

Part 1: Introduction

Part 1: Introduction	1
Part 1: Introduction	3
1.1 Background to the Commission	3
From colonialism to militarised occupation	4
Coming together: reconciliation	7
Organising principle of this Report	8
The truth.....	8
1.2 Origins of the Commission	10
The workshop and the CNRT Congress	10
Results of the Steering Committee community consultations.....	11
Choosing the name of the Commission	12
Regulation 2001/10, establishing the Commission.....	12
Interim Office	13
The CAVR Advisory Council.....	13
1.3 Formation of the Commission	14
National Commissioners	14
Principles and mission of Commission.....	18
Regional Commissioners	19
1.4 Operational issues and challenges.....	20
Practical challenges to the Commission's work.....	20
The challenge of language.....	21
An integrated community-based approach	22
The strategic plan.....	24
1.5 Core programmes.....	26
Truth-seeking.....	26
Community reconciliation.....	32
Reception and victim support.....	34
Final Report	34
Archives	36
The Commission's obligations to participants in its core programmes.....	37
1.6 National and regional offices and staffing.....	37
National Office	37
The CAVR as a learning institution.....	39
Institutional development and capacity building.....	39
Gender and staffing.....	40
Regional offices and district teams.....	41
Gender in practice in district work.....	41
The role of international staff in the Commission.....	42
1.7 Management and Administration	43
Management structure	43
Administration	43
Finance	43
Downsizing and restructuring.....	44

1.8 Building relationships for the future.....	44
Direct relationships.....	44
Media and information campaigns.....	46
The international community.....	47
Community outreach and public information.....	48

Part 1: Introduction

1.1 Background to the Commission

1. The people of Timor-Leste's long struggle to secure their freedom and their destiny as a nation reached a decisive moment in 1999. After hundreds of years of Portuguese colonialism and 24 years of foreign occupation, we were finally able to express our wish to live as free and independent people in a free and independent country, as the international community at last supported our fundamental right to self-determination. The oppression of the long years of colonialism and the shocking violence of the years of militarised foreign occupation culminated in one last campaign of violence against the people of Timor-Leste in September and October 1999, which left our tiny country devastated in the wake of the departing military.

2. The immediate signs of the devastation were plain for all to see. The burned-out towns and villages, the bloodstained buildings which had been the site of massacres, whole regions almost empty of people who had fled or been forced to leave their homes. As slowly people returned home to look for the living and seek to salvage what they could, and as the international community came to help with emergency relief, gradually the longer-term scars of the long political conflicts became apparent.

3. For ordinary people the legacy of 24 years of conflict and violence was profound and multi-faceted. Amid the rubble of late 1999 it was apparent that steps needed to be taken to address the many elements of this legacy, to assist people to rebuild their lives and to enshrine human rights and the rule of law as governing principles of the new nation.

4. On October 25 1999 the United Nations Security Council created the UNTAET mission, with a mandate to provide transitional administration of the territory and prepare it for independence. As the initial demands of the humanitarian crisis diminished, the focus shifted to the establishment of essential institutions. These included the institutions responsible for administering justice, including for past violations.

5. Many East Timorese human rights activists' first preoccupation was how to help tackle the humanitarian emergency produced by the violence of September-October. As humanitarian relief programmes became established, activists turned in 2000 to the issue of past crimes and the legacy of the long conflict. There were concerns for the potential for violence to reignite, especially in the context of the virtually complete impunity enjoyed by perpetrators of crimes. And the longer term issue of developing a culture of respect for human rights and the rule of law in a society from which these had been long demanded action.

6. In late 1999 the United Nations sent a Commission of Inquiry to investigate recent events and to recommend how those responsible for them should be held accountable. The Commission recommended an International Tribunal be established to try cases of 1999 crimes. Instead the UN established a Serious Crimes process in Timor-Leste and encouraged the Indonesian Government to show its commitment to the rule of law by using its own judicial system to try people residing in Indonesia. East Timorese human rights activists, aware that the impact of the conflict on East Timorese society was not confined to the events of 1999, sought other measures to complement this process.

7. On 7 March 2000, at a conference of its Comissão Política Nacional (National Political Commission, NPC) the CNRT decided to form a commission for reconciliation. In June 2000 the CNRT Reconciliation Commission conducted a workshop with support from Uppsala University (Sweden) and Human Rights Unit of UNTAET. Participants included members of political

organisations, human rights activists and members of the Catholic Church, who explored the idea of a truth and reconciliation commission. The group brought this idea to the August 2000 CNRT National Congress, a landmark gathering to help formulate the vision for the new independent Timor-Leste. The Congress endorsed the idea of a truth and reconciliation commission and established a steering committee to conduct consultations to determine whether the idea was acceptable to the broader East Timorese community. This was the beginning of the CAVR.

From colonialism to militarised occupation

8. About 500 kilometres north of Australia, Timor-Leste straddles Asia and the Pacific, and this can be seen in the country's cultural and linguistic diversity. Timor was colonised by the Portuguese, just as their power in the region was diminishing in the face of the growing assertiveness of the Dutch and the British. Over the following centuries Portuguese Timor became increasingly isolated, Portugal's only foothold on the fringe of South-East Asia.

9. The Portuguese hold on Timor was tenuous until the 19th century, as it did little to assert control over the majority of East Timorese living in the mountainous interior. In the mid-19th century, Portugal introduced the forced cultivation of coffee as a cash crop, which together with the imposition of various taxes put them in much closer control of Timorese people's daily lives. Rebellions ensued into the early 20th century, when the Portuguese violently put down an uprising led by Dom Boaventura from Manufahi, which gained widespread support throughout the territory. Portugal sought to shore up its control through a system of government which favoured certain local leaders over others. The result was a society which lacked the cohesion required to forge a sense of nationhood.

10. Compounding this colonial legacy was the fact that for most of the 20th century Portugal itself was under the authoritarian regime of Salazar and his successor Marcelo Caetano. From the late 1920s until the Carnation Revolution of April 1974, political freedoms in Portugal were heavily curtailed. Portugal suppressed all aspirations for independence in its colonies, characterising them as an integral part of Portugal, even after the United Nations had declared them non-self-governing territories in 1960. Portugal was the last of the European powers to decolonise, ignoring the wave of decolonisation that began after the Second World War. It was only after liberation wars in Portugal's African colonies convinced many Portuguese that the empire could not be sustained that change occurred with the Carnation Revolution of 15 April 1974.

11. The promise of decolonisation was one of the main rallying cries of this revolution in Lisbon. However, for the Portuguese decolonisation meant above all rapid disengagement from the wars it was fighting against the liberation movements in its African colonies. Their Asian colony of Timor was a special case that was easily overlooked. Over the ensuing months Portuguese policy towards Timor suffered from, inadequate attention and planning, compounded by constant changes of government in Lisbon. In Timor the Carnation Revolution opened the way for aspirations for freedom among the mostly young and inexperienced politically active. Political associations quickly formed, with the two main ones, *Associação Social Democrata Timorese*, Timorese Social Democratic Association, ASDT), later to be renamed *Frente Revolucionária de Timor Leste Independente* (Revolutionary Front for an Independent East Timor, Fretilin) and *União Democrática Timorese* (Timorese Democratic Union, UDT), favouring independence for the territory.

12. This was the height of the Cold War. During 1975, the year after the Carnation Revolution, the war in Vietnam was fought to its conclusion with the victory of the communist north over the south and its US patron. Amid US and Western fears of a "domino effect" that could turn more of South-East Asia communist, the staunchly anti-communist military regime of President Soeharto came to be seen as a bulwark of stability in the region.

13. Hopes that decolonisation in Timor would be smooth were thwarted by Portuguese neglect, Indonesian interference supported by its key Western allies, the US and Australia, and the inexperience and lack of political experience of the mainly young leaders of the newly-formed parties, whose political discourse was heavily laced with the rhetoric of violence and personal attacks rather than interchange of ideas.

14. On 11 August 1975 the centre-right party UDT launched an armed movement in Dili. Its objective was to establish control of the territory, demand the removal of Portuguese and East Timorese radicals, and thus demonstrate to Indonesia that Timor was not about to become a breeding ground for communism. An already volatile state of affairs exploded into violence across the districts of Timor. Within ten days the left-wing party Fretilin responded with a general armed insurrection.

15. This brief civil war was over by early September, but it had changed the situation irreversibly. The fighting took up to 3,000 lives and left deep and enduring scars. At the end of August the Portuguese colonial administration fled the mainland for the island of Ataúro, never to return. Leaders and members of UDT, and the other three smaller parties, *Associação Popular Democrática Timorense* (Timorese Popular Democratic Association, Apodeti), *Klibur Oan Timor Aswain* (Association of Timorese Warrior Sons, KOTA) and *Trabalhista* (Labour), fled across the border into Indonesian West Timor, and aligned themselves with Indonesian aims.

16. The Indonesian armed forces had been conducting covert operations in Portuguese Timor since mid-1974, and had been giving members of Apodeti military training in West Timor since December 1974. From September 1975 the Indonesian military conducted cross-border operations into Portuguese Timor aimed at undermining the position of the hard-pressed Fretilin *de facto* administration. In October 1975 it stepped up these operations through large-scale combined air, sea and land attacks that resulted in the occupation of key towns in the western district of Bobonaro.

17. Fretilin, hoping to put the decolonisation process back on track, sought the return of the Portuguese administration. Denied support or direction from Lisbon, the governor, Mário Lemos Pires, refused to return or to enter negotiations with Fretilin on the basis of its claim that it was the sole legitimate representative of the East Timorese people. To prevent military aggression by Indonesia and to gain international recognition and assistance, Fretilin unilaterally declared independence on 28 November 1975.

18. The four other East Timorese political parties, under pressure from the Indonesian military, signed a declaration, the Balibo Declaration, in Bali the next day proclaiming Portuguese Timor's integration with Indonesia. Indonesia launched a full-scale invasion of Timor on 7 December 1975. Fretilin and its armed wing, Falintil, retreated to the interior with ten of thousands of civilians. Thus began the war that lasted, through several distinct military and political phases, for 24 years.

19. Indonesia sought to legitimise its annexation of Timor-Leste. The Popular Representative Assembly, consisting of hand-picked Timorese, met in Dili in May 1976 and, citing the Balibo Declaration, unanimously approved a petition calling for integration. On the basis of this purported act of self-determination, in July 1976 the Indonesian Parliament passed a law declaring East Timor the 27th province of Indonesia. The United Nations never recognised this process as constituting an internationally acceptable act of self-determination by the East Timorese people. The UN Security Council condemned the invasion and called for withdrawal of Indonesia troops in December 1975 and again in April 1976. The General Assembly passed a motion supporting self-determination for Timor-Leste every year until 1982, when the matter was referred to the good offices of the Secretary-General. Timor-Leste remained on the UN agenda throughout the occupation, listed as a non-self governing territory under Portuguese administration.

20. In reality key member states did little to challenge Indonesia's annexation of Timor-Leste or the violent means used to enforce it. Most nations were prepared to appease Indonesia as a major power in the South-East Asian region. The situation in Timor-Leste was poorly understood. Governments friendly to Indonesia supported its version of events there. Isolated in its own region during the years of Portuguese colonialism, it was a closed territory for the first 13 years of the occupation as the Indonesian military used every means at its disposal to subdue the people of Timor-Leste. The UN was frustrated in its efforts to enter Timor-Leste to assess the situation, foreign aid was blocked and international diplomats and media were granted permission to make only occasional, tightly-controlled visits to the territory. East Timorese in exile worked vigorously with international civil society to bring attention to the plight of the East Timorese people, but with limited means compared to the powers supporting Indonesia.

21. The war reached every village of Timor-Leste and profoundly influenced the lives of all East Timorese people. Cut off from the world and without any form of institutional protection, ordinary civilians suffered massively from the merciless assaults and random cruelties of the Indonesian military, particularly in the early years of the occupation. Those perceived to be political opponents of the occupation were treated particularly brutally. Especially in the early years of the occupation, ordinary civilians could also suffer vicious treatment if they fell foul of the Resistance's sweeping notions of ideological deviance.

22. All this time Indonesian military and political leaders claimed that the activities of handful of "security disruptors" apart, the war was over and that reports of human rights violations were fabrications. Foreign allies of Indonesia were complicit in supporting these falsehoods, thereby reinforcing the impunity enjoyed by the Indonesian military domestically and allowing it to continue its ferocious campaign to subdue the people of Timor-Leste unchecked.

23. During the occupation years the character of the conflict went through several changes. The 1970s were years of large-scale military operations aimed at destroying the armed Resistance led by Fretilin. Large numbers of the civilian population lived in the interior with the Resistance, and suffered directly from these military operations. By the end of the 1970s the armed Resistance was shattered, and its strategy of fixed base areas, in which the civilian population was to play a crucial role, came to an end. When the civilian population were forced out of the interior, the Indonesian military pursued a strategy of separating the civilian population from the armed Resistance by holding tens of thousands of surrendered civilians in detention camps and resettlement villages with disastrous consequences for the people of Timor-Leste, who suffered terrible famine in the late 1970s and early 1980s.

24. The Resistance reorganised in the 1980s into a guerrilla force, supported by a growing clandestine movement in towns and villages. The Indonesian military extended its territorial reach to all villages in Timor-Leste, including a smothering intelligence and paramilitary presence made up largely of East Timorese. This militarisation of East Timorese society was pervasive and had the effect of severely curtailing the rights of East Timorese across the whole internationally-recognised spectrum that extends from the political and civil to the economic, social and cultural.

25. By the late 1980s Indonesia claimed to have "normalised" the province of East Timor, and partially lifted its ban on access to the territory. Earlier in the decade young people began attending universities in Indonesia, and the clandestine movement was increasingly driven by this new generation. As the Cold War ended in 1989, and as foreigners trickled into the newly opened province of East Timor, this young generation were in the front line of a new Resistance strategy in which demonstrations against the occupation were a core component. The response was swift and ruthless, and in 1991 the infamous Santa Cruz Massacre of young people by the Indonesian security forces took place in Dili. Unlike previous massacres, this one was filmed by a foreign journalist and images of the carnage reached the outside world. This had a profound effect on understanding of the situation in Timor-Leste worldwide, and renewed international efforts to seek a solution to "the question of East Timor".

