponents who wished to participate in the Community-based Reconciliation Process had to pass through strict procedures, which included the deponents' obligation to carry out community works as recommended by the CRP Panel for a certain period of time in order to compensate for their past acts.

Therefore, a careful analysis of the procedures of the Community-based Reconciliation Process and its relationship with the formal justice system is of paramount importance in order to avoid the misconception regarding the Community-based Reconciliation Process facilitated by CAVR. Although it is acknowledged that the Community-based Reconciliation Process should not be considered as an alternative to the formal justice system, it is crucial to note that the Community-based Reconciliation Process has made an invaluable contribution not only to the reconciliation process in East Timor, but also to the formal justice system due to its ability to fill the void created by the formal justice system as result of its limited capacity. The Community-based Reconciliation Process has assisted the formal justice system by relieving the courts' burden and further giving a chance to the formal justice system to improve and strengthen itself in order to be able to fully assume its mandates when the CAVR completed its tasks.

Furthermore, through the mandate of the Community-based Reconciliation Process, CAVR has assisted in encouraging the repatriation of refugees due to its broad public information programme that reaches not only the thirteen districts of East Timor, but also the Indonesian province of West Timor where most of East Timorese refugees are currently settled. This public information programme clarifies the current situation in East Timor and outlines the procedures for participation in the Community-based Reconciliation Process. This is particularly important due to the information scarcity in the refugees camps in West Timor and the constant intimidation which the refugees suffer in the hands of the militia group members in order to prevent their repatriation.

This paper therefore concludes that the Community-based Reconciliation Process facilitated by the CAVR should not be subjected to the generalised and uniform interpretation of other Truth and Reconciliation Commissions, such that it exempts the perpetrators of human rights violations from their accountability. Rather, it should be understood that Truth and Reconciliation Commissions vary greatly both in their forms and mandates, and thus they deserve deeper analysis of their specific mandates. In East Timor's case, the Community-based Reconciliation Process is the process that makes CAVR 'unique' as compared to other Truth and Reconciliation Commissions - from the procedures which it applies to its relationship with the formal justice system. It is therefore highly recommended that further comprehensive studies on this specific mandate should be made in order to establish the future possibility of a continuous application of this particular mandate.

## Table of Contents

<b>I.</b>	<b>INTRODUCTION.....</b>	<b>5</b>
	I.1. HISTORY OF EAST TIMOR.....	5
	I.2. SCOPE OF THE PAPER.....	7
	I.3. METHODOLOGY.....	8
<b>II.</b>	<b>ADDRESSING PAST HUMAN RIGHTS VIOLATIONS.....</b>	<b>9</b>
	II.1. THE JUDICIAL MECHANISMS.....	10
	II.2. THE NON-JUDICIAL MECHANISM.....	13
<b>III.</b>	<b>THE UNIQUE CONTRIBUTION OF THE COMMUNITY-BASED RECONCILIATION PROCESS.....</b>	<b>17</b>
	III.1. ENCOURAGING THE RETURN OF THE REFUGEES.....	17
	III.2. THE CREATION OF MUTUAL RECONCILIATION BETWEEN PERPETRATORS AND THE VICTIMS.....	18
	III.3. THE WIDE ACKNOWLEDGEMENT OF THE REALITY OF SUFFERINGS ENDURED BY THE VICTIMS AND THEIR FAMILIES.....	20
	III.4. MINIMISING THE COURT WORKLOADS AND OVERCROWDED PRISONS.....	21
<b>IV.</b>	<b>DOES THE COMMUNITY-BASED RECONCILIATION PROCESS GRANT IMPUNITY TO THE PERPETRATORS OF HUMAN RIGHTS VIOLATIONS?.....</b>	<b>23</b>
	IV.1. PROCEDURES FOR PARTICIPATION IN THE COMMUNITY-BASED RECONCILIATION PROCESS.....	23
	IV.2. THE ROLE OF THE COURT IN THE COMMUNITY-BASED RECONCILIATION PROCESS.....	25
<b>V.</b>	<b>CONCLUSION AND RECOMMENDATIONS.....</b>	<b>28</b>

## I. INTRODUCTION

### I.1. History of East Timor

East Timor was a Portuguese colony for approximately 450 years. The territory comprised of an estimated 800 000 people, was again invaded by Indonesian military, who occupied the territory for the subsequent 24 years. Following a long period of resistance by the East Timorese against the Indonesian brutal occupation, the East Timorese were finally given an unprecedented opportunity to cast their choice in a United Nations-organized popular consultation. The East Timorese were given two options of whether to secede from the Indonesian occupation or to accept the status of ‘Special Autonomy’ offered by the Indonesian government.

98.6% of registered voters cast their ballots in the UN-organized popular consultation on 30 August 1999 and 78.5% voted for independence from Indonesia. In the wake of the referendum, the Indonesian armed forces and militia groups unleashed a ‘scorched earth’ campaign known as ‘Sapu Rata’ throughout East Timor. This resulted in the deaths of an estimated 3000 East Timorese and thousands more being forcibly deported to refugee camps in West Timor, while innumerable numbers of the population were internally displaced until the Australian peace-keeping force were sent to quell the territory’s security instability.

Based on the UN Security Council Resolution number 1272, a United Nations Transitional Administration (hereafter ‘UNTAET’) was established on 25 October 1999 with the mandate to exercise all legislative and executive authority including the administration of justice.<sup>2</sup> UNTAET proceeded in its overwhelming task by, among others, re-building the four District Courts<sup>3</sup> destroyed during the violence in 1999, and appointing judges, prosecutors and public defenders. In order to avoid a legal vacuum in East Timor following the Indonesian withdrawal and the limited experience of the newly-appointed court actors, UNTAET under its regulation 1999/1, put in place a transitional legal system that retained the application of the Indonesian law to the

---

<sup>2</sup> See UN Security Council Resolution 12 72/1999 of 25 October 1999.