26. With renewed international attention on Timor-Leste, and the paradigm shift in the assumptions of global politics that the end of the Cold War produced, Indonesia came under increasing pressure to respond. However, President Soeharto remained a favoured ally of Western and regional powers alike, and it was only when he fell from power in 1998 that real change became possible. The United Nations, which had remained seized of the matter throughout the occupation, stepped up its activities and ultimately brokered the 5 May Agreements that led to the Popular Consultation of 30 August 1999, in which the people of Timor-Leste chose independence.

27. While the international community finally supported the East Timorese right to self-determination by backing the Popular Consultation, once again it failed to confront the true nature of the Indonesian occupation. Security for the Consultation was placed in the hands of the Indonesian police, well-known to be subordinate to the Indonesian military, which not only continued to be deployed in the territory but blatantly nurtured East Timorese militias as the instrument of a strategy intended to ensure the victory of pro-integration forces. The result was predictable. However, the people of Timor-Leste defied the ensuing campaign of threats, intimidation and violence and came out and voted for independence. When the result of the ballot was announced, the Indonesian military and its militia allies carried out its threatened retaliation, to devastating effect, but this time governments were unable to ignore the contrast between the extraordinary courage and quiet dignity displayed by the voters of Timor-Leste and the terrible retribution wreaked by the TNI and its East Timorese partners.

Coming together: reconciliation

28. From the earliest days of the decolonisation process in Timor-Leste, when political associations were formed and differences emerged, there were efforts to try bridge these differences and to work cooperatively in the wider national interest. As members of the main political parties attacked each other verbally over the radio, others who saw the dangers came together and negotiate a short-lived coalition between the UDT and Fretilin parties. As this coalition threatened to unravel, there were members of both parties who struggled to keep it alive. The Commission heard that even in August-September 1975 hopes of a rapprochement appeared to have been definitively dashed by the UDT armed movement and the “civil war” that it precipitated, there were individuals prepared to try to open dialogue between the contending parties. In the early months after the invasion, when its true meaning was becoming apparent to many East Timorese who had supported it, the Commission also heard of quiet efforts at rapprochement between the enemies of the civil war. These early efforts largely failed, but they were the forerunners of the slow and persistent growth of a truly national consciousness that was forged in the long struggle for self-determination.

29. During the years of occupation the Resistance became an inclusive movement which sought ways to involve people from all East Timorese political backgrounds and those without any partisan allegiance, including members of the Catholic Church. As the Resistance moved away from hardline ideology during the 1980s and embraced a “national unity” strategy, it reached out to all East Timorese who supported self-determination. From the early 1980s members of UDT and Fretilin in exile began working together to influence the international community. The path to rapprochement was not smooth – but a common commitment to liberty and self-determination sustained these efforts. Institutionally, the Resistance moved from the leadership of the single party Fretilin to the Conselho Revolucionário de Resistência Nacional (Revolutionary Council of National Resistance, CRRN), then the Conselho Nacional da Resistência Maubere (National Council of Maubere Resistance, CNRM) and finally the Conselho Nacional de Resistência Timorese (National Council of Timorese Resistance, CNRT) – each shift signaling the progressive broadening of the movement to include all East Timorese people sharing that commitment. The new generation of the 1980s and 1990s increasingly adopted this nationalist, non-partisan perspective on the struggle.

30. Moreover, the Resistance learned the strength of peaceful dialogue as a means of creating mutual respect and building confidence. In 1983 the Resistance promoted its first peace plan, and in the early 1990s the CNRM disseminated a peace plan that proposed unconditional dialogue to try to resolve the conflict. In the mid-1990s, under the auspices of the UN, East Timorese people from pro-independence and pro-integration backgrounds came together for a series of meetings designated the All-Inclusive Intra-East Timorese Dialogue. When change looked truly possible in Timor-Leste in 1998, but was threatened by violence, the Catholic Bishops of Timor-Leste brought together pro-independence and pro-integration East Timorese leaders in the meeting known as Dare I. A second meeting, Dare II, was convened in Jakarta in 1999, when violence put the Popular Consultation at risk.

31. It could be said that the violence of September-October 1999 these initiatives failed. However, this misses their true significance, which is that for 25 years there were East Timorese who struggled to find a peaceful way of resolving divisions, and that ultimately, through the Popular Consultation of August 1999, the overwhelming majority of the people supported this approach. We need to learn from this, and to take inspiration from the efforts of East Timorese peacemakers. In the future, there will always be differences of view in our society and with our neighbours. We will be faced with choices, at the local, national and international levels, about how we approach these differences. The experience of the past shows that we must always choose the path of peace. That way we can secure our future, and we can become a shining light to the world. Our knowledge of our past can help us shape a peaceful future.

Organising principle of this Report

32. Chapters in this Report are organised thematically. There are a number of chapters which provide essential background information to an understanding of the context and causes of the human rights violations which occurred during the mandate period: for example, Part 3: The History of the Conflict; Part 4: The Regime of Occupation; Part 5: Resistance: Structure and Strategy. The main body of the Report is found in Part 7, which is organised thematically into the main human rights violations committed during the mandate period. Within each of the chapters in this part, violations are examined within a structure which divides the mandate period in up to seven main phases, as appropriate:

- April 1974-September 1975: the internal political and armed conflict
- September 1975-January 1976: the period of Fretilin administration, the aftermath of the internal conflict and Indonesian incursions
- December 1975, the full-scale Indonesian invasion
- 1976-1979: the period of large-scale Indonesian military operations and the armed resistance led by Fretilin
- 1980-84: the period of Indonesian military “consolidation” and the rebuilding of the Resistance
- 1985-98: the period of “normalisation”
- 1999: the period leading up to and following the Popular Consultation of 30 August 1999.

The truth

33. The mandate of the Commission was to establish the truth about the human rights violations which occurred in Timor-Leste throughout the 25-year mandate period. The scope of this mandate included determining the factors such as the context, causes, antecedents, motives and perspectives which led to the violence, whether they were part of a systematic pattern of abuse, the identity of persons, authorities, institutions and organisations involved in the violations,

and whether the violations were a result of deliberate planning, policy or authorisation on the part of the state, political groups, militia groups, liberation movements or other groups or individuals.¹ The Commission was also mandated to examine the role of both internal and external factors, and to determine accountability for the violations (Regulation 2001/10, Section 3: see Part 2: The Mandate of the Commission).

34. The Commission was not a court of law, and has not prepared cases or indictments against individuals or about individual cases. Nevertheless, the Commission's work to establish the truth has involved the gathering of a wide range of material that constitutes strong evidence of the human rights violations which occurred throughout the period. According to the mandate of the Commission, this truth has several purposes. For example:

- To shed light on events that have until now been largely unreported or even covered up
- To encourage further investigation, by states, international organisations and others, that can lead to prosecutions and thus advance the fight against impunity for serious crimes.
- To assist victims regain their dignity, by sharing with the nation and the international community the truth which has until now been suppressed and so not understood or perhaps not believed
- To understand better the forces which have shaped East Timorese society and the nation, and to draw lessons from the past which can nurture a culture of peace and respect for human rights and the rule of law
- To foster an awareness and understanding of the past in all citizens of Timor-Leste, especially among the young and in future generations, so that by remembering and honouring the suffering of our people during these years of conflict we learn to appreciate the difficult challenges they faced, how they coped with those challenges and value in particular those who made a contribution to lasting peace and freedom in our land.

35. The truth contained in this Report comes largely from the words of those who directly experienced the years of conflict. The Commission has attached special importance to listening directly to those who suffered human rights violations throughout the 25-year period, most of whom had not spoken outside the narrow circle of their family. These many voices, from across the country, have given Timor-Leste a priceless asset. They tell us who we are, what we have been through, what we have lost, and show us the value of what we have gained. From the stories of our sisters and brothers we learn that victory is not a simple matter of heroes and villains; that history is more than the listing of major events or the biographies of those who are called leaders. The experiences of "ordinary people", both the many who died and those who survived, tell us where we have come from and help us understand who we are today. From their stories we see more clearly both the extremes of human dignity and of human degradation that were manifested in our country during these 25 years. We must learn from both sides of this human story. We must acknowledge our potential for both extremes, and strive always to bring the best of our humanity into our lives and relationships - our families, our communities and our nation - each day as we build a new future.

1.2 Origins of the Commission

The workshop and the CNRT Congress

36. In June 2000 representatives of East Timorese civil society, the Catholic Church and community leaders held a workshop to consider transitional justice mechanisms, supported by the UNTAET Human Rights Unit. The advisability of establishing a truth commission for Timor-Leste was part of its agenda. The workshop recommended that a proposal to establish an independent commission with a mandate to investigate past violations and promote reconciliation should be put to the first National Congress of the CNRT (*Conselho Nacional da Resistência Timorese*) in August 2000.

37. The Congress was composed of delegates from district, sub-district and village constituencies based on the CNRT networks. Most of the East Timorese factions that had supported independence discussed and put forward policies to produce a vision for the future. One result was a formal acknowledgement that colonisation and the long military occupation had seriously damaged the social fabric and cultural identity of the nation. Commission III of the Congress, whose remit included, inter alia, socio-cultural development, noted that future national policies of social and cultural development should be “directed towards the formation of a Timorese society based on universal values that lead to the formation of a modern, more dignified, more humane and just society.”²

38. The CNRT Congress adopted the following vision of reconciliation:

Reconciliation is a process, which acknowledges past mistakes including regret and forgiveness as a product of a path inherent in the process of achieving justice; it is also a process which must involve the People of Timor-Leste so that the cycle of accusation, denial and counter-accusation can be broken. This process must not be seen only as a conflict resolution or mere political tool which aims at pacification and reintegration of individuals or groups in the context of their acceptance of independence and sovereignty of Timor-Leste but, above all, must be seen as a process where truth must be the outcome.

39. The Congress unanimously recommended the establishment of a “Commission for Resettlement and National Reconciliation”. A Steering Committee to develop the proposal was formed. It included representatives from the CNRT, East Timorese human rights NGOs, women’s groups, youth organisations, the Commission for Justice and Peace of the Catholic Church, the Association of ex-Political Prisoners (Assepol), Falintil, UNTAET and UNHCR. The Committee’s first task was to conduct community consultations across Timor-Leste, and with East Timorese refugees in West Timor and other parts of Indonesia. The objective of these consultations was to collect information so as to gain an understanding of the attitudes of the East Timorese people on issues relating to reconciliation.

40. Following the Congress, assistance was sought from the UNTAET mission. The Transitional Administrator, Sérgio Vieira de Mello, nominated the Human Rights Unit of the mission to act on behalf of the UN in supporting the Steering Committee.

41. The Steering Committee conducted consultations with communities across Timor-Leste from September 2000 to January 2001. It visited each of the 13 districts, holding public meetings at district, sub-district and village level. It also consulted political parties, jurists and human rights

organisations and victims' groups. It found overwhelming community support for a truth and reconciliation commission.

Results of the Steering Committee community consultations

42. The following themes emerged from the Steering Committee's consultations.

Truth-seeking and justice:

1. There should be justice for those responsible for serious crimes.
2. It was necessary for the future of Timor-Leste to learn from the history of the conflict. Investigating the past and establishing the truth should be seen as fundamental to sound nation building. However, opening up old wounds carried risks, and probing the past had to be carried out with great sensitivity. Otherwise the airing of past grievances could simply create anger and recrimination, and even renewed violence.
3. Although the incidence of violations was greatest during the long period of occupation by the Indonesian security forces, there was a real risk that reopening the chapter of the party conflict of 1974-75 would fuel strong emotions. Investigating and reporting the truth concerning violations committed by members of UDT, Fretilin and Falintil, including individuals now holding senior positions in government, the armed forces and the police, would also be particularly challenging.
4. There was residual anger on the part of many pro-independence supporters towards those who sided with the Indonesian occupation forces and former members of militia groups. Practical steps needed to be taken to try to reduce these tensions.
5. Many pro-autonomy supporters identified a need for popular education in the principles of political tolerance. Supporting the political goal of autonomy was not a crime and individuals should not be punished in any way for taking that political position.
6. Many women survivors of rape supported the idea of a commission with a truth-seeking function.
7. Families of those who had disappeared asked for help in discovering the fate of their loved ones.
8. The Indonesian government should be held responsible for the actions of its agents, particularly members of the security forces and East Timorese auxiliaries who were under their control. Such responsibility should include the payment of compensation to victims of these government-sponsored violations.
9. Representatives of the United Nations, Portugal and Indonesia should be investigated regarding the 5 May Agreements establishing the terms and conditions in which the Popular Consultation was to be held. These gave Indonesia responsibility for security during the 1999 ballot, when members of its forces were known to have already committed widespread human rights violations.

Reconciliation:

1. The view that reconciliation is possible was widely accepted, but there had to be accountability and justice for past serious crimes, including those committed before 1999.

2. The need for reconciliation at the village level should not be overlooked. Dissatisfaction was expressed that up to that time all reconciliation initiatives had focused on the leaders. There should be an organised effort to try to resolve past differences at a grassroots level.
3. Village elders or traditional leaders and traditional system should be involved in the processes of reception and reconciliation.
4. The Catholic Church and the culture of confession and forgiveness could play an important role in reconciliation processes at the community level.
5. The Commission must engage with the refugees in West Timor. It should conduct an information programme in West Timor to correct the misinformation about conditions in Timor-Leste being fed to refugees.

Supporting victims:

1. Support for the rehabilitation of victims, such as ex-political prisoners and survivors of torture, was necessary and compensation should be provided to victims.
2. Victims indicated overwhelmingly that they sought accountability and justice and were opposed to proposals for amnesty.
3. Commissioners should be knowledgeable about human rights and be respected in the community.
4. The Commission should operate at the village level and should conduct campaigns to inform the people about the nature of its work.
5. The Commission should not be seen as displacing the formal justice system and the courts. It should work in a complementary way to support both justice and reconciliation.
6. Doubts were expressed about the capacity of any Commission to deal with the vast number of crimes and violations committed over the 24 years of conflict.