<sup>3</sup> Dili District Court, Baucau District Court, Suai District Court and Oecussi District Court.

extent that it was not inconsistent with international human rights standards and where it was not repealed by UNTAET Regulation.<sup>4</sup>

Amongst other pressing issues, UNTAET was to deal with demands for justice for grave human rights violations committed during the Indonesian occupation including the need to promote peace and stability in East Timor. In response to these demands, the Special Panel of the Dili District Court was established with universal jurisdiction over genocide, crimes against humanity, war crimes and torture, as well as murder and sexual offences committed between 1 January 1999 and 25 October 1999.<sup>5</sup>

A year later, UNTAET promulgated another regulation, which stipulates the establishment of the Commission for Reception, Truth and Reconciliation commonly known by its Portuguese acronym as CAVR<sup>6</sup>. CAVR was established due to a need identified by both the national and international community to establish the truth regarding the past human rights violations committed throughout the territory, and to promote human rights, peace and reconciliation within the East Timorese society.

## **I.2. The Scope of the Paper**

This paper commences with a general overview of the transitional justice mechanisms that were especially designed to address past human rights violations committed in East Timor during the occupations. However the focus of this paper lies on the establishment of CAVR, particularly the Community-based Reconciliation Process (hereafter ‘CRP’) which it facilitated. This includes the specific contribution it has made towards peace, reconciliation and justice in East Timor.

In order to fully comprehend these contributions, this paper also underlines the challenges faced by current judicial trials, which include both the Special Panel for Serious Crimes cases in East Timor, and the Jakarta based Ad Hoc Human Rights Court. It further outlines the void created by the judicial trials as a result of their weakness and incompetence, to which a mechanism such as CRP can make a potential contribution. However, it must be emphasised that this paper has no intention of suggesting the substitution of the formal justice system, rather it seeks to explain the

---

<sup>4</sup> See section 3 of Regulation 1999/1.

<sup>5</sup> See Regulation 2000/15.

<sup>6</sup> Comissão de Acolhimento, Verdade e Reconciliação.

importance of creating a peaceful environment within a society that has emerged from conflict, where the need for peace and reconciliation is obvious.

Furthermore, this paper is limited in its consideration of the financial and human resources both within CAVR and the judicial processes - aspects that deserve further analysis. This is due to the primary focus of the paper which is mainly to study the contribution that CRP has made to fully translate the phrase of 'peace and reconciliation' into practical life as desired by the East Timorese.

Finally, this Paper also provides several recommendations including possible future strategies that need to be taken in order to improve the current judiciary and justice sector and the creation of a sustainable peace and reconciliation in East Timor.

### **I.3. Methodology**

The findings in this report are partly based on field-based research undertaken by the author while monitoring the court proceedings in East Timor, and largely based on library research conducted by the author during his participation in a four-month Transitional Justice Fellowship Programme in Cape Town, South Africa.

The Transitional Justice Fellowship Programme is hosted by the New York-based International Centre for Transitional Justice ('ICTJ') and the Institute for Justice and Reconciliation based in Cape Town. The programme aims at providing a comparative study as to how past injustices have been addressed in the countries that have recently emerged from both civil and armed conflict. The Fellows who are selected from twelve different countries in Africa, Southeast Asia and the Middle East were given, amongst others, case studies with regards to the judicial trials, truth and reconciliation commissions and other types of transitional justice mechanisms being used in African countries and Latin America, including current functioning transitional justice mechanisms in Southeast Asia.

This paper is submitted as part of the requirements of the Fellowship Programme and it should therefore be regarded mostly as transferring knowledge of the comparative studies the author received during his participation in the Fellowship Programme, rather than examining the functioning of the current existing transitional justice

mechanisms in East Timor. Furthermore, it is important to note that the findings and analysis provided in this Paper are limited only to the transitional justice process of East Timor and therefore should not be generalized to transitional justice processes in other places.

At the time of writing this paper, no supplementary discussions and/or interviews took place with individuals and/or organizations directly involved in the Community-based Reconciliation Process due to the time limits. Although the author participated and followed some of the National Hearings conducted by CAVR, most of the findings with regard to CAVR in this paper were derived from CAVR updates. Therefore the analysis, arguments and recommendations attached to it are made mainly on the legal basis upon which CAVR was established, including the practical contribution it has made towards transitional justice process in East Timor. Thus they should be considered as constrictive inputs aimed at contributing to the future debates regarding the Community-based Reconciliation Process rather than as a complete criticism.

## **II. ADDRESSING PAST HUMAN RIGHTS VIOLATIONS**

The issue of dealing with past human rights violations continues to be one of major concern within the East Timorese community after two years since it became a fully independent state in May 2002. Although UNMISSET<sup>7</sup> - a small support mission of the United Nations - was established following the end of UNTAET, its assistance, both human and material, has been scaled down since then.

While the achievements of UNTAET need to be acclaimed, important work was left unfinished when it completed its mandate on 20 May 2002. Thus UNTAET left an under-resourced government, amongst others, with the task of continuing the work that remain unfinished, particularly the issue of past human rights violations that took place in East Timor. It will have to deal with the growing demands to bring to justice the perpetrators of past human rights violations and ensure sustainable peace and stability within the country. In addition, the new East Timor will have to deal with the return of East Timorese refugees from West Timor, including making sure that the

---

<sup>7</sup> United Nation Mission of Support for East Timor established by UN Security Council Resolution (UNSCR) 1410 of May 17, 2002.

returnees are well reintegrated into the community without being subjected to any forms of vengeance and/or discrimination following their arrival.

Presently there are different mechanisms designed to address the legacy of past human rights violations committed in East Timor. These include both judicial and non-judicial mechanisms. It is acknowledged that the creation of these mechanisms would have not been possible without the significant support of the United Nations and the international community which provided both human and material resources. Although both judicial and non-judicial mechanisms have made an invaluable contribution to the transitional justice process in the new East Timor, they continue to face persistent challenges, which, if left unattended, could possibly result in the miscarriage of justice. Furthermore, it will also impede the current efforts to promote the country's peace and stability. The functions including the failures and the achievements of these mechanisms will be discussed in more detail in the following section.

## **II.1. The Judicial Mechanism**

One of the major challenges faced by UNTAET following its establishment in late 1999 was the strong demand both from the people of East Timor and the international community that those responsible for gross human rights violations be brought to justice. This was the most challenging task as UNTAET had to establish a properly functioning judiciary from scratch - one that could address not only the serious criminal offences committed during the violence in 1999, but also the growing ordinary crimes and civil matters within the territory. In doing so, UNTAET was not only to rebuild the already-destroyed court buildings, but it was faced with a complete legal vacuum following the Indonesian withdrawal, where almost all qualified judicial personnel had fled the territory.

In response to these demands, UNTAET established the Serious Crimes Unit (SCU) and the Special Panel for Serious Crimes Cases (SPSC) as part of its commitment to bring those responsible for the grave violations of international human rights and humanitarian norms. SCU was established with the mandate to investigate and prosecute the serious criminal offences in the Special Panel for Serious Crimes created under the jurisdiction of Dili District Court. The SPSC was established under

regulation 2000/15. It has universal jurisdiction over the serious criminal offences of genocide, war crimes, and crimes against humanity and torture. It only has universal jurisdiction over sexual offences and murder if they were committed within the period of 1 January – 25 October 1999.<sup>8</sup>

The SCU, as of the end of last year, had filed 81 indictments against 369 accused with the Special Panel for Serious Crimes. Out of 369 indictees, 46 of them have been convicted by the Special Panel, while a large number of those indicted are believed to be at large in the Indonesian province of West Timor and other parts of its territory. In addition, there still are trials in a number of cases that are currently proceeding in the SPSC.<sup>9</sup>

Although a significant number of cases have been investigated and prosecuted since the commencement of its mandate, the SCU continues to face a number of problems in conducting its investigation and the prosecution process. Amongst those is the downsizing of both human and material resources, including the closure of its District Investigation Offices since the early months of 2003.<sup>10</sup> This premature downsizing appears to have threatened the SCU in fulfilling its mandates as it may result in the suspension of the cases that are still under the investigation process including the hundreds of cases that are pending investigation<sup>11</sup>. Furthermore, the premature closure of the SCU by the United Nations will undermine its own commitment to bring to justice those responsible for gross human rights violations as it is primarily funded by the United Nations. It is therefore important that the work of the SCU shall not be largely left with East Timor's government, as it does not have the capacity, in terms of both human and material resources, to fully take over the work.

In addition, lack of cooperation from the Indonesian Government to extradite those indicted to East Timor's judicial process would mean that only a few low-level accused persons who live within East Timor's jurisdiction will be brought to justice, while the majority of the indictees including the senior Indonesian military and police officers including the government officials will continue to enjoy impunity. In

---

<sup>8</sup> Section 2.3 of Regulation 2000/15.

<sup>9</sup> See Judicial System Monitoring Program updates on SPSC at [www.jsmp.minihub.org](http://www.jsmp.minihub.org) for the ongoing cases currently on trial.

<sup>10</sup> See 'The Future of the Serious Crimes Unit' by JSMP.

<sup>11</sup> According to JSMP's report 'The future of the Serious Crimes Unit', there are approximately 40-50% of estimated 1400 murder cases from 1999 will remain uninvestigated.

addition, the completely flawed Indonesian judicial process in bringing its nationals to trial, has become a tool to challenge the extradition of its nationals who have been indicted by SPSC to East Timor, thereby increasing the challenges to SPSC in its attempts to bring to justice the perpetrators of human rights violations.

Since Indonesia first put in place its own judicial process to investigate and prosecute its nationals who were being suspected of having committed gross human rights violations in East Timor, there were growing doubts amongst the people of East Timor and a number of international organizations, that the process was going to fail. There were doubts that the judicial process in the Jakarta-based Ad Hoc Human Rights Court would not be able to deliver justice for East Timor due to its limited jurisdiction and the lack of political will to produce a seriously implemented judicial process in prosecuting its nationals. These doubts were confirmed when only six out of eighteen defendants were convicted and given sentences of three to ten year-terms of imprisonment, less than the penal provision set out in the law no. 2000/26.<sup>12</sup> Furthermore, none of those convicted are currently in prison as they are still awaiting their appeals.<sup>13</sup> One of the major factors that contributed to the failure of the Jakarta trials was the inability of the prosecution in almost all cases, to present a credible account regarding the violence in East Timor, although it had abundant evidence including the report of the Indonesian National Human Rights Commission (KPP HAM).<sup>14</sup>

Different to the trials in Ad Hoc Human Rights Court in Jakarta, the Special Panel for Serious Crimes, despite continuing to face considerable challenges, has attempted to bring to justice those responsible for the gross human rights violations committed in East Timor. Resources continue to be one of the major issues that require immediate action since UNTAET completed its mandate in May 2003. In addition, due to the use of multi-lingualism in the court processes, the SPSC continues to struggle to provide good quality translation in these languages. This appears to have discouraged the

---

<sup>12</sup> Section 37 of law 2000/26 provides that any person who perpetrates crimes against humanity shall be sentenced to death or life imprisonment or to maximum of twenty-five years in prison and no less than a minimum of ten year in prison.

<sup>13</sup> Recently Indonesian Court of Appeal confirmed the conviction of East Timor's former Governor. The convicted is reportedly being sent to prison to serve his sentence.

<sup>14</sup> See 'Intended to Fail the Trial Before Ad Hoc Human rights Court in Jakarta' by Prof. David Choen, edited by ICTJ. See also 'Justice for Timor Leste, The way Forward' a joint report by Amnesty International and the Judicial System Monitoring Programme.

participation of both the family of victims and the accused persons brought before SPSC. This problem has deteriorated due to the court's lack of a public information programme in order to encourage the full participation by the East Timorese, particularly the families of both victims and the perpetrators. As a result, SPSC has been regarded by many East Timorese as a foreigner-invested process due to its failure to create the ownership of the process amongst the East Timorese. Moreover, lack of cooperation between SPSC and prisons including the continuous absence of one of the court parties have resulted in the frequent postponements of the court hearings, thus the rights of accused to be heard without undue delay by a competent court continues to be undermined.