Choosing the name of the Commission

43. The Steering Committee debated at length what the name of the Commission should be. That “truth” and “reconciliation” should both be included in the title was quickly accepted. However, the Committee felt that the title should reflect East Timorese cultural and spiritual values, which would play an essential part in the Commission’s function of healing divisions between individuals and groups. These values can be described, but are difficult to encapsulate in a single word. It was agreed that the Portuguese word *acolhimento* most accurately conveyed these values. The term *acolhimento* has broader connotations than its English equivalent “reception”. These include notions of welcoming, accepting, offering hospitality and forgiveness. In East Timorese culture it refers to the formal courtesy shown to others by virtue of their status as human beings to whom respect is due by virtue of their uniqueness. This enables people to receive with some graciousness even those who have harmed them. As the work of the Commission would be to help break down barriers between perpetrators and victims the word was incorporated into the Commission’s title.

Regulation 2001/10, establishing the Commission

44. The Steering Committee took the results of the consultation as the basis for an intensive debate over policy issues. Over a three-month period the Committee drafted legislation to establish the Commission. UNTAET and the US-based international non-governmental

organisation the International Center for Transitional Justice (ICTJ)^{*} provided technical assistance. The results of the community consultation strongly influenced the content of the draft regulation. They also helped shape thinking about the Commission's mandate and operating methods.

45. At the time the regulation was being drafted, UNTAET still retained full administrative authority over the territory. It was mandated to supervise the transition to independence. One of its transitional measures was the creation of a National Council, in which East Timorese political parties, religious communities and civil society were represented. After receiving cabinet approval, draft legislation was referred to the National Council. The drafts were given detailed consideration in the National Council's specialised standing committees.

46. Representatives of the Steering Committee appeared before the National Council to explain the proposed legislation and answer members' questions about it. Although there was enthusiasm for the proposal and it was quickly approved in principle by the full National Council, the issues it dealt with provoked extensive and at times heated debate.

47. A large number of members wished to be involved in the technical consideration of the Regulation so the final draft was not referred to a standing committee. Instead a new committee was formed specifically to deal with the draft regulation and to allow for detailed discussion. The full National Council approved the draft after one month of deliberations; the regulation on the establishment of the East Timor Commission for Reception, Truth and Reconciliation (CAVR) was approved by the National Council on 13 June 2001.[†] The National Council forwarded its final draft to the Transitional Administrator with a recommendation that he promulgate it as law. The Transitional Administrator, Sérgio Vieira de Mello, promulgated the law on 13 July 2001.

48. The Commission's establishment was supported by political leaders of all political persuasions, non-government organisations, the Catholic Church and other religious institutions, the UN mission, UNHCR, the UN High Commission for Human Rights, other international organisations and donor countries. The level of support for the Commission was so broad that reference to it was included in the National Constitution of RDTL Article 162. By the time the Constitution was signed in May 2002, the Commission was already operating.

Interim Office

49. An Interim Office was established in August 2001, after Regulation 2001/10 was promulgated. The tasks of the office were to support the Steering Committee in implementing a selection process for National and Regional Commissioners, to seek funds for the establishment of the Commission, and to seek premises for the national and regional offices of the Commission. The Interim Office was supported by the UNTAET Human Rights Unit and staffed by a small team, with Pat Walsh of the Human Rights Unit as Executive Director, and Jacinto Alves and José Estêvão as senior policy advisors. The Interim Office operated out of the former teachers training centre, which had also been the UNAMET compound and later the CNRT compound, in Balide, Dili.

The CAVR Advisory Council

50. In 2002 the CAVR Advisory Council was formed to provide authoritative advice and feedback to the National Commissioners. East Timorese members were Bishop Carlos Felipe Ximenes Belo, SDB, Bishop Basilio do Nascimento, José Ramos-Horta, Pastora Maria de Fatima

^{*} ICTJ is a New York-based non-governmental organisation, assisting countries which are trying to establish accountability for past human rights violations [for more information on the ICTJ, see www.ictj.org]

[†] The National Council had a total of 32 members; 30 voted in favour of the Regulation, one against, and one abstention.

Gomes and Dra Ana Pessoa Pinto. International members were Sérgio Vieira de Mello, Ian Martin. Mrs Saparinah Sadli and Munir SH.

51. The Commission reflects with sadness that two eminent international members of the CAVR Advisory Council were apparently assassinated during the Commission's work. The Commission pays tribute to the dedication and courage of Sérgio Vieira de Mello and Munir SH, two friends and supporters of the CAVR, who lived and died for their principles and commitment as defenders of human rights.

1.3 Formation of the Commission

National Commissioners

52. In the Commission's formative period consulting directly with a wide and representative cross-section of East Timorese society was important to establish and maintain the legitimacy of the Commission. It was essential to maintain this element for the successful completion of the mandate. Section 4 of Regulation 2001/10 provided for the Transitional Administrator to appoint between five and seven National Commissioners, at least 30% of whom should be women, on the advice of a Selection Panel which included representatives of the major political parties and civil society groups.[†] Following its formation the Panel travelled across Timor-Leste and to Indonesia to canvas nominations for the positions of National and Regional Commissioners. In addition to political, human rights and civil society organisations, a wide variety of community groups also participated in the nomination process.

53. The Regulation gave the Selection Panel the option to recommend the appointment of two "international persons" as National Commissioners. The panel's nominees did include a small number of foreign nationals who had a strong record in defence of human rights. However, the Selection Panel decided that East Timorese should have sole responsibility for the policies, programmes and findings of the Commission and that only persons who had gained the endorsement of members of the public during the community consultations should be appointed National Commissioners.

54. On 21 January 2002 the Transitional Administrator, Sérgio Vieira de Mello, swore in as National Commissioners the five men and two women whom the Selection Panel had nominated. Those appointed were Aniceto Guterres Lopes, Father Jovito Rêgo de Jesus Araújo, Maria Olandina Isabel Caeiro Alves, Jacinto das Neves Raimundo Alves, José Estêvão Soares, Reverend Agostinho dos Vasconcelos, and Isabel Amaral Guterres. The Commission held its first official meeting 4 February 2002, when the Chair and Deputy Chair were elected and particular portfolios were agreed, as below:

^{*} Sérgio Vieira de Mello, was the Transitional Administrator of East Timor from 25 October 1999 until 20 May 2002 during the period of the UNTAET administration. He was the UN High Commissioner for Human Rights when he was killed by a bomb attack in Baghdad on 19 August 2003, when he was leading the UN mission in Iraq. Munir SH was an Indonesian human rights lawyer, who was known for his struggle to challenge military-sponsored violence in Indonesia. He was a founder of Kontras (Komisi untuk Orang-orang Hilang dan Korban Kekerasan, Commission for the Disappeared and Victims of Violence), and Chairman of Imparsial (Human Rights Watch Indonesia). He died of arsenic poisoning on a flight Jakarta to the Netherlands on 7 September 2004.

[†] The members of the Selection Panel were: João Francisco Amaral, Maria Barreto, Francisco Miranda Branco, Patrick Burgess, Brigida Correia, Jacinto Alves Correia, Quiteria da Costa, Adelino Freitas, Cecilio Caminha Freitas, Jacob Martins dos Reis, Galuh Wandita Soedjatmoko dan Julião Mausiri. Section 4 of the Regulation required that the Selection Panel included one person from each of the four political parties, Trabalhista, KOTA, Fretilin and UDT, and one person from pro-autonomy supporters (to be nominated by the Transitional Administrator after consultation with pro-autonomy supporters), the NGO Forum, the Rede (Women's Network), Presidium Joventude (Youth Council), Association of Ex-Political Prisoners (Assepol), Association of Families of Disappeared Persons, a joint nomination from the Catholic Diocese of Dili and the Diocese of Baucau, and one person from the UNTAET Office of Human Rights Affairs. Section 4.3 required the Selection Panel to conduct a broad consultation for the process of selection of Commissioners, including public nominations.

1. Chairperson: Aniceto Guterres Lopes
2. Deputy Chairperson: Father Jovito Rêgo de Jesus Araújo
3. Treasurer: Maria Olandina Isabel Caeiro Alves
4. Truth-Seeking portfolio: Jacinto das Neves Raimundo Alves and José Estêvão Soares
5. Community Reconciliation portfolio: Reverend Agostinho de Vasconcelos and Jacinto das Neves Raimundo Alves
6. Reception and Victim Support portfolio: Isabel Amaral Guterres

Profile of National Commissioners

Aniceto Guterres Lopes, Chairperson

Aniceto was born in Tapo, Maliana, Bobonaro District in 1967. He studied law at the Udayana University in Bali. He was a member of Renetil, a student group for national resistance, from 1989. He was Secretary General of Yayasan Etadep (East Timor Agriculture and Development Project), an early Timorese non-governmental organisation, from 1992-96. Aniceto was the co-founder and, from 1997, the Director of the foremost East Timorese human rights foundation, Yayasan HAK. He worked to promote justice in Timor-Leste in the early stages of the UN Transitional Administration, serving on the UNTAET Judicial Transitional Services Commission from January 2000 and was a founder of the Jurists' Association of Timor-Leste in April 2000. He was a member of the National Council of East Timor (October 2000-July 2001). Aniceto received the Ramon Magsaysay Award for emergent Asian leaders on 31 August 2003. After lecturing for several years at University Paz in Dili, he was appointed Dean of the Law Faculty in April 2005. The following month he was appointed by President Xanana Gusmão as a member of the Council of State. In August 2005 he was appointed by President Xanana Gusmão as a member of the Commission of Truth and Friendship (CTF).

Father Jovito Rêgo de Jesus Araújo, Deputy Chairperson

Fr Jovito was born in Hatulia in Ermera District in 1963. He has been a Catholic priest serving in Dili and Aileu since 1996. As President of the Catholic Youth Commission of Dili Diocese for three years prior to being appointed to the Commission, he developed strong links with the youth community. He was a member of Renetil from 1987. He has a particular interest in advocating for human rights involving youth issues. In September 2005 Fr Jovito continued his Biblical studies at the Gregoriana University in Rome, Italy.

Maria Olandina Isabel Caeiro Alves

Olandina is from Ermera District, where she was born in 1956. She is a businesswoman who has also dedicated many years of work to public service and especially to the prevention of violence against women. She served as a member of the Provincial Parliament in Dili from 1997-1999, and was appointed a member of the Indonesian Commission for the Elimination of Violence Against Women in 1998. Olandina has been the Director of the NGO East Timorese Women Against Violence and for Child Care (ET-Wave) since 1998. Since 1999, Olandina has served in a number of leadership positions: as Chairperson of the Public Service Commission 2000-01; since 2003 until the present as President of the East Timorese Women's Network (Rede Feto Timor-Leste); President of the East Timorese Scout Movement; and President of Habitat for Humanity Timor-Leste. She was a founder of the Peace and Democracy Foundation in 2002 and has served since then as a Board member. Olandina manages her own restaurant, "Olandina's", in Dili. In August 2005 Olandina was appointed by President Xanana Gusmão as a member of the Commission of Truth and Friendship (CTF).

José Estêvão Soares

José was born in 1955 in Laclubar, Manatuto District. Between October 1975 and May 1976 he was held as a political prisoner by Fretilin in relation to his political affiliation to the Apodeti party. José worked as a civil servant for the Indonesian administration in East Timor. He was a government spokesman and Chief of Public Relations (1993-1997), and later worked for the Coordination Board of Investments for East Timor (BKPM). In 1999 he was a founding member of the pro-autonomy political organisation Forum Persatuan, Demokrasi dan Keadilan (FPDK, Forum for Unity, Democracy and Justice). He also held the position of Secretary of the Indonesian Public Servants' Organisation in East Timor (Korpri) at this time. José left Timor-Leste in September 1999, spending one year as a refugee in Denpasar, Bali (Indonesia) before returning in October 2000. Immediately on his return, he became a member of the National Council of East Timor (October 2000-July 2001). José was a senior policy advisor to the Interim Office that supported establishment of the Commission.

Isabel Amaral Guterres

Isabel was born in Luca, Viqueque District in 1958. She has worked with a range of organisations in the field of humanitarian assistance, including the Jesuit Refugee Services (JRS) providing support to people returning to Timor-Leste in 1999. Isabel lived in Australia for 15 years where she trained at the Aquinas and Mercy Catholic University in Victoria, Australia, and practiced as a registered nurse. In March 1999, she returned briefly to Timor-Leste to conduct conflict resolution workshops. She returned permanently in November 1999 and continued to use her professional experience in the health sector in her work with Médecins Sans Frontières (MSF) and World Vision. Isabel is a board member with the Timor-Leste Red Cross, and was appointed a member of the Electoral Commission for the village head and council elections in 2004 and 2005.

Reverend Agostinho de Vasconcelos

Reverend Agostinho was born in 1970 in Kaiualita, Baguia, Baucau District. Reverend Agostinho completed his study in philosophy of religion at the Indonesian Christian University in Tomohon, (UKI) in 1995. He became a Minister in the Igreja Protestante di Timor Leste (IPTL, Protestant Church of Timor-Leste) in 1996 and served as Minister of the Maranatha Church in Oecusse District (1996-99) and of the Maranatha Church and Bethany Church in Baucau (1999-2000), and Oecusse District (1996-1999). He was a Board member of the Naroman Social Foundation (1999-2000), Head of the Protestant Youth (2000-04), Editorial Secretary of the KeEsaan (Witness) magazine (2001-02), and currently serves as Executive Secretary for the Department of Justice and Peace of the Protestant Church in Timor-Leste. He has participated in workshops and courses on reconciliation in West Timor and in other parts of Indonesia and continues to be active in several local NGOs.

Jacinto das Neves Raimundo Alves

Jacinto was born in Manatuto District in 1957. In 1979 he worked for the International Committee of the Red Cross (ICRC). Jacinto was a member of the Executive Committee of the Conselho Nacional da Resistência Maubere (National Council of Maubere Resistance, CNRM) that planned the Santa Cruz demonstration. Following the Santa Cruz Massacre in November 1991 he was arrested. He served seven years of his ten-year sentence until his release on 30 December 1998. Jacinto was also a founding member of the NGO Commission for Human Rights in East Timor in 1999 and was active in providing emergency assistance to displaced persons in Dare during the post-ballot violence of September 1999. As Coordinator of the Associação dos Ex-Prisioneiros Políticos (Assepol) beginning in 1999, Jacinto was one of two ASSEPOL representatives on the Steering Committee that founded the CAVR and from July 2001 to January 2002 a senior policy advisor to the Interim Office that supported establishment of the Commission. In March 2005, Jacinto was appointed by President Xanana Gusmão to the Superior Council for National Defence and Security, and in August 2005 he was appointed by President Xanana Gusmão as a member of the Commission of Truth and Friendship (CTF).