Although the SPSC has made a significant contribution and its achievements should not be underestimated, there is an urgent need to provide both human and material resources, including the need for an effectively functioning public information system that can encourage the participation of East Timorese. Furthermore, better organization within the court including its cooperation with the prisons and other parties involved need to be addressed further as a matter of priority in order to prevent future delays of the court process. Similarly important, efforts should also be made in order to extradite those indictees who are still at large in West Timor.

## **II. 2. The Non-Judicial Mechanism: The establishment of Commission for Reception, Truth and Reconciliation (CAVR)**

Although the idea to establish a truth and reconciliation commission for East Timor was discussed in a CNRT<sup>15</sup> congress in 2000, involving participants from the different civil society organisations including UNTAET legal and human rights affairs and other UN agencies, the current Commission for Reception, Truth and Reconciliation widely known as CAVR was only established in 2001 by UNTAET regulation 2001/10 issued in July 2001. Around 90% of the Commission's staff are East Timorese with seven National Commissioners who jointly exercise the power conferred on the Commission.<sup>16</sup> The Commission also has Regional Commissioners and national and district staff assisting in data collection and facilitating community

---

<sup>15</sup> Concelho Nacional da Resistencia de Timorese (National Resistance Council of East Timor).

<sup>16</sup> Section 8 of Regulation 2001/10

reconciliation processes throughout the districts. CAVR is assisted by international consultants and advisors in its daily activity.

Although CAVR is primarily funded by international donors, it also has the power to raise funds in order to support its functioning.<sup>17</sup>

CAVR, according to regulation 2001/10, shall operate for a period of twenty-four months, beginning two months from the date of appointment of the Commissioners with the possible six-months extension.<sup>18</sup> Since it formally commenced its programme of work in early April 2002, CAVR has held several national hearings on various topics, including the hearings on Community-based Reconciliation Process throughout the country.

Although CAVR according to the original regulation was expected to complete its mandates by April 2004, an amendment to regulation 2001/10 by the National Parliament was promulgated by the President of Republic on 7 July 2003.<sup>19</sup> The amendment includes, amongst other, the extension of Commission's mandates from two years to two and half years and the requirement of the Commission to submit its final report to the President of the Republic, who shall, within 20 days of receiving the final Report, forward a copy to the United Nations Secretary General. In addition, the amended regulation also requires the President of the Republic, who shall, within 15 days of receiving the Report, forward a copy to the Prime Minister and the Parliament of East Timor, who shall deposit a copy into archives of the Parliament.<sup>20</sup>

### *II.2.a. The Mandates of the Commission*

The Commission has three main areas of activity, which includes the establishment of truth regarding past human rights violations, facilitating community reconciliation and providing a report and recommendations to the government in order to prevent future recurrences of human rights violations in East Timor. In addition, CAVR is also mandated to promote human rights in East Timor. The first two mandates of the CAVR will be discussed further in the following sub-sections.

---

<sup>17</sup> Section 9.4 of Regulation 2001/10

<sup>18</sup> See section 2, subsection 3 and 4 of Regulation 2001/10

<sup>19</sup> See CAVR Update August-September 2003

<sup>20</sup> See amended Regulation 2001/10

➤ Establishing the truth regarding past human rights violations

Section 3.1. (b) of the Regulation 2001/10 states that the objective of the Commission shall include establishing the truth regarding past human rights violations that took place in the context of political conflicts in East Timor between 25 April 1975 and 25 October 1999.

In order to establish the truth regarding the past human rights violations in East Timor, the Commission shall initiate, facilitate or coordinate inquiries into the extent of human rights violations including;

- The violations, which were part of a systematic pattern of abuse: the nature, causes, and the extent of human rights violations.
- Which person, authorities, institutions and organisations were involved in the commission of human rights violations
- Where appropriate, the Commission shall invite interested parties to make the statements or submit the information to the Commission including providing assistance to persons wishing to provide statements

The Commission also has the power to convene, invite or order a person to appear before a Commission hearing to answer the questions where it appears that person may have relevant information to a Commission's inquiry.<sup>21</sup>

The Commission has since then convened hearings on various topics at the national level where the victims, individuals and institutions believed to have information on past human rights violations were invited to tell their story. The first national hearing of the commission was conducted in January 2003 on Political Prisoners<sup>22</sup>.

➤ The Community-based Reconciliation Process (CRP)

The second mandate of CAVR is to support the reception and reintegration of individuals who have caused harms to their community through the commission of minor criminal offences and other harmful acts through the facilitation of community-based mechanisms for reconciliation.<sup>23</sup> The minor criminal offences that may be subjected to Community-based Reconciliation Process is set out in the Schedule

---

<sup>21</sup> Section 13 and 14 of Regulation 2001/10.

<sup>22</sup> See CAVR Updates for the national public hearings .

<sup>23</sup> Section 22 of Regulation 2001/10.

attached to regulation 20001/10. They include offences such as theft, minor assault, arson (other than that resulting in death or injury) and the killing of livestock or destruction of crops.<sup>24</sup> The Community-based Reconciliation Process is mainly intended to assist the reception and reintegration of a person into the community in relation to the minor crimes that were committed in the context of political conflicts. At the end of November 2003, 1340 application for Community-based Reconciliation hearings were received by CAVR. Around 565 of these applications have been completed through hearings and community reconciliation agreements that were conducted throughout the territory.<sup>25</sup>

An important aspect of the process is the use of the Community-based Reconciliation Process as a channel through which a perpetrator was not only requested to tell the story of his/her own involvement in the commission of a crime, but also allows the perpetrator to tell the truth with regards to who else had been involved in the commission of the crime, including those who gave instructions. This gives a clarification to both victims and the community members at large - answers that were denied and/or kept confidential during the period of occupation. This is of particular importance for CAVR to analyse the pattern of past human rights violations, when most of the official documents with regard to who gave the instructions and the involvement of other parties in the commission of crimes have been tainted or destroyed.

In the CRP hearings, the victims and the community members from the place where the process took place, including those from the surrounding areas are the ones who played the key role in seeking truth from the perpetrators. The local leaders commonly known as 'Lia Nai'n' were also present at the hearings. It is observed in most of the hearings that victims, the local leaders and the community members are prepared to re-accept their former abusers into their community, although the request to tell the truth regarding their past activities was a major prerequisite of the process. An example can be drawn from a hearing of sixteen former members of Aitarak Group of 1999, which took place in Hera near Dili. During the hearing, the community members were very active in seeking the truth from the deponents, while

---

<sup>24</sup> See section 1 of the Schedule attached to Regulation 2001/10

<sup>25</sup> See CAVR Update October-November 2003

stating that they were willing to accept those former militia members into the community.<sup>26</sup> This shows that the victims and the community members are committed to participate in the reconciliation process including their preparedness not only to forgive and re-accept their former abusers, but also their willingness to create a the peaceful atmosphere that can accommodate the future of the whole community.

### **III. THE UNIQUE CONTRIBUTION OF THE COMMUNITY-BASED RECONCILIATION PROCESS**

#### **III.1. Encouraging the repatriation of the refugees**

Although some of the refugees are suspected of having committed serious crimes in 1999, it is crucial to note that *most* of the refugees who are currently still in West Timor and other parts of Indonesia did not commit crimes. A large number of them were forced by Indonesian Armed Forces (TNI) and the members of pro-Jakarta militia groups to leave their homes. Some others fled the territory simply because of fear of possible revenge they might face due to their past political affiliation. It is therefore important to ensure the peaceful reintegration of refugees following their repatriation into their community. However, a repatriation and peaceful reintegration can only take place if those refugees are not left in a dilemma of fear, where they themselves are not aware of what will be happen to them following their repatriation.

In moving towards these goals, CAVR with its unique Community-based Reconciliation Process has played a very important role in assisting the repatriation process. While the initiative of whether or not to return, including participation in the Community-based Reconciliation Process, is the sole decision of the refugees, it has to be acknowledged that the Community-based Reconciliation Process has made an enormous contribution not only by its efforts in encouraging the repatriation of the refugees, but also in ensuring that the returnees are accepted back into their community. Furthermore, the Community-based Reconciliation Process has also helped in preventing possible vengeance that may occur within the community through its hearings, during which the victims together with community members and the local leaders are given the chance to openly talk face to face with their former

---

<sup>26</sup> CAVR Update October-November 2003.

perpetrators. This has facilitated the creation of mutual acceptance not only from the victims and their families but the community members as a whole.

Furthermore, due to CAVR's ability to disseminate information about, amongst others, the procedures to participate in CRP throughout the territory including to the refugees camps in West Timor, it has successfully encouraged those who had decided to return but were prevented from doing so following the misinformation they received about East Timor's situation and the constant intimidation from militia members that they would be subjected to certain forms of vengeance once they returned to East Timor.

### **III. 2. The creation of mutual reconciliation between the perpetrators and the victims**

“The leadership and the people of East Timor are truly committed to peace and reconciliation, but this should be fully achieved if those suspected of having committed serious crimes are brought to justice” said East Timor's Policy Paper on Refugees Return.

Despite the fact that East Timor has recently emerged from a destructive political conflict and the reality of sufferings endured during the occupations are still too raw to contemplate for the possibility of reconciliation, there is clear awareness amongst both the leadership and the people of East Timor of the need for a peaceful environment, within which the new East Timor can start its long journey towards a bright future. An environment where there is no violence and fear of revenge within the community is an important condition for East Timor to step forward.

While the degree of reconciliation processes facilitated by CAVR needs to be researched more deeply, there is evidence that the Community-based Reconciliation Process has revitalised the importance of creating a peaceful environment within the community and most importantly the value of traditional reconciliation or what is generally known as 'Biti Boot' in East Timor. In the hearings conducted throughout the districts it can be observed that there was a willingness, particularly from the victims and the community members in general, to re-accept and live together with their former perpetrators.

Although it is acknowledged that the empathy and the willingness shown by both victims and the community members to their former perpetrators should not be taken for granted to measure the extent of the reconciliation and its sustainability in the future, it is clear that Community-based Reconciliation Process has become a bridge for the individuals of different past political affiliation and/or beliefs to meet and talk about the truth of their past actions, a foundation upon which long-lasting peace and reconciliation could be built.

In addition, the Community-based Reconciliation Process is a unique process in itself as it provides not only a chance for the victims and the community members to meet and publicly talk to their former perpetrator, a chance that was never possible during the occupation, but has become a channel through which the young generation can learn about the essence of peace and reconciliation. It has sowed the seeds of reconciliation within the community, which would later be harvested by the new generation. However, the seeds of reconciliation as sowed by CAVR through its Community-based Reconciliation Process would only be harvested in the future if it is well-taken care of from the beginning as it grows. Hence it is everyone's responsibility to support the current initiative of CAVR in the process of reconciliation due to its importance for the future of East Timor. Reconciliation is an essential tool for East Timor, not only for the fact that it has just emerged from a political conflict that had divided East Timorese during the period of occupation, but also that it is an imperative condition for the development of a new East Timor. Reconciliation is required for the country that looks forward to a better future of life. Therefore all efforts should be made to support current reconciliation processes facilitated by CAVR including the follow up action to be put in place following the completion of CAVR mandate.

### **III.3. The wide acknowledgement of the reality of sufferings endured by the victims and their families**

Similar to the other Truth and Reconciliation Commissions, CAVR's mandate of Community-based Reconciliation also facilitated the victims and their families to tell their story about the human rights abuses they endured during the occupations. In most of the hearings, the victims and their families were allowed to give their

testimony in public, thus uncovering the reality of the suffering they endured during the period of violence.

In addition to the Community-based Reconciliation Process hearings throughout the districts, the victims and their families were also invited to give their testimony in the National Public Hearings, which was usually attended by government officials and the leaders of the political parties of East Timor. An example could be drawn from a National Public Hearing on Timorese Political Conflict conducted in the main headquarter of CAVR, where around six survivors of the violations during the period between 1974-1976 gave their testimony.<sup>27</sup> This was an unprecedented event during which not only the survivors and their families were given opportunity to give their testimony as to the reality of sufferings they endured, but also the institutions and/or the political parties that were believed to have been involved in the conflict were invited to give their testimony including their involvement in the conflicts and its root causes<sup>28</sup>.