Principles and mission of Commission

55. Immediately after their appointment at a swearing-in ceremony on 21 January 2002, the National Commissioners held a five-day retreat at the Carmelite Convent in Maubara, Liquiça District. The retreat was an important moment in the Commission's development, when Commissioners exchanged views on their understanding of the mandate and developed a set of principles on which the work of the CAVR would be based. They included the following:

1. The Commission would be committed to promoting international, universal human rights standards in Timor-Leste. It would be politically neutral and independent. It would endeavour to reach out to East Timorese of all political backgrounds inside Timor-Leste and in Indonesia. It would seek to investigate objectively human rights violations committed by all parties to the political conflict, including those committed during the internal conflict of 1974-76.
2. It would place victims of human rights violations at the centre of its work and it would create an institution that would be open and responsive to them. As such it would recognise and value their experience. It would also seek practical ways to assist them and would promote their role in nation building.
3. The Commission accepted that reconciliation could not be achieved without justice. It would respect the call for justice made by ordinary East Timorese people, especially victims of human rights violations. The Commission would strive to understand what victims meant by justice and what steps needed to be taken to help in restore their sense of dignity and to repair damaged relationships.
4. It accepted that establishing the truth and accountability for past human rights violations was a necessary step towards achieving justice and restoring the dignity of victims.
5. It understood that reconciliation and healing would be difficult and lengthy processes. They would require the continuing active contribution of families, communities and other organisations engaged in similar work. It therefore aimed to create partnerships rather than to be a stand-alone institution. It would strive to work for reconciliation and to contribute to the continuation of such work beyond its own mandate.
6. It acknowledged the importance of ensuring that women played a major role in the reconciliation process. This entailed that women should be recruited to the Commission and that female community members should be able to participate in its activities. The Commission recognised the existence of practical, cultural and economic barriers to women's participation, which it would strive to overcome.
7. The Commission recognised the rich diversity of East Timorese culture as it is lived and expressed in different communities across the country. It would seek to incorporate the strengths represented by traditional values and practices in its work.
8. The Commission would strive to be accessible to East Timorese people across the country and in Indonesia and to the wider international community. This would require working in the remotest regions of the country and in local languages, as well as in English, Portuguese and Indonesian.

Regional Commissioners

56. Regional Commissioners were the representatives of CAVR and the National Commissioners in the districts. Local communities were able to directly relate to Regional Commissioners who were selected to work in their home districts, while at the same time offer support to CAVR teams in neighbouring districts. This assisted significantly in facilitating community participation in the programmes of the Commission

57. The role of a Regional Commissioner was to lead his or her district team. They introduced the Commission to communities, especially to local leaders. Regional Commissioners chaired the panels in community reconciliation hearings. They also played a leading role in victims' hearings in sub-districts.

58. The Regulation required between 25 and 30 Regional Commissioners to be appointed by the Transitional Administrator, on the advice of the National Commissioners.³ Following a public nomination process in each district the Transitional Administrator, Sérgio Vieira de Mello, swore in 29 Regional Commissioners on 15 May 2002. Ten of those appointed were women.

59. The following individuals were appointed as Regional Commissioners of the CAVR:

Aileu region

- Aileu: Francisco Martins, Meta Mendonca
- Manufahi: Jaime da Costa (resigned in 2002); Saturnino Tilman

Covalima region

- Ainaro: Filomena Barros Pereira, Alarico da Costa Reis
- Covalima: Antonio Alves Fahik, Maria Nunes

Baucau region

- Baucau: Carolina M. E. do Rosario, Aleixo Ximenes
- Lautém: Albino da Silva, Justino Valentim
- Viqueque: Helena H. X. Gomes, Daniel Sarmento Soares
- Manatuto: Geraldo Gomes, Ildefonso Pereira

Bobonaro region

- Bobonaro: Ana de Fatima Cunha, Francisco dos Reis Magno, Domingas dos Santos
- Ermera: Eduardo de Deus Barreto, Egidio Maia

Dili region

- Dili: Teresinha Maria Cardoso, Pedro Correia Lebre, Joanico dos Santos
- Liquiça: Maria Fernanda Mendes, Ana Maria J. dos Santos

Oecusse region

- Oecusse: Antonio da Costa, José Antonio Ote, Arnold Sunny

1.4 Operational issues and challenges

Practical challenges to the Commission's work

60. The operational phase of Commission's mandate began on 7 April 2002. The Commission was established at a time when the physical, economic and logistical infrastructure in Timor-Leste was still in the early stages of reconstruction. Following the humanitarian emergency of late 1999, UNTAET began to import and to install equipment essential for its operations, including a satellite internet link and a mobile phone system in the capital, Dili. However, there were no landline telephone, email or postal links between Dili and the districts, or between the districts, and only very limited mobile telephone services when the Commission was established.

61. Roads were in a very poor condition in many rural areas and were often impassable in the rainy season. However, interaction between the national and district offices required representatives to travel between these offices. There were few commercial enterprises operating. Procurement of basic transport and office equipment was complicated, often requiring the import of goods from overseas. Very basic items, such as office paper or pens, were available only in Dili. The absence of banking facilities outside Dili made the transfer of funds to pay monthly salaries or meet operating expenses a security and logistical challenge.

62. Communication with the enclave of Oecusse was particularly difficult. It was isolated from the rest of Timor-Leste, bordered by sea and the land border with West Timor, Indonesia. Travel

by land from Timor-Leste across West Timor to Oecusse was difficult after September 1999, and after the murder of three UNHCR international staff in Atambua, West Timor in September 2000 it became less tenable. There was no regular ferry service to the enclave at the time of the establishment of the Commission. The only available air link was provided by UNTAET, which gave priority to the transport of UN staff and materials. Access to the island of Ataúro, a sub-district of Dili District, also presented logistical challenges.

63. The Commission took the view that reconciliation, comprehensive and objective truth-seeking and effective victim support could be achieved only if it established a presence across the territory. Ensuring that district teams had adequate logistical support, including transport and communications facilities, was critical to realising this goal. These problems continued to provide serious challenges to the Commission's district programmes throughout the period of operations.

The challenge of language

64. The Constitution of Timor-Leste recognises two official languages, Tetum and Portuguese, and two working languages, Indonesian and English. Many other languages and dialects are used across the country. The need to work in many languages was a major challenge for the Commission and in preparing its Final Report. Despite these challenges the Commission sought the greatest degree of participation by encouraging people to use the language they felt most comfortable speaking.

65. Throughout its operations the Commission used Indonesian, Tetum and English for written documents and Tetum as the main spoken language. Portuguese was not spoken or written by sufficient staff or community members to be used as one of the working languages. Tetum had never been officially taught in state schools before 1999. Most staff did not feel confident writing complex or formal documents in Tetum. Because of the language issue the majority of international staff who assisted with programmes and with the Final Report spoke Tetum or Indonesian or both as well as English.

66. The field activities of the Commission were carried out either in local regional languages or in Tetum. In some rural communities Tetum is not widely understood. Hiring staff locally was necessary for local understanding and acceptance. Statements and research interviews were usually conducted in Tetum or Indonesian, and were written in one of these two languages. The database coding system used Indonesian; statements taken in Tetum were summarised into Indonesian. Community Reconciliation Procedure statements were written in Indonesian or Tetum.

67. National programmes, such as thematic public hearings and workshops, were conducted in Tetum with translation provided in English. Indonesians giving evidence in public hearings spoke Indonesian. Some witnesses testified in regional languages, with interpretation into Tetum. International witnesses generally testified in English or Indonesian. The Serious Crimes Unit used English as its working language, so statements sent to the Office of the General Prosecutor were translated into English for consideration by UN international staff working as prosecutors. In compiling its Final Report the Commission used English, Indonesian, Portuguese and Tetum language materials.

68. The issue of language presented a particularly intense challenge for the process of writing the Final Report. Writers were both East Timorese, writing in Indonesian, and international, writing in English or Indonesian. Draft chapters of the Report were written in English or Indonesian, and then translated from one to the other of these languages so that they would be available to editors in both. English-language edited drafts had to be translated into Indonesian before being presented for approval to the Commissioners. Drafts were discussed by Commissioners in Indonesian, changes incorporated, and approved. The English version was modified accordingly and sent for translation into Portuguese. The Portuguese translation was

reviewed by an expert provided by the Portuguese Government, and approved by a sub-committee of Portuguese-speaking National Commissioners.

69. The process of producing the Final Report in three languages was complex and time-consuming.

An integrated community-based approach

70. The regulation had provided a framework for the Commission to conduct specific activities focused on truth seeking and community reconciliation. Another core objective was to assist in restoring the dignity of victims. It was open to the Commission to develop policies and activities which best achieved these mandated goals.

71. The desires of the people expressed during the Steering Committee consultations were reflected in the establishment of the Commission and in the terms laid down in Regulation 2001/10. The needs and wishes of community members were to the highest degree possible to guide the development and implementation of these policies. This principle of community consultation continued to shape the decisions of the Commission during the operational period of its mandate.

72. Consultations on activities to be conducted took place during the start-up phase and in the early period of operations. As a result a number of pilot projects were implemented which provided additional information for the design of effective programmes. The Commission conducted three pilot projects to help determine how the mandate could be implemented most effectively (see box below). Each project focused on a different area of activity in which the Commission planned to engage. The Commission continued to be responsive to additional suggestions from the public during the operational period.

Pilot projects on truth-seeking, community reconciliation and victim support

Truth-seeking

The first pilot project focused on truth-seeking work at the community level, in particular the statement-taking process. It was conducted in communities on Atauro Island, Dili (Dili) from 28 May to 7 June and from 22 to 30 June 2002. Introduction and preparation phases were followed by statement-taking which resulted in 33 statements from victims and witnesses documenting a number of violations including killings, torture, rape and forced displacement.

This pilot project yielded valuable lessons in logistics and methodology. The Commission revised its language policy on statement-taking, to enable the statements to be written in either Tetum or Indonesian. It also decided to record all interviews to ensure accuracy. Statement-takers found that witnesses appreciated hearing a playback of their testimony. This increased their confidence in the reliability of the Commission's documentation of their statement.

Community Profiles

The Commission facilitated a community discussion on the impact of human rights violations in Metinaro in Dili District on 27 September 2003 as part of the second pilot project. Such discussions became known as Community Profile workshops. Two main tools were used to facilitate this discussion. A time-line exercise helped focus discussion on human rights violations experienced by the community between 1974 and 1999. A mapping exercise involved community members being invited to draw a map showing places which were significant as locations of human rights violations. Questions were posed to the community on the collective impact of these human rights violations, particularly as experienced by women and children. These workshops aimed to provide a community perspective on the impact of violations. They were to complement the individual focus of statement-taking and to help in assessing the overall impact of violence on the East Timorese community. This pilot project provided valuable lessons in community workshop facilitation and documentation methods, which informed subsequent staff training.

Community Reconciliation Procedures

The third pilot project was the Commission's first community reconciliation hearing. On August 23 2002, in Maumeta in Liquiça District, three former perpetrators ("deponents") participated in a hearing attended by about 150 community members, National Commissioners and the General Prosecutor. Introducing the mandate of the Commission and the legal basis for the hearing, Regional Commissioner Ana Maria J. dos Santos chaired the panel of local leaders. The deponents gave testimony, admitting their wrongdoing to victims and community members. They pledged never again to use violence for political ends. Victims and community members then spoke, offering their own perspectives on the events described by the perpetrators. Traditional elders cleansed the area of violent spirits, and invited the perpetrators and their victims to sit together on the *biti boot* (literally: large mat, the designated place on which communities have traditionally sought to resolve disputes).

The panel presiding over the hearing deliberated with victims and members of the community, and with the deponents. It was decided to accept the apologies of the perpetrators and not to impose any sanction. The hearing demonstrated the value of bringing together elements of formal legal process with traditional customary principles. The combination of these two sources gave the procedure full legitimacy in the eyes of community members. The hearing showed the significance of local ownership in conducting the process of reconciliation. It also demonstrated the high level of organisation and logistical support needed if large numbers of community members were going to attend future hearings. The then UN High Commissioner for Human Rights, Mary Robinson, and senior officials from UNMISSET also attended this event.

73. The Commission believed that progress towards reconciliation depended on taking practical steps to promote healing. The requirements for this healing to take place included seeking out and publishing the historical truth, and acknowledging victims' experiences to assist in their emotional healing. This public sharing provided an opportunity for reconciliation between divided parties at the grassroots level, as well as between local and national leaders. Statement taking, public hearings and community reconciliation meetings established an accurate and accessible record of district events related to the conflict. The activities which were established and implemented in pursuance of these objectives included:

- Taking statements from witnesses and victims of violations across Timor-Leste and in West Timor
- Conducting targeted research interviews with witnesses and victims
- Conducting national public hearings on themes that were central to the mandate and giving them the widest possible publicity by broadcasting them on radio and television
- Implementing community reconciliation procedures
- Providing communities with opportunities to record the history of the conflict in their villages and sub-villages and its specific impact on them
- Conducting victims' hearings at the sub-district level, thereby enabling them to share their experiences, to be acknowledged for their courage and for the suffering they had endured
- Conducting healing workshops at the national office for victims who had been seriously affected by the conflict. They shared experiences and participated in group counselling and other activities designed to promote healing
- Providing urgent reparations to some of the victims who were in greatest need of medical or other immediate assistance
- Producing and broadcasting a weekly radio programme on issues relating to reconciliation
- Designing and promoting an information programme in the refugee camps of West Timor
- Organising visits of National Commissioners to West Timor to meet pro-autonomy leaders
- Establishing an archive and a library of documents and materials relating to human rights violations and the history of the conflict generated by the Commission's work.

The strategic plan

74. The mandate and activities of the Commission had no historical precedent in Timor-Leste. In developing the organising framework of the institution, its policies, activities and administrative support mechanisms, its creators were unable to draw on pre-existing models, institutional memory or staff with comparable experience. Commission staff devised a formal strategic plan to provide a consistent and realisable framework for achieving its goals, which was approved by the National Commissioners in May 2002.

75. It allowed a multidisciplinary team of East Timorese and internationals in the national office and in district teams to maintain a clear sense of direction throughout the operational period. It set out from the beginning how the institution would grow from a small team at the national office to an institution of over 270 personnel based in all 13 districts implementing a variety of programmes. It also provided the framework for cutting back the institution from its peak operational scale to a small team focused first on completing the Final Report and then on closing the Commission. The strategic plan was a reference point for Commissioners and staff as

programmes were added or modified, and helped develop trust from donors and other stakeholders that the Commission had a clear road map for fulfilling its mandate.

76. The plan outlined an integrated approach to the Commission's field work in the three core programme areas of truth-seeking, community reconciliation and victim support. It divided the work of the Commission into 13 periods. In each period specified activities were to be undertaken according to strict timelines. The administrative and logistical implications and indicators of achieved goals were also spelt out. Local historical, cultural, political and logistical factors were taken into account in constructing the timing and nature of activities to be undertaken in each sub-district.

77. The district teams carried out broadly the same programme of work in each of the country's 65 sub-districts, concentrating its resources on one sub-district for three months before moving on to the next one. During their first six weeks in a sub-district, the teams held meetings and consultations. This intensive period of working together helped to strengthen relationships of trust and respect between local leaders and representatives of the Commission. The recruitment of district teams from the area demonstrated the Commission's commitment to a cooperative approach with local communities. It provided a deeper understanding of local conditions, and enabled direct communication in local languages and dialects. The truth-seeking, community reconciliation procedures and victim support activities were organised separately and implemented by different teams, but only one educational programme was required in each sub-district and logistical support was shared.

78. Integrated work in the sub-districts followed a standard series of steps. Regional Commissioners and district teams commenced by organising a public meeting to explain the Commission's mandate and its core programme of work. Members of the community were given an opportunity to voice their suggestions and worries. District teams often conducted informal discussions as well as formal meetings. Communities were asked to provide an overview of the major periods and incidents of violence during the 25-year mandate period. The district teams identified specific communities where demand for truth-seeking statement-taking and community reconciliation work might be high.

79. Victim support and outreach staff facilitated group discussions on the impact of human rights violations and conducted follow-up meetings with individuals who were interested in providing statements on human rights violations or in participating in the community reconciliation process. Truth-seeking statement-takers would begin to take statements on human rights violations. When victims with urgent needs were identified during interviews they were referred to the victim support staff for follow-up. Reconciliation staff also took statements from people who wanted to participate in the Community Reconciliation Procedure. They organised hearings for cases which had been approved by the Office of the General Prosecutor.

80. The final event of the three-month sub-district programme was a Victims' Hearing organised by Regional Commissioners and the district team and attended by a National Commissioner, local administrative, traditional and church leaders and police officers. After the hearing the Regional Commissioners informed the community about the activities conducted in the sub-district during the three-month period. They explained that the information gathered in the sub-district would be kept safely in the CAVR archives and would be used in the Commission's Final Report. These sub-district hearings were thus a way of simultaneously closing the Commission's work in the area, publicly acknowledging the support and contribution of the community during the three-month period, and sharing knowledge about the human rights violations that had occurred in the area.

1.5 Core programmes

Truth-seeking

81. The goal of the truth-seeking programme was to document human rights violations committed by all parties to the political conflicts between April 1974 and October 1999. The strategies developed were systematic statement-taking in each sub-district, focused research and the holding of public hearings. Submissions, including documents and other relevant materials, were sought from sources both within Timor-Leste and from abroad.

Statement-taking and data-processing

82. The Commission collected 7,824 statements from the 13 districts and 65 sub-districts of Timor-Leste.^{*} Together with a coalition of local non-governmental organisations in West Timor it worked to give East Timorese in West Timor an opportunity also to give statements. Between February and August 2003 the NGO coalition collected on behalf of the Commission a total of 91 statements from East Timorese living in the regions of the towns of Belu, Kefamenanu, Soe and Kupang in West Timor.

83. District statement-takers interviewed subjects or deponent individually, although a family member, friend or victim support team member could also be present. Deponents were usually victims of violations, although they often also provided information about violations against family members or acquaintances, many of whom had died or disappeared. Perpetrators also provided statements, although not surprisingly they were far fewer in number than those given by victims.

84. Deponents gave their statements in narrative form. Thus they were able to tell their stories in their own words rather than be guided by a series of questions. This method was chosen because it encouraged deponents to provide a richness of detail and background information about violations and the circumstances surrounding them. This procedure also tended to be less intimidating for those unaccustomed to being questioned in official settings.

85. All recorded statements were gathered in the national office where they were checked and coded by statement readers, and entered into the database. The process of coding involved statement coders reading and identifying the human rights violations in each statement. It was common for a single statement to contain an account of more than one event in which violations were committed, or of several violations committed during one event. The coders would identify each one of these violations, together with important information, such as the identity of the victim and perpetrator, if known, the institutional affiliation of the perpetrator, and the date and place of the event.

86. The details of each violation contained in a statement were then entered into an electronic database, which had been designed to enable analysis of the data. For example, following the entry of all the violations identified by the coding team a search could be made to reveal the total number of violations of a particular type, how many different violations an individual perpetrator had been named as having committed, the number and proportion of violations committed by persons with particular affiliations, groups and fluctuations in the patterns of violations over time and in different regions. Other reliable secondary sources, such as the

^{*} Although the *Timor Leste National Development Plan* mentions 67 sub-districts in the nation, at the time of the formation of the CAVR, prior to independence, there were 65 generally agreed upon sub-districts, which formed the basis of the operational strategies of the Commission. Commission teams collected a total of 7,824 statements, though some of these (155 statements) were not entered into the Human Rights Violation Database (HRVD) for quantitative analysis, because they either did not mention violations connected to the Commission's mandate or the violations which they mentioned were not within the Commission's reference period: a total of 7,669 statements were entered into the Commission's HRVD.

cases reported by Amnesty International between 1979 and 1999 were coded and entered into the database. The statistical methodology employed and the safeguards implemented to ensure the accuracy of the data are set out in detail in the Annexes to this Report.

87. Statement coders had received extensive training on the legal basis of specific human rights violations which it was their task to identify. This training included the elements of the violations, and how to determine whether a particular set of circumstances fulfilled the definitions. For example, the statement coders were trained on how to determine if a violation had been committed which legally amounted to torture rather than, say, the criminal offence of assault or inhuman or degrading treatment. Statement coders were also trained to determine whether a set of circumstances constituted rape or sexual slavery.

88. The coders were periodically tested for accuracy and consistency. During these tests coders were asked to read and code a hypothetical case to see whether they were identifying violations accurately, and that there was a high degree of agreement among the team about how violations should be identified. The database categories were consolidated into a smaller number of violation types early in the process to help achieve greater consistency between coders. The statistical analysis of statements allowed the Commission to comply in a professional and objective manner with several of the objectives set out in the Regulation. These included:

- Clarification of the “antecedents, circumstances, factors, context, motives and perspectives” which led to large-scale violations [Section 13.1(a)(ii)]
- Establishing the “nature” of human rights violations (that is, the types of violations which were committed) [Section 13.1(a)(i)]
- Collecting and comparing reports of violations over time and across districts to determine the extent of human rights violations (that is, the number of violations which were committed) [Section 13.1(a)(i)]
- Gathering information on patterns of violations so as to be able to assess whether there had been “a systematic pattern of abuse” [Section 13.1(a)(i)]
- Establishing statistical profiles of “persons, authorities, institutions, and organisations involved in human rights violations” [Section 13.1(a)(iii)]
- Collating and comparing data on patterns of violations and perpetrators involved to provide evidence of whether “human rights violations were the result of deliberate planning, policy or authorisation on the part of specific parties to the conflict [Section 13.1(a)(iv)].

Research

89. The statement-taking programme allowed any individual who wished to do so to approach the Commission and to report information relating to the political conflict. The expectation was that by throwing such a wide information net across the districts, a significant amount of information about all aspects of the 25 years of political conflict would become available. Analysis would then allow a clear picture of what had occurred to emerge. This broad, untargeted approach meant that information was received about all aspects of the political conflict, including events or circumstances that had not been previously widely known.

90. The Commission also identified ten major themes of particular importance during the mandate as topics for detailed research. These themes were:

- Famine and forced displacement
- Structure, policies and practices of the Indonesian military and police
- Structure, policies and practices of Fretilin and Falintil
- Detention and torture
- Killings and enforced disappearances
- Children
- Women
- The political party conflict of 1974-76
- The role of international actors in the self-determination process
- Massacres

91. The Research Unit conducted over 1,000 interviews focusing on these themes. Subjects included individuals who had played significant roles in events and who had held leadership positions at various stages of the conflict, as well as perpetrators and victims. Commissioners and staff conducted these interviews in Dili, in the districts, in Portugal and in Indonesia. The research themes broadly corresponded with those of the national public hearings, and researchers also played an important role in identifying and contacting victims and witnesses to testify during these hearings. In mid-2003 the Commission began a series of interviews with key national figures, known as VIP interviews. In addition to personal testimony of direct experience, these interviews enabled the Commission to investigate the background and details of organisations and events. The Commission conducted 15 VIP interviews, in Timor-Leste and Indonesia, including West Timor (see Annexes to this Report).

92. A considerable amount of primary and secondary documentation relating to the research themes was also gathered. Information relating to the conflict had been forcefully suppressed during the military occupation, with the result that many individuals had hidden documents or had smuggled them out of the country. The Commission issued a general request for any information related to its mandate. This resulted in the forwarding of documents, video and audiotapes, photographs and film records to the Commission. These materials were used in writing the Final Report and will become part of the permanent archives.

Public hearings

93. Public hearings were a major feature of the Commission's programme. They contributed to the fulfilment of various aspects of the mandate, including truth-seeking, promoting reconciliation and restoring the dignity of victims. The Commission conducted public hearings involving participants from the grassroots level to the national leadership, as well as key international figures and expert witnesses. Witnesses and victims of human rights violations gave testimony about their experiences at sub-district victims' hearings, at national public hearings and at village-level community reconciliation hearings.

Victims' Hearings

94. A victims' hearing was held as the final activity in each sub-district programme, following the strategic plan. Victims of human rights violations were given the opportunity to share their experiences, in their own words and language, in an open public forum. This helped to inform members of their wider community of the suffering they had endured. It assisted in restoring some of the dignity they had lost by encouraging acknowledgment of their struggle and contribution. Victims' hearings also provided an opportunity for all community members to hear about events during the conflict which had previously remained hidden to them. This fostered a

feeling of solidarity among victims and their communities. It helped to clarify the local history of the conflict. It also reinforced the determination that these painful events of the past should never be repeated.

National Public Hearings

95. The Commission conducted eight national public hearings. These were broadcast on television in Dili and on radio nationally, and were covered extensively by the local press. Representatives of the international media were also present at a number of hearings.

96. The value of these thematic hearings was in presenting the views of a variety of witnesses and experts to the entire population. The national hearings were presided over by the seven National Commissioners. Although truth-seeking was one of the goals, it was also recognised that the programme should be organised in a manner which would assist national reconciliation and promote the rights of victims.

97. The Commissioners questioned witnesses following their testimonies, but the time available for clarification in this way was limited, and no determinations or findings were made at the conclusion of hearings. The Commission recognised that statement-taking and in-depth interviews were a more reliable way to collect information than public hearings. Nevertheless, the hearings did often add important information to data in the Commission's possession.

98. The public hearings provided a rare opportunity for the general population to learn about important aspects of the political conflict. The hearings also gave witnesses the chance to express their own views and recount their experiences in an official setting. The Commission took great care to ensure that evidence relating to different issues and parties to the conflict was presented in a balanced manner. Witness selection was undertaken on the principle of balance, bringing together testimonies from men and women, from different districts of Timor-Leste, about different periods of the conflict and relating to different perpetrator groups.

99. The hearings gave victims of the violence of the Indonesian security forces their first opportunity to speak openly about these events without fear of reprisal. In keeping with the objective of providing a balanced picture, the largest number of witnesses and victims gave evidence of violations by members of the Indonesian occupation forces. The statement-taking and research programmes had shown that perpetrators attached to the Indonesian occupation forces had committed the vast majority of violations during the mandate period.

100. Victims were given the opportunity to speak openly of their experiences, including by examining painful issues, the "old wounds" that had previously been hidden. The Commission believed that the risks of reopening the wounds were far outweighed by the value of publicly expressing the truth. To uncover events that had long been kept in obscurity, thereby encouraging national debate, would help to resolve outstanding differences and residual anger. The hearings were an extremely emotional experience for those who testified and for members of the public who watched and listened to their evidence.

101. The first national public hearing was held on 11-12 November 2002, to coincide with the anniversary of the Santa Cruz massacre of 1991. It was known as a Victims' Hearing, titled "Hear Our Voices" (*Rona Ami Nia Lian*). Unlike later national hearings, it did not focus on a particular theme or type of violation, but rather brought together victims from all districts of Timor-Leste who testified about violations which had occurred throughout the 25-year mandate period. The seven national hearings which followed this were organised according to themes.

102. Thematic public hearings were held according to the following schedule:

- 17-18 February 2003 - Political Imprisonment, Detention and Torture
- 28-29 April 2003 - Women and Conflict
- 15-18 March 2004 - Self-Determination and the International Community
- 28-29 July 2003 - Forced Displacement and Famine
- 19-21 November 2003 – Massacres
- 15-18 December 2003 - Internal Political Conflict, 1974-1976
- 29-30 March 2004 - Children and the Conflict.