Therefore both the Community-based Reconciliation hearings and the National Public Hearings facilitated by CAVR have played a pivotal role in uncovering the reality of sufferings endured by the victims and their families through the formal recognition both by the government and the community in general. The hearings will also assist to identify further steps to prevent future reoccurrences of similar events.

#### **III.4. Minimising court workloads and overcrowded prisons**

Although East Timor became an independent state in May 2002, the justice sector of the country continues to face persistent problems. They include, amongst others, the lack of administrative support, inexperienced judicial personnel and inadequate court facilities such as court library, computers and communication facility that can allow the court actors to properly carry out their activities. The constant ineffectiveness of some District Courts such as Oecussi and Suai District courts only means that the already overloaded Dili District Court is expected to assist in the hearings of the cases

---

<sup>27</sup> The National Public Hearing on Timorese Political Conflict of 1974-1976 were conducted on 15-17 December 2003. The hearing was attended by key political leaders and high level government officials, including the President of the Republic.

<sup>28</sup> See CAVR's Updates for the full transcript of the National Public Hearings on the Timorese Political Conflict on [www.easttimor-reconciliation.org](http://www.easttimor-reconciliation.org).

from other district courts. Furthermore the financial insufficiency and direct physical and verbal attacks on judicial personnel both from the community members and government officials contributed further to worsening the already struggling judiciary.<sup>29</sup>

While the establishment of a judicial system from scratch and the significant and professional contribution it continues to make with the extremely limited resources should not be underestimated, the courts continue to face many problems which the Community-Based Reconciliation Process could potentially alleviate. Moreover, the overcrowding in the prisons and their lack of facilities would be further exacerbated if the more than five-hundred deponents, who successfully applied for and carried out the Community Reconciliation Acts, were to be brought to prisons. This will not only leave the already overcrowded prisons to face further problems of accommodation, but will also deteriorate the already delayed court process due to the lack of human and material resources.

Although this section does not intend to offer an option to substitute the current justice system in East Timor, nor does it aim to suggest how the current judiciary should be administered - it seeks to outline the importance of understanding the potential contribution of the Community-based Reconciliation Process in relieving the courts' burden including the voids it created due to its limited capacity.

It is clearly set out in the regulation 2001/10 that the perpetrators of serious crimes are to be handed over for investigation and further prosecution. The regulation only allows certain types of crimes to be dealt with by the Community-based Reconciliation Process, which include lesser crimes such as looting, destruction of crops, arson (other than that result in death or injury) and the killing of livestock.<sup>30</sup> Therefore the Community-based Reconciliation Process shall be regarded as a complement to the formal justice system as it can fill the voids created by a weak and incompetent judiciary rather than as an attempt to substitute the formal justice system. While the question of whether or not to continue with a similar procedure after CAVR has completed its mandates requires further studies and public discussion that should

---

<sup>29</sup> See the report of Judicial System Monitoring Programme on 'Dili District Court and Justice in the District' at [www.jsmp.minihub.org](http://www.jsmp.minihub.org)

<sup>30</sup> See subsection of chapter VI on the procedure to participate in CRP.

involve all members of the civil society groups, it is clear that the contribution CAVR has made towards the justice process in East Timor is undeniable due its ability to achieve what is unachievable in the formal justice process.

In the judicial trials, most of the community members struggle in order to understand the complex legal procedures they are involved in. The languages in which the court proceedings were conducted including the time it consumes, continue to become a major challenge for the community to fully understand and participate in the current judicial process. Thus impeding the community's confidence to believe that the current judicial system is different to the corrupt judiciary they experienced during the period occupations.

Different to the court proceedings, the community members are able to be directly involved in the Community-based Reconciliation Process. The victims, together with community members and the local leaders would be able to identify what is said as just procedures as it allows them to speak openly with their former perpetrators. Furthermore, the victims and the community members including the local leaders do not feel left out in the Community-based Reconciliation Process as it is conducted in the dialects that are spoken by the parties involved, thus enabling the victims and the community members in general to openly question their former perpetrators in seeking the truth of the past. This process is of particular importance, where the community's legal understanding is still very limited including their inability to travel from the districts to attend trials due to their financial constraints.

However, it is acknowledged that the Community-based Reconciliation Process should not be an excuse to discontinue support to the formal justice system, rather it gives the current weak judiciary a chance to strengthen its capacity to an extent where it would be able to assume its mandates once CAVR has completed its activities.

#### **IV. DOES COMMUNITY-BASED RECONCILIATION PROCESS GRANT IMPUNITY TO THE PERPETRATORS OF HUMAN RIGHTS VIOLATIONS?**

##### **VI. 1. The procedure to participate in the Community-based Reconciliation Process**

Despite the importance of the Community-based Reconciliation Process, the CRP does not automatically apply to all criminals. The criteria for the Community Reconciliation Process is clearly set out in Regulation 2001/10 and thus the applicants who do not meet these requirements will be handed over to the Office of General Prosecutor for further investigation. The requirements to participate in the Community Reconciliation Process include, amongst others;

- The criminal or non-criminal acts committed within the context of political conflicts in East Timor
- The acts are of lesser crimes such as looting, burning, minor assault, theft, killing of livestock, and destruction of corps.<sup>31</sup>
- The acts shall be committed between 25 April 1974-25 October 1999..
- The CRP only takes place in a case when a person has made an admission of responsibility.<sup>32</sup>
- The CRP does not apply to the serious criminal offences such as genocide, war crimes, and crimes against humanity, murder, sexual offences and torture. In these cases, the Commission will hand over the case to the Office of General Prosecutor for investigation and further prosecution.<sup>33</sup>

One of the most important aspects of the Community-Based Reconciliation Process is the Community Reconciliation Acts, which a deponent should agree to undertake following the Community-based Reconciliation hearing. The Community Reconciliation Acts that are considered by the CRP Panel following the hearing may include community service, reparation, public apology and/or other act of contrition.<sup>34</sup> In circumstances, where the deponent agreed to undertake the Community Reconciliation Acts recommended by the CRP Panel, a Community Reconciliation Agreement (CRA) would be made and further be registered at the court as an order of the court. This is the stage where the deponent is legally obliged to undertake the act of reconciliation recommended by the CRP Panel. Failure to comply with the Community Reconciliation Agreement would result in a maximum imprisonment of a year or fined to a maximum of \$US 3,000 or both.<sup>35</sup>

---

<sup>31</sup> See the schedule 1 as attached to Regulation 2001/10.