Death toll research

103. In June 2003 the Commission launched a statistical inquiry into the number of East Timorese people who died as a direct result of the conflict, whether as a result of deprivation, in armed combat, in crossfire or as victims of unlawful killing or enforced disappearance. Although several attempts have been made in the past to estimate the number of fatalities from these causes, this was the first opportunity for any organisation to undertake objective research into the death toll during the conflict.

104. This project was designed and implemented in cooperation with The Human Rights Data Analysis Group (HRDAG), an international organisation which specialises in human rights statistical analysis and has done work in this area with several other truth commissions. The analysis was based on three sets of independent data:

- Information contained in the approximately 8,000 statements which had been collected, coded and entered into the Commission's data base
- A Graveyard Census based on a count of gravestones in a total of 492 graveyards across Timor-Leste
- A Retrospective Mortality Survey, which was designed by the Human Rights Data Analysis Group. An intensive survey of members of 1,322 randomly selected households in 121 hamlets across the territory was undertaken. The survey included a questionnaire designed to yield information related to the death toll, such as the date, circumstances and causes of deaths of family members during the period of the conflict.

105. The application of statistical techniques to these disparate sets of data, each of which had its own strengths and weaknesses, was able to yield an estimate of the death toll that was scientifically reliable.

106. The methodology and results of this statistical analysis of the death toll project, as well as statistical analysis of the non-fatal violations investigated by the Commission, is found in the Annexes of this Report.

Submissions

107. The Commission received a number of written submissions from Timor-Leste and foreign-based individuals and organisations. These included original documents, reports and analyses that threw light on events that had taken place during the mandate period, as well as photos and film footage from that period (see below, 1.5.1.6).

* The HRDAG conducted statistical analysis with, among others, truth commissions in South Africa, Guatemala and Peru. See Acknowledgements section in the Annexes to this Report for more details.

108. The United Nations High Commissioner for Human Rights provided a significant submission to the Commission, in the form of a consultant's report into the human rights violations which had occurred in Timor-Leste during 1999. The author, Professor Geoffrey Robinson of the University of California, Los Angeles, had access to confidential materials held by the UNTAET and UNMISSET missions and by the Serious Crimes Investigations Unit. The report had not been made public by the OHCHR at the time of preparing the Commission's Report. A copy is included in the Annexes of this Report.

109. A full list of submissions received by the Commission appears in the Annexes of this Report.

Sources of Information

110. The Commission issued a call to all persons and organisations in possession of relevant records to forward these materials to the CAVR. Then these records could be considered in the formulation of an accurate account of what had transpired. Consequently, it received materials and submissions from civil society and human rights activists previously involved in the international solidarity movement of Timor-Leste, from Portugal, Indonesia, Australia, the Asian region, the USA and Europe. International organisations, such as Catholic Relief Services of the USA and the Australian Council for Overseas Aid (ACFOA) also provided valuable material and in some cases submissions based on their long involvement with Timor-Leste during the mandate period.

111. Materials were also gratefully received from East Timorese victims and witnesses, national and local leaders, and non-government organisations, in particular Yayasan (Asosiasi) HAK and Fokupers. The collection of the late Professor Herb Feith was donated to the Commission's archive after his death in 2003.

112. A number of Indonesians testified to Commission National Public Hearings, and provided written submissions. Members of Komnas Perempuan (the Indonesian National Commission on Violence Against Women) testified at the CAVR National Public Hearing on Women and Conflict. A group of NGOs from West Timor (Indonesia) The West Timor Humanitarian Team, made a submission to the Commission at this hearing. The Indonesian human rights NGO Elsam (Lembaga Advokasi Masyarakat, Public Policy Studies and Advocacy) made two submissions to the CAVR: one providing detailed research into Indonesian military structures and operations, and the other testimonies from Indonesian military officers and their families titled "Story from the Behind the Lines". In addition, the well-known Indonesian historian Dr Asvi Warman Adam of Lipi (Lembaga Ilmu Pengetahuan Indonesia, Indonesian Academy of Science) gave a paper titled "East Timorese History in the New Indonesia" to the CAVR National Public Hearing on Self-Determination and the International Community. A number of other human rights workers and activists also testified at hearings, and their testimonies have been used in relevant chapters of this Report.

113. The Commission was less successful in gathering material from governments, from which it received a mixed response. The Commission advised most of the governments and institutions referred to in Chapter 7.1: The Right to Self-Determination of this Report of its inquiry and sought their input. The Commission wrote to the Secretary-General of the United Nations, the President of Indonesia, the Prime Ministers of Portugal and Australia, and the Governments of Japan, the United States of America, France, the People's Republic of China, and the United Kingdom. No official replies were received but the Commission received considerable assistance from a number of the representatives of these Governments based in Timor-Leste. The Commission also made inquiries in Moscow and the Vatican regarding access to documentation.

114. The Commission also wrote to individuals from past administrations, including President Jimmy Carter of the United States, Australian ex-ministers and officials including the former

Australian Foreign Minister Gareth Evans and the former Ambassador to Indonesia Richard Woolcott, and a number of former Indonesian officials. Responses were mixed, and some materials were received as a result of these inquiries.

115. In addition to writing to President Megawati Sukarnoputri seeking information, without response, the Commission also invited the following former Indonesian leaders and officials to testify at the National Public Hearing on Self-Determination and the International Community: President BJ Habibie, Dr Mochtar Kusumaatmadja, former Foreign Minister in the Soeharto Government, Ms Dewi Fortuna, foreign affairs advisor to President BJ Habibie, Dr Frans Seda, former Soeharto Cabinet Minister, Mr Francisco Lopes da Cruz, former Ambassador at Large on East Timor for President Soeharto, Dr Yusuf Wanandi, Centre for Strategic and International Studies. None was able to testify in person, but Dr Wanandi provided a statement which was delivered on his behalf.

116. A general problem faced by both the Commission and governments was the challenge of finding records dating back some 30 years. In most cases, a comprehensive search remains to be done and in cases where freedom of information legislation does not exist or access is heavily restricted, this may not succeed.

117. However, the decision of some governments to release at least some of their confidential records on Timor-Leste greatly assisted the Commission to fulfil its responsibility to establish the truth. The documentation released by the Australian Government for the period 1974-1976 was particularly valuable as was the two-volume *Relatórios da Descolonização de Timor* on 1974-75 made available by the Government of Portugal. The Commission also benefited from declassified records released to The National Security Archive by the US Government and Ford and Carter Presidential Libraries, four volumes of declassified material from the Government of New Zealand, and documents released by the United Kingdom and provided to the Commission by Hugh Dowson. The Commission also drew extensively on the records of informative debates and hearings on Timor held by the UN, the US Congress and the Australian Parliament and the collection of basic documents on the Timor question edited by Heike Krieger and published by the University of Cambridge. These were enriched by written and oral testimony given to the Commission by former diplomats who served in the UN and the US and Australian Governments.

Community reconciliation

118. All aspects of the Commission's work were designed and implemented as part of a coordinated and integrated approach aimed at promoting reconciliation.

119. Continuing disagreement about and denial of historical fact prevents different sides to a conflict from finding a common basis to begin the painful, difficult and slow process of reconciliation. The truth-seeking activities were aimed at providing a history of events which was based on objective information rather than rumour or propaganda. Such a solidly founded version of the truth could in turn open the way to the admission of responsibility, acceptance and forgiveness.

120. The victim support aspect of the Commission's work also laid the ground for reconciliation by aiming to redefine the relationship between victims, perpetrators and their communities. Restoration of the dignity that had been taken from victims reduced residual anger and enabled victims to move towards acceptance and forgiveness of those who had harmed them.

121. The main programme in support of the Commission's mandate of reconciliation was the Community Reconciliation Procedures (CRP) as set out in Part IV of the Regulation. The objectives of the programme were to offer a legal resolution of "less serious" crimes committed

during the conflict, help perpetrators reintegrate into their communities, and rebuild the relationship between victims, perpetrators and their communities.

122. There was no precedent for the CRP, in Timor-Leste or anywhere else. It drew heavily on traditional justice practices as well as the principles of arbitration and mediation, and aspects of both criminal and civil law. The views expressed during the community consultations conducted by the Steering Committee strongly influenced the design of the programme. This was evident in the decision to include such elements as local spiritual practices, confession and forgiveness, and participation by local leaders. Victims were also offered the opportunity to address perpetrators directly, while perpetrators were obliged to admit and apologise to victims and their community. Finally the design established a direct formal relationship with the Office of the General Prosecutor and the District Courts of Timor-Leste.

123. The Regulation provided that perpetrators of “less serious” crimes and “harmful acts” related to the political conflict were permitted to approach the Commission and provide a statement setting out a detailed account of their actions. Acts such as burning houses, looting, and beatings were appropriate cases for CRP, but “serious crimes” such as murder, rape and torture were excluded. After helping the deponent to complete his or her statement, the Commission forwarded it to the Office of the General Prosecutor which would decide whether the case could proceed by CRP rather than by prosecution.

124. A panel of between three and five local leaders chaired by a Regional Commissioner was then chosen to preside over a hearing in the deponent’s community. The format was flexible enough to allow the employment of spiritual and other traditional practices that were specific to the community. The perpetrator was required to admit his wrongs in public and victims were able directly to question and to inform the perpetrators of the impact of their acts. Community members were able to ask questions about and seek clarification of the perpetrator’s statement. These exchanges were often heated, but never violent. The hearings were defining community events commonly running from morning until late into the night. Some hearings that involved a large number of perpetrators were held over several days.

125. When all relevant issues had been explored the panel brokered an agreement, according to which the perpetrator undertook to complete certain “acts of reconciliation” in order for him to be reaccepted into his community. These acts could include community service and the donation of money, animals or other objects to the victims. The agreement was registered with the appropriate District Court, and on completing all the required acts the perpetrator received immunity from criminal and civil liability for the transgressions admitted to.

126. The CRP programme began slowly, in part due to uncertainty at the local level concerning the nature of the process. As news of the first hearings spread, demand increased. Ultimately 1,379 perpetrators successfully completed CRP hearings, well in excess of the initial target of 1,000. Because all cases in a given village were usually heard at the same time, the actual number of hearings totalled 216. An estimated 40,000 community members attended and participated in hearings.

127. Assessments conducted by the Commission indicate that the CRP programme made a significant contribution towards reconciliation. Perpetrators, victims and other participants stated that the hearings had provided an opportunity for the entire community to explore and to clarify local events related to the political conflict and their effect on the population. The CRP helped perpetrators be reaccepted. It enabled them to begin to work again and to interact with their neighbours rather than to hide, in fear and anticipation of hostility and possible violence.

128. Victims who responded to the survey said that the CRP helped to dissipate their anger by allowing them to express it directly to those who had harmed them. It allowed them to rise above the act and to forgive, provided there was a real expression of remorse and regret by the perpetrator. By providing a solution to individual cases that were likely to provoke payback

violence in local settings, the CRP contributed significantly to maintaining peace and stability at a time when both were at their most fragile. Part 9: (Community Reconciliation) of this Report provides a more complete description and analysis of the Community Reconciliation Procedures.

129. The Commission's weekly radio programme included coverage of many community reconciliation hearings, as well as discussion of issues arising from the national hearings and other matters relating to reconciliation.

Reception and victim support

130. The Reception (*Acolhimento*) and Victim Support Division was dedicated to the principle that victims of human rights violations must be at the centre of the Commission's work. It sought to develop and implement practical ways of supporting victims and increasing recognition of and respect for them.

131. The Commission implemented victim support programmes that were both public and private in nature. Public hearings and information programmes helped to repair relationships and promote understanding between victims and their communities by permitting victims to tell of their experiences. Healing workshops were more private, focusing on the personal needs of victims by working with groups of people who had experienced similar trauma.

132. Reception and Victim Support staff undertook the following activities:

- Monitoring the well-being of recent returnees to Timor-Leste. This included the identification and follow-up of cases through problem solving in liaison with refugee agencies, such as UNHCR
- Organising public meetings to inform communities of the Commission's work and to seek responses and recommendations
- Supporting victims of human rights violations who participated in the Commission's programmes whether giving statements, testifying at public hearings, attending community reconciliation processes or participating in healing workshops
- Facilitating group discussions and recording local histories focusing on the impact of human rights violations on individual communities
- Helping victims with urgent needs by assessing their cases, referring them to appropriate agencies and providing modest financial assistance, as part of the Commission's Urgent Reparations scheme.

133. Part 10 of the Report provides a more extensive account of the work of this Division.

Final Report

134. Section 13.1(c) of the Regulation provides for the "preparing [of] a comprehensive report that sets out its activities and findings, based on factual and objective information and evidence collected or received by it or placed at its disposal". Section 21 specifically details the duties of the Commission in fulfilling this function. Section 21.1 provides that the Commission "shall present a final report on the basis of the information it has gathered to the President". Section 21.2 provides that the Commission's shall "summarise the findings of the Commission and make recommendations concerning the reforms and other measures, whether legal, political, administrative or otherwise, which could be taken to achieve the objectives of the Commission, prevent the repetition of human rights violations and respond to the needs of victims of human rights violations". Section 21.3 states that the report produced by the Commission shall be made immediately available to the public and shall be published in the Official Gazette, and Section

21.4 provides that the President “shall consider all recommendations made by the Commission in its final report with a view to their implementation”.

135. The preparation and dissemination of a comprehensive final report was a core objective of the Commission’s mandate. Planning for it began shortly after the initial National Commissioners’ retreat at Maubara in January 2002. During a subsequent retreat in Dare in May 2003, the structure of the Final Report was debated and provisional approval was given.

136. The completion of the Final Report was a very demanding task for all involved. The pressures to complete the work to deadlines took a heavy toll on many of the contributors to it. The completed work is a lasting tribute to their dedication and commitment.

137. The mandate of the Commission was very broad, including a wide range of human rights violations committed over a 25-and-a-half-year period: from 25 April 1974 to 25 October 1999, as stipulated in Regulation No. 2001/10. The process of writing involved a cooperative effort across the divisions. Research teams produced thematic summaries based on interviews and secondary sources. The rich store of information in the human rights violations database yielded information to determine patterns, to identify a number of reported violations that involved particular perpetrators, to determine what institutions the perpetrators belonged to and to provide profiles of victims. It gave writers a practical means of identifying and accessing original statements relevant to the subjects on which they were writing. The death-toll survey produced information concerning the degree and manner of deaths that had occurred in the mandate period.

138. The complications of producing the Final Report in English, Indonesian and Portuguese, with popular versions in Tetum, were acute. These complications arose from the Commission policy to produce the Final Report in these languages. Because writing teams and editors worked in both English and Indonesian it was necessary to maintain current copies of draft parts and chapters in both languages. Writing teams, usually consisting of two East Timorese and one international staff member, were given responsibility for producing draft parts and chapters. These drafts were then translated and forwarded to the editorial team. Edited versions were translated again and forwarded to the National Commissioners for consideration. The parts and chapters were discussed, substantive-political differences debated and changes recommended (see above, 1.4.2, the challenge of languages).

139. The editorial team was then responsible for making the recommended changes. A smaller working group, which consisted of Commissioners and staff, worked on technical issues, such as whether the translation faithfully corresponded to the approved text. They also resolved inconsistencies within or between parts and chapters. A fact-checking team was responsible for checking the accuracy of factual information in the each part. A technical edit, during which the text was checked for consistency with house style and cross-references were inserted, was then undertaken across all language versions.

140. The Regulation stipulated that all decisions of the Commission should be taken by consensus or, if a consensus could not be achieved, by a simple majority of the seven National Commissioners. Achieving agreement on highly sensitive issues between seven individuals who had been chosen for their diversity of backgrounds was not straightforward. Demanding consensus on the use of particular terms could have been a block to the progress of the Report, particularly as a word or term which accurately reflects the will of the Commission in one language is often not able to be translated exactly into one of the other two languages in which the Report is published.

141. The Commission considered its mandate to deliver the Final Report in at least one of the official languages of the country. Given the lack of educational background in Tetum, Portuguese was chosen as this language. The translation of the Final Report into Portuguese required further time, and a process of review and verification by National Commissioners. The Portuguese Government assisted with a Portuguese language expert, Paula Pinto, to ensure the standard of

this translation. The Commission hopes that the Final Report can be translated into the second official language, Tetum, when resources and technical capacity become available.

142. In addition to the detailed official Final Report, the Commission produced a range of more accessible related material. A two-and-a-half-hour documentary film version was produced in Tetum, with English, Portuguese and Indonesian sub-titles, as well as a Tetum radio version, a photographic exhibition and a series of books on the thematic national public hearings of the Commission in Tetum, Indonesian and English. A photographic exhibition of survivors of violations promoted their dignity and aspirations, together with the publication of a photographic book of survivors expressing their hopes for the future. The Commission believes that the report and the associated research material in the Comarca Archive provides a rich source of resources which can become the basis for the production of accessible educational materials about human rights, reconciliation and East Timorese history.

143. The Commission established a Final Report campaign team, who from mid-2004 travelled to districts sharing information about the process of writing the Final Report. The team showed videos and conducted discussion groups in all districts, as a forerunner to the dissemination of the Final Report.

Archives

144. The Commission was mandated to organise its archives and records for future reference, and to give consideration to the question of whether materials should be made available to the public of Timor-Leste, the measures necessary to provide protection for confidential information, and the measures necessary to provide for the continuing safety of individuals who had testified to the Commission (Section 43.2 of the Regulation). In April 2004, when the national office was restructured, an Archive and Comarca Division was established to order and protect the Commission's archives and library. It was also given responsibility for planning for the future use of the Comarca as a memorial centre for victims, human rights and reconciliation.

145. The Archives and Comarca team comprised four staff members assisted by volunteer librarians, with an international specialist archivist as advisor. In the absence in Timor-Leste of a trained cadre of information managers specialised in operating an archive, the Division's first priority was capacity building.

146. The archive comprises all the documentation from the truth-seeking, community reconciliation, and *acolhimento* and victim support programmes, as well as administrative records relating to financial, legal and strategic management. It includes 7,740 audio recordings of truth-seeking statements, over 1,000 research interviews, more than 1,541 community reconciliation statements, many hundreds of hours of digital and audio recordings of the public hearings and many thousands of research reports and related materials. An extensive collection of photographs and video recordings, as well as the full audio archive of the Commission's weekly radio programme are also stored in the archive.

147. The library comprises over 2,500 titles, mainly books and articles about Timor-Leste, Indonesia, human rights and peace studies in Tetum, Portuguese, Indonesian, English and other languages.

148. The archive is a founding member of the Library and Information Association of Timor-Leste (ABITL), whose inaugural meeting was held at the Comarca. The Government has agreed that the Commission's archive should continue to be kept at the Comarca. It has close ties with the state-run National Archives of Timor-Leste.

149. It is planned that a permanent exhibition of materials relating to the Commission's Final Report will be housed in the Comarca Archive and Documentation Centre.

The Commission's obligations to participants in its core programmes

Confidentiality

150. All individual statements were given confidentially. Each person who gave a statement was asked whether they agreed that material from the statement could be used in the Commission's Final Report. They were also asked if the people of Timor-Leste could have access to their statement after the Commission's mandate period ended. Witnesses could choose to provide information on a confidential basis; or anonymously, removing identifiers of themselves and of other persons mentioned in their statements; or in accordance with other preferences they might state concerning the statements' use. Statement givers were informed that the access that Commission staff would have to information contained in their statements would be limited, and that the Commission would take measures to ensure the security of records. The Regulation imposed a duty on all Commissioners, staff and other persons acting on behalf of the Commission to "preserve and assist" the confidentiality of all confidential matters. Those found to have disclosed confidential information in contravention of the duties specified in the Regulation could incur criminal sanctions.⁴

The rights of deponents in CRPs

151. It was the policy of the Commission to ensure that all applicants for Community Reconciliation Procedures understood the implications of supplying their statement. Accordingly, they were informed that the statement would be forwarded to the Office of the General Prosecutor and could be used in future legal proceedings. Where possible, this information was given to deponents in their local language.

Witness protection

152. All practicable steps were taken to ensure the safety of witnesses. There was a police presence at all public hearings and appropriate action was taken in cases where witnesses could have been under threat. Witnesses were informed of their right to provide information on a confidential basis. Police assistance could be requested when needed, but every witness was informed of the practical limits of this protection to enable them to decide whether or not to provide evidence either publicly or in writing. The Commission also told witnesses that in reality the CAVR could not provide them with physical protection in their homes.

1.6 National and regional offices and staffing

National Office

153. In the early days of the Commission the National Office in Dili was temporarily housed in the Teachers' Training Building in Balide the historic former UNAMET compound of 1999 which became the CNRT headquarters in 2000. At this time negotiations had begun with the Government of Timor-Leste and international donors to rehabilitate the former Comarca prison in Balide for use as the home of the Commission. Transforming this former gaol for political prisoners into the headquarters of the Commission had clear symbolic overtones, as well as serving the practical purpose of providing the Commission with a high-profile, publicly-accessible base.

From prison to memorial centre for victims, human rights and reconciliation

The Comarca in Balide, Dili was built in the early 1960s by the Portuguese colonial administration. In late 1975 Fretilin used the Comarca to detain prisoners from the UDT and Apodeti political parties. It was used as an Indonesian prison continuously between January 1976 until 12 September 1999. It was damaged in the violence during September 1999.

The idea of rehabilitating the Comarca was first proposed by the Association of Ex-Political Prisoners (Assepol) in 2000 and was taken up by those responsible for establishing the Commission. The Steering Committee agreed that preservation of the former prison would make a positive contribution to national healing by serving as both a memorial to the denial of human rights and a symbol of the possibility of transformation. The idea became feasible in January 2002 when during a visit to Tokyo by Xanana Gusmão, the Japanese Prime Minister pledged a grant of US\$1m to the Commission. Approximately half of this grant was to be used for capital works, including the rehabilitation of the Comarca.

In March 2002 the Minister of Justice, Dr Ana Pessoa Pinto, met the Commissioners and confirmed the allocation of the Comarca to the Commission. A Memorandum of Understanding was signed in April 2002 between the Commission and Assepol. It affirmed that the heritage value of the building would be preserved and that Assepol would be consulted throughout the physical rehabilitation. The plan for the building included its use as the Commission's national office. It was also to house an archive containing documents and other materials relating to the history of human rights violations in Timor-Leste history which would be made accessible to the public after the end of the Commission's mandate.

Design work on the rehabilitation of the prison began in July 2002. Careful documentation of the use of the prison building was undertaken to preserve knowledge of its former use, including those sites of serious human rights violations. Sixty-five graffiti made by East Timorese prisoners, Indonesian prison personnel or militia members were preserved.

The company selected after public tender to carry out the construction work, P.T. Rosario, was headed by a former Comarca prisoner, Julio Alfaro. Reconstruction began in September 2002. A large traditional meeting house was built in the former exercise courtyard, for use in the Commission's national public hearings and other events. Gardens were planted by Maria José Franco Pereira, who was detained as a four-year old at the Comarca with her mother in 1976. A traditional cleansing ceremony, symbolising the removal of harmful spirits associated with the prison's history of abuse, was conducted on completion of construction work.

The National Office of the CAVR was inaugurated in a ceremony by President Kay Rala Xanana Gusmão and attended by Bishop Basilio do Nascimento. President Kay Rala Xanana Gusmão gave a speech. The ceremony was followed by the National Public Hearing on Political Imprisonment in Timor-Leste. Some of those who testified had been detained in the Comarca.

During the operational period of the Commission, the Comarca was used to host public hearings, healing workshops and other activities. Singing, traditional dancing, theatre, prayer and other individual and group activities brought the spirit of healing to a place which had been a centre of torture for many years. Fr Domingos (Maubere) Soares, one of the members of the Steering Committee which helped to establish the Commission, expressed the hope that a commission in Timor-Leste would show the East Timorese people that flowers could grow in a prison. His hopes have been realised in this transformation.

154. The first Executive Director, João de Jesus Baptista, was appointed in May 2002. After his resignation at the completion of a three-month probationary period the Commission appointed Lucio dos Santos to replace him.

155. Six Divisions were formed to implement and support the programmes which had been decided upon by the National Commissioners:

- Truth-Seeking
- Reception (Acolhimento) and Victim Support
- Community Reconciliation
- Programme Support
- Administration and Logistics
- Finance

156. Late in 2003 the Commission developed its Archive and Comarca team (see section below) to preserve the Commission's archives and to prepare plans for the conversion of the National Office into a human rights and reconciliation documentation and education centre.

157. The primary focus of each division was to support the district teams. Some divisions also organised major events from the National Office. National public hearings were organised by the Truth-Seeking Division, assisted by Victim Support, and the media and logistics sections of the Programme Support Division. The Urgent Reparations Programme was organised by the National Office's *Acolhimento* and Victim Support Division, as were the healing workshops. Research and data-management were also run by the Truth-Seeking Division from the National Office.

158. At the peak of its operations the National Office had 124 personnel.

The CAVR as a learning institution

159. Commissioners and senior staff recognised that the Commission had embarked on an enterprise significantly different from anything in almost all staff members' previous experience. It was vital therefore that staff training strategies should be dynamic, absorbing the lessons learned as the programme was implemented. The initial designs of the truth-seeking, victim support and community reconciliation programmes in the districts had been largely theoretical in that they had not had the benefit of extensive field trials. The practical experience gained by district teams as they put the programmes into practice was a valuable resource in moulding the programmes to fit local requirements. Three-monthly reviews were carried out to ensure that the lessons staff had learned in the field could be passed on to management and appropriate adjustments made to operating methods. Approximately halfway through the operational period an extensive institutional review was undertaken. It included an opportunity for all staff to provide ideas and suggestions relevant to the programmes.

Institutional development and capacity building

160. Institutional development and capacity building therefore accounted for a large part of the Commission's work in its first year. The Commission had to meet a demanding schedule of recruitment, programme development, training, monitoring, and evaluation and trouble-shooting. Developing and implementing recruitment policies and procedures for 124 national and 154 district team positions was a major challenge, the more so as by the time the Commission was established, all government departments, UN and other international agencies and non-government organisations had already recruited staff and become operational.

161. By July 2002 the Commission had recruited and trained 220 personnel, including Regional Commissioners and District Team members. Approximately 1,900 people applied for 141 positions in the Regional Offices and District Teams.

162. Because there was no institutional precedent for the work of the Commission, the planning and implementation of staff training was a major challenge. It was conducted from July to September 2002. Benefiting from lessons learned in the pilot projects completed in August 2002, the Commission modified its training programmes (see box on pilot projects, above). As with Regional Commissioners, district staff were trained in two large groups. Following initial training, staff would return to their districts for six weeks before the final segment of the course. This allowed for the phased development of understanding of the Commission's programmes. District teams could also think about what they had learned in training, test those practices and principles in the field and suggest alterations to operational plans.

163. A small team consisting of an international advisor and three East Timorese staff coordinated institutional development. The first year was difficult and demanding, requiring long work hours, resourcefulness and faith that the Commission could develop institutionally in ways that would allow it to achieve its goals. Funding was initially inadequate, as donors were willing to offer the level of support needed only once the value of the Commission's activities became apparent. In this environment it took a "leap of faith" by a few donors, mostly notably the British Government, to provide the vitally important "seed funding".

164. The Human Rights Unit of the UNTAET mission provided personnel on a short-term basis to assist the start-up of the Commission and assisted in many other ways. It helped the institution to take its first steps and progress to the point where a temporary office was established and core personnel recruited, and the organisation could move forward on its own feet.

165. Throughout the life of the Commission the Institutional Development and Capacity Building team worked with the broader Senior Management Team in identifying where further international short and long-term support was needed, and in recruiting and training qualified personnel.

Gender and staffing

166. The Commission followed a policy of encouraging work practices that would maximise the opportunities for women to contribute as staff members of the organisation and as participants in its programmes. It formally recognised the strong barriers which prevent women from participating equally in the work-place or political activities in Timor-Leste, as well as the duty of all institutions to try to redress this situation. The Commission's mandate therefore included specific requirements for gender representation. The Regulation required a minimum of 30% of National and Regional Commissioners be women. Two of the seven National Commissioners and ten of the 29 Regional Commissioners were women. Internal recruitment staff policies provided that a minimum of 30% of positions must be filled by women.