<sup>32</sup> Section 22.4 of Regulation 2001/10.

<sup>33</sup> Section 22.2 of Regulation 2001/10.

<sup>34</sup> Section 27.7 of Regulation 2001/10.

<sup>35</sup> Section 28, 29, and 30 of Regulation 2001/10.

Furthermore, if a Deponent does not agree to the Community Reconciliation Acts recommended by the CRP Panel, the matter thereafter may be referred to the Office of General Prosecutor for investigation and further prosecution.<sup>36</sup>

Based on the above-mentioned procedures that a Deponent shall go through prior to the participation in Community Reconciliation Process, it is fair to argue that the Community Reconciliation Process facilitated by CAVR does not grant impunity neither it gives the chance for the perpetrator to escape from his/her responsibility. In the Community-based Reconciliation Process, it is the victims of the Deponent's acts and the community members who are very active in seeking for the full disclosure from the Deponents about their activities during the hearings. Thus, implies that it was actually a Community-based Justice and Reconciliation Process, as it does not only constitute the preparedness of both victims and the community members to accept their former perpetrators into their community, but more importantly the requirements that should be met by the perpetrators before they can participate in the Community-based Reconciliation Process.

Another argument to support why it was a Community-based Justice and Reconciliation Process was the fact that the Deponent is obliged to undertake the Community Reconciliation Acts recommended by CRP Panel as a court order. While in the court trials, where a person is found guilty will be sentenced to a certain period of time, the Community Reconciliation Acts also require a Deponent to carry out community works such as church cleaning and/or help rebuilding the house of the victims for a certain amount of time as a way of punishing the perpetrators. The Community Reconciliation Acts may require the Deponent to return the stolen goods and/or livestock to the victim. In the Community-based Reconciliation Process, the act of reconciliation is the basis upon which the community reconciliation and mutual acceptance would happen, as it requires not only the victims and the community members to accept back their former perpetrators into their community, but it also requires the responsibility from the perpetrators. It is therefore the Community-based Reconciliation Process facilitated by CAVR is a unique process as it contributes not only to the reconciliation process in East Timor but also creates an environment,

---

<sup>36</sup> Section 27.9 of Regulation 2001/10

within which a victim is able to ask for the full disclosure from the perpetrator including the act of remedial that a perpetrator shall undertake as result of his/her action.

#### IV. 2. The role of the Court in the Community-based Reconciliation Process

There have been arguments both from the international academics and the people of East Timor that CAVR's mandate of Community-based Reconciliation has the potential of weakening the efforts to bring to justice those perpetrators of human rights violations. Some further argue that CAVR's mandates undermine the court's authority due to its role in releasing the perpetrators of lesser crimes from the prosecution after he/she has fully applied and implemented the Community Reconciliation Acts recommended by the CRP Panel.

However there is a need to carefully analyse before reaching a conclusion of whether or not the Community-based Reconciliation Process facilitated by CAVR undermines the Court authority. Firstly, one should understand in interpreting the CAVR's mandate of Community-based Reconciliation Process that it is not equally as '*amnesia*', which is to fully exempt the perpetrators from both civil and criminal liability. This is due to the fact that the Community-based Reconciliation Process requires a Deponent not only to be accountable of his/her past acts, but also requires the Deponent to carry out community works recommended by CRP Panel in order to reward his/her acts. It is therefore Community-based Reconciliation Process should not be interpreted in a way of granting amnesty or exempting the perpetrators from responsibility, rather it requires a careful analysis of the procedures it applies, and most importantly the relationship between CAVR and the existing formal justice system.

Furthermore, although there has not been any approach to internationally legitimize the Truth Commissions and Reconciliation Commissions including the achievements it has made during the period of transition, the Truth and Reconciliation Commissions should not be subjected to a uniformed and generalized interpretation as a non-punitive body with the mandate of truth-seeking and promoting reconciliation process. Rather, it is of paramount importance to note that Truth and Reconciliation Commissions' mandates and focuses are varied from one to another and thus specific

studies into the procedures each of them apply is required in order to fully understand whether or not a Commission such as CAVR exempts the perpetrators from their responsibility.

Different to the South African Truth and Reconciliation Commission where it offered freedom from the prosecution in exchange for full disclosure about the politically motivated crimes, CAVR's mandate of Community-based Reconciliation Process requires an applicant not only to make a full disclosure and apologize for his/her acts to the victims and the community members, but also requires the applicant to understand that his/or statement would be sent to the Office of General Prosecutor should it choose to exercise its jurisdiction over the concerned applicant.<sup>37</sup> While the South African Truth and Reconciliation Commission said to have been the world's most successful Commission, has the power to grant amnesty to any person who has made full disclosure of his/her acts regardless of the seriousness of the crimes, the Community-based Reconciliation Process in East Timor was not meant to grant amnesty, neither allowed the Deponents to escape from their accountability.

Furthermore, the South African Truth and Reconciliation Commission allows anyone who had committed any types of politically motivated crimes to make full disclosure and will be given freedom from the prosecution, CAVR only facilitates the Community-based Reconciliation Process if the politically motivated crimes committed by the Deponents were of lesser crimes as provided in the regulation 2001/10. The Community-based Reconciliation Process does not apply to those who committed serious crimes. It is therefore clear that the Community-based Reconciliation Process has no intent to grant impunity to the perpetrators or prejudicing the exercise of the prosecutorial authority as it gives chance to the Office of General Prosecutor in order to make its decision of whether or not to prosecute the case.<sup>38</sup>

In addition, a further consideration that needs to be taken into account in analysing the CAVR's mandate of Community-based Reconciliation Process is the cooperation between CAVR and the formal justice system. Regulation 2001/10 sets out that where a Deponent agreed to undertake the Community Reconciliation Acts recommended by

---

<sup>37</sup> Section 23. of Regulation 2001/10

<sup>38</sup> Section 24. 6 of Regulation 2001/10

CRP Panel, the outcome shall be registered to the relevant district court as an order of the court.<sup>39</sup> This relationship allows the court not only to review and register the Community Reconciliation Agreement made between CAVR and the Deponents, but also enabling the court to take further action if it received any information regarding the Deponents' incompliance with the agreement. Furthermore the regulation also clearly sets out that it is not intended to confer impunity on the Deponent from the prosecution of serious criminal offence nor those criminal acts that were not fully disclosed.<sup>40</sup>

One equally important aspect from the cooperation between CAVR and the Office of General Prosecutor is the information sharing between the two institutions. This cooperation is not only advantageous to the fact that it can reduce possible duplication and miscarriage of justice, but CAVR's findings would, at some stage make an important contribution to the Office of General Prosecutor in its investigation process, particularly in a circumstances where almost all of the District Investigation Offices on the serious criminal offences have been closed. The CAVR's mandates will assist the Office of General Prosecutor by providing information about certain cases, which later can be used by the Office of General Prosecutor when it has the adequate capacity to conduct further investigation. It is therefore CAVR's mandate of Community-based Reconciliation Process should not be considered in a way that completely undermines the court's authority or conferring impunity on the Deponents, rather it should be viewed from the procedures that should be complied with by the Deponents prior to their release from the court's prosecution. While it is of outmost important not to consider the Community-based Reconciliation Process as an alternative to replace formal justice process, it is equally important that the contribution CAVR has made towards the formal justice system through its Community-based Reconciliation Process should not be underestimated in interpreting whether or not the Community based Reconciliation Process conferred impunity to the perpetrator of human rights violations.

---

<sup>39</sup> Section 27. 8 and section 28 of Regulation 2001/10

<sup>40</sup> Section 32 and 33 of Regulation 2001/10

## **VI. CONCLUSIONS AND RECOMMENDATIONS**

CAVR's mandate of Community-based Reconciliation Process, although is not a judicial trial, has facilitated an open dialogue between the community members with their former perpetrators. The reality has shown us that the Community-based Reconciliation Process, through its procedure has enable the truth of the past human rights abuses to be discovered from the statements made by both the victims and the perpetrators. It will further enable the country to officially figure out a real number of perpetrators and the victims including the damages suffered by the victims and their families during the period of violence.

Although the Community-based Reconciliation Process has made an invaluable contribution towards the justice and peacemaking process in East Timor, it should not be overestimated as an alternative justice to overlook the formal justice system. It is of paramount importance to strength the current existing formal judicial process including the need to conduct a comprehensive study in order to identify the best practices of Community-based Reconciliation Process that can be integrated into the formal justice system. This is of paramount importance not only to respect East Timorese values and principle of reconciliation and peacemaking process, but also to the fact that those who are still in the refugee camps in West Timor may decide to return in the future. Thus a mechanism should be put in place in order to facilitate those who wish to participate in the Community-based Reconciliation Process.

It is therefore the following recommendations are made for further consideration;

### ***1. Recommendations with regard to the Community-based Reconciliation Process***

1. The need to ensure a constant presence of CRP Panel after the completion of CAVR mandates in order to facilitate those who wish to participate in the Community-based Reconciliation Process in the future.
2. Further consultation at local, district and national level need to be conducted in order to figure out the possible future application of the Community-based Reconciliation Process in East Timor.

3. The current existing practices of CRP need to be more analysed in order to develop a best procedure for the Community-based Reconciliation Process that can integrate East Timorese values and principles of reconciliation into existing national and international law and human rights principles.
4. A comprehensive study on the relationship between the formal judicial system and the Community-based Reconciliation Process need to be made in order to identify the best practices of Community-based Reconciliation Process without perpetuating impunity and undermining the rule of law
5. Further steps need to be taken both from the regional and national government in order to establish peace and reconciliation education curricula in the schools
6. Continuous support needs to be provided in order to strengthen the initiative carried out by CAVR in facilitating Community-based Reconciliation Process
7. Current existing community reconciliation approaches as exercised by the Panels of Community-based Reconciliation Process need to be developed further in order to design a mechanism for reconciliation that respects both the traditional values and principles of reconciliation and the respect for human rights instruments including its consistency with the existing laws.
8. The recommendation number seven should be carried out based on a wide consultation with the community members at every level, the scholars and academics, lawyers and other court actors, the community leaders, women and youth groups and civil society organizations.
9. Further trainings on human rights principles and current existing formal legal system should be provided to those who facilitate the

Community-based Reconciliation Process in order to avoid any miscarriage of reconciliation procedure.

10. Public Information Programme regarding the procedure to participate in the Community-based Reconciliation Process and its differentiation with the formal justice process need to be made in order to avoid possible misunderstanding between the community as to both processes.

## ***II. Recommendations with regard to East Timor's formal justice system***

11. Any efforts shall be made in order to strengthen the current existing judicial system in East Timor.
12. The judicial personnel should be provided with the basic work equipment in order to enable them to work effectively. These basic materials may include, amongst others, portable computers and printers including communication and transportation facility.
13. The formal judicial system shall develop a public information programme to disseminate the information in regards to the current justice system in order for the community to understand the East Timor's current legal process.
14. The court proceedings, if its possible, shall be conducted in a language that is understood by the parties appearing before the court in order to convince the full participation of the community in the court process.
15. The mandates of Serious Crimes Unit should be extended and the funds and other resources needed should continue be made available in order to fully carry out its investigation and prosecution.
16. The capacity building programme for the national prosecutors and investigators should be considered as a priority in order to prepare them to continue to investigate and prosecute the serious crimes

committed in East Timor once Serious Crimes Unit fully hand over its mandates to national staff.