167. For programme objectives, it was important that women and men equally filled certain types of position. Examples included statement takers and victim support staff, each of whom worked directly with victims and witnesses in communities. The recruitment of a higher than normal proportion of female programme workers in these areas was aimed at ensuring that nationally women had equal access to all aspects of the Commission's work. This policy was designed to acknowledge women's experiences during the conflict. Certain sections of the Final Report, particularly the chapter on sexual violations, focus closely on the experience of women.

168. Despite this commitment the Commission did not succeed in reaching its recruitment targets for women. Only two of the eight members of the Senior Management Team were women. Just one of the six Regional Coordinators was a woman and all 13 District Team Coordinators were men. Cultural norms that were particularly strong in regional and rural Timor-Leste made it difficult to recruit the desired proportion of women into district teams. The need for staff members to live away from home during the three-month period of field activities in sub-districts other than their own posed particular difficulties for women who had family

responsibilities. Cultural objections to them spending such an extended time away from their homes added to these difficulties.

Regional offices and district teams

169. The Commission established six Regional Offices in the district capitals of Baucau, Suai, Maliana, Aileu, Dili and Oecusse. All but one of these offices were established in buildings rehabilitated by the Commission using funding from the Japanese Government, and were transferred to the Government of Timor-Leste for local use after the Commission completed its work. Each Regional Office supported the work of two District Teams, except Oecusse which, because of its geographical isolation was a Regional Office covering only one district, and Baucau which supported the work of four District Teams.

170. Each District Team consisted of two to three Regional Commissioners, one Coordinator, four Truth-Seeking Statement-Takers (two women and two men), two Victim Support/Community Outreach staff (one woman and one man), and two Community Reconciliation Officers* (generally one woman and one man), with support from one Logistics Officer.

171. The Regional Offices were staffed by a Regional Coordinator, and a Finance Officer and a Logistics Officer. The main function of the Regional Offices was to act as a link between the National Office and the District Teams. As communications and banking infrastructure was limited or non-existent during the height of the Commission's operations, the Regional Coordinator was given the responsibility for ensuring that there was regular communication with the National Office. Contact occurred at least once a week between the District Teams and the National Office. Due to lack of communications, this usually required travel between the offices.

172. At the height of Commission's work, there were 278 staff, including Regional Commissioners, of whom 154 worked in regional or district teams.

Gender in practice in district work

173. The UNTAET Regulation required that the Commission integrate gender considerations into all aspects of its work. It specifically provided that at least one of the CRP panel members at each hearing be a woman. Without this provision it is likely that many communities would not have chosen a woman to sit on the panel, but would have followed the more traditional practice of having male community leaders preside over such events. An interesting result of the gender provisions of the Regulation was that the women chosen to participate on the panels often played a leading role and were usually fully accepted by community members in that capacity.

174. The Commission took some initiatives to encourage women's participation in its field activities. Following an internal policy requirement, there were women in all district statement-taking teams. Women were also encouraged to provide statements and thereby contribute to the Commission's truth-seeking objective. At the close of field operations only 21.4% of deponents who provided statements were women. Many men came forward to give statements about human rights violations against female family members, but many women testified about what had happened to their fathers, brothers, husbands or sons during the conflict.

175. District teams experienced difficulties engaging women in the statement-taking process for a variety of social, cultural and economic reasons. In some communities, women did not participate in the Commission's community education meetings as they were expected to stay at home. Fewer women than men were organised in formal organisations with access to information

* Initially District Teams had just one Community Reconciliation Officer, who worked with a Regional Commissioner in this area of work. In late 2003 a second Community Reconciliation Officer was appointed to each team.

about the Commission's work. Some women were uncertain or shy about coming forward to give testimony, or felt that their experiences had already been recounted by male members of their family.

176. A team of six women was formed to conduct a six-month research project on the experiences of women during the conflict.^{*} The team held interviews with more than 200 deponents, mostly women survivors of human rights violations. They were also responsible for identifying and supporting the victims who provided testimony at the National Public Hearing on Women in Conflict in April 2003. This public hearing was very important in raising further awareness among women about the need to participate in the Commission's work.

177. Healing workshops specifically for women victims were held to ensure that their specific circumstances were given due attention and to encourage confidence and open group discussions. Some Community Profile workshops involved only women. These focussed on exploring and recording women's experiences and the impact of the conflict as perceived by female community members.

178. Women staff working in district teams often adopted informal ways of meeting rural women, visiting homes and gathering places to talk, hearing their concerns and together finding ways that would help them participate in the Commission's activities. Women district team members were themselves often leading members of the communities and role models for many rural women.

179. The principle of gender equality at times sat uncomfortably with other principles of the Commission such as respecting and working with community traditions and leaders, as traditional leadership and dispute resolution models in Timor-Leste tend to be male-dominated. Women Regional Commissioners, women community members sitting on panels at Community Reconciliation Hearings, and women staff members living away from home and working in rural communities provided a challenge to some of these values.

180. The Commission was careful not to implement these strategies in communities in a confrontational way. Male as well as female team members took a leading role in discussions with traditional leaders, thereby achieving at least a measure of successful gender balance.

181. The Commission would especially like to commend the work of its women district team members, who faced a number of extra challenges but who were critical in ensuring that the Commission was accessible to rural women across Timor-Leste.

The role of international staff in the Commission

182. It was decided that all international staff in the Commission, apart from the Deputy Director, would be advisors rather than line managers. International staff members were to implement capacity building within the divisions to which they were assigned by assisting and advising East Timorese counterparts to the extent possible, rather than taking charge of the work themselves. In addition to possessing the necessary technical and professional skills, international staff were expected to have an understanding of Timor-Leste and cross-cultural working skills, including Tetum or Indonesian language skills. Short-term consultants were brought in where specialised skills were needed.

^{*} The team consisted of members of the women's human rights NGOs Fokupers and ET-Wave, East Timorese Young Women's Association (Grupo Feto Foinsae Timor-Leste, GFFTL) and staff members from the Commission. The work benefited significantly from the knowledge, skills and contacts of these organisations.

1.7 Management and Administration

Management structure

183. The day-to-day management of the Commission's executive body was coordinated by the Executive Director, Lucio dos Santos, with support from the Deputy Director and Programme Manager, Galuh Wandita. Together with the six Coordinators of the divisions of the national office executive, they formed the Senior Management Team. The team members were Hugo Maria Fernandes (Truth-Seeking), Jaimito Candido da Costa (Community Reconciliation), Rosário de Araújo (Acolhimento and Victim Support), José Caetano Guterres (Programme Support), Ligia da Costa (Finance) and Francisco João Amaral (Administration). In April 2003, in a process of restructuring to fully Timorese management, Galuh Wandita ceased her role as Deputy Director but continued in her role as Programme Manager.

184. The small Regional Offices operated as bridges between the National Office and District Teams. They were led by a Regional Coordinator. District teams were led by the two or three Regional Commissioners in each team, who were responsible for the day-to-day management of staff and the programme together with the District Team Coordinator.

185. In December 2002, a three-day workshop, in which Regional Commissioners, Regional Coordinators, District Team Coordinators, senior management and National Commissioners took part, resulted in a revision of the strategic plan and clarification of the division of tasks. In May 2003 the Commission facilitated an institution-wide review, to look at the performance of every District Team, Regional Office and division of the Commission. The review produced 92 specific recommendations on ways to improve performance, coordination, outreach, information sharing, and gender equality in all aspects of the Commission's work.

Administration

186. The Administration Division was responsible for providing all administrative support to the work of the Commission. This included logistics and procurement, human resources, and information and technology support.

187. The Coordinator of the Administration Division worked closely with the Executive Director to ensure all aspects of the Commission's work were supported. Meeting the logistical demands of the large and dispersed operations of the Commission, with minimal supporting infrastructure, was a constant challenge.

Finance

188. The Finance Division was responsible for the management of all Commission's financial matters. These included producing monthly financial reports, monitoring management of the Regional Offices, providing all the required information for audits conducted by the Government's Office of the Inspector General, and donor reporting.

189. The Commission was responsible for raising its own funds. National Commissioners, senior staff and international advisors worked hard to secure resources for the operation of the Commission, and to maintain information exchange and reporting with all donors. Maintaining close relationships with donors was essential for the success of Commission's work. It was necessary to appeal to donors for additional funding, especially as programmes expanded in response to community wishes and the Commission required extensions of its operational period to complete this Report. The fact that donors had been kept informed, that financial reporting was comprehensive and up-to-date, and that transparent information on all aspects of the

Commission's operations was available was significant in securing the required additional funding.

190. Three independent financial audits of the Commission were completed by the Office of the Inspector General. The Inspector General provided a positive report on the financial management of the Commission in these audits. Some specific recommendations were made with a view to improving the management of certain administrative areas. The Commission implemented these recommendations. The first audit covered the period 1 May 2002 to 31 December 2002. The second audit covered the period from 1 January to 31 December 2003 and the third audit covered the period from 1 January 2004 to 31 December 2004. In addition to the audits by the Office of the Inspector General, a special audit related to the funding by the Government of Japan was conducted in 2005 by the international auditors Merit Partners from Australia, producing a report of prudent financial management. A final audit will be conducted after the closing of the Commission on 31 October 2005.

Downsizing and restructuring

191. On the completion of the Commission's fieldwork, the executive undertook a downsizing and restructuring process. The strategic plan had been based on a 3-month operational period in each sub-district. As the number of sub-districts per district varied, some district teams completed their work before others. This enabled them to move to assist programmes in areas where there was still work to be done. District teams and regional offices closed when all field activities were finished, at the end of March 2004. At this time the Commission reduced its staff by two-thirds, with all remaining personnel concentrated at the National Office.

192. District team staff members who had completed their work in March 2004 were transferred to Comarca to help enter into the database the large amount of information which had been collected. Further downsizing took place when data-processing was completed in July 2004.

193. The nature of the Commission's work changed radically with the end of field operations. Different management structures were required as activities focused on writing and on producing the Final Report, and on preparation of the archives. Following a two-month transition, the National Office was reorganised. The new structure comprised six divisions: the Final Report (Editorial, Writing and Production including translation), Reparations, Recommendations and Campaign, Comarca and Archives, Administration, and Finance. As the process of writing, editing, translation and production of the Final Report progressed, teams were no longer required, or needed significantly less staff. A phased downsizing process continued to the end of the mandate period.

1.8 Building relationships for the future

Direct relationships

194. The primary focus of the work of the Commission was at the grassroots level, with East Timorese communities across the country, especially with victims of human rights violations and their families. It was essential that community leaders, institutions and organisations understood the Commission and its work. The Commission coordinated with village heads and other traditional leaders, women's and youth organisations, priests, nuns and lay leaders of the Catholic Church and other religious organisations, police, local government officials and other civil society representatives. In some communities victims and survivors support groups had been formed, such as the Rate Laek group in Liquiça. These were important partners of the Commission.

195. National institutions including the Presidency, Parliament and the Cabinet were kept informed of the Commission's work. Representatives of the Commission appeared before both the full National Parliament and relevant committees when three extensions of the mandate were under discussion. On these occasions members of Parliament asked to be updated about the progress of the Commission's work. In each instance, the general view of the National Parliament was that Commission's task was of such importance to the nation that it should be given the time it needed to complete it.

196. President Xanana Gusmão supported the work of the Commission in a host of practical ways, including by requesting funding for the Commission from donors, by appearing at the inauguration of the Commission's headquarters at the Comarca, by backing the sensitive National Public Hearing on the Internal Political Conflict of 1974-76. The Prime Minister Dr Mari Alkatiri and his Cabinet, especially Dr José Ramos-Horta, Senior Minister and Minister for Foreign Affairs and Cooperation, were also very supportive of the Commission. The Commission had cross-party support in the Parliament. The Minister for the Administration of State, Dra Ana Pessoa Pinto, was a member of the Advisory Council of the Commission as was Dr José Ramos-Horta.

197. The Catholic Church holds a position of esteem and influence in the everyday lives of most East Timorese, at least 90% of whom are Catholic. The church provided significant moral support for the work of the Commission. Individual priests encouraged their parishioners to assist and to participate in Commission activities. Lay Catholic leaders were frequently chosen to be Panel members for CRP hearings. The Protestant Church also supported the programmes of the Commission. One of the National Commissioners, Reverend Agostinho Vasconcelos is a Protestant minister, while the Deputy Chair, Father Jovito Rêgo de Jesus Araújo is a Catholic priest.

198. The Commission also coordinated with national NGOs whose work focused on justice and human rights issues. Many of the National and Regional Commissioners had backgrounds as human rights activists and were members of human rights organisations. The mere existence of the Commission clearly had an impact on other human rights organisations. There was some ambivalence among these organisations about the sudden emergence on the human rights scene of this relative colossus which enjoyed official backing and was able to attract a sizeable share of available funding. Understandably this was particularly true of NGOs, which had been operating during the incomparably more difficult period of the Indonesian occupation when their members ran considerable personal risk for that commitment and which will continue to work on reconciliation and human rights issues after the Commission has been dissolved.

199. Two national human rights organisations, Asosiasaun HAK (Human Rights Association) and Fokupers worked with the Commission in a range of ways, including on research projects, giving support to victims of violations and in documenting the work of the Commission national thematic hearings. The Justice System Monitoring Program (JSMP) and the NGO Lao Hamutuk (Walk Together) took a critical look at some aspects of the Commission's work.

200. The Commission sought ideas from various sectors in developing the recommendations contained in this Report. It held a series of six stakeholder workshops at the national level, which sought the opinions of prominent individuals and organisations active in fields relevant to the Commission's mandate. The topics covered were reconciliation, health, education, security, children and justice. The Commission also actively sought input from members of the Organising Committee of the Second National Women's Congress (July 2004). It wished to draw on the ideas and concerns of women delegates from across the country for the formulation of its recommendations.

Memorandum of Understanding with the Office of the Prosecutor General

On 4 June 2002 the chair of the Commission, Aniceto Guterres Lopes, and Timor-Leste's Prosecutor General Longuinhos Monteiro signed a Memorandum of Understanding on the working relationship between the Commission and Timor-Leste's Office of the General Prosecutor, whose responsibilities included the prosecution of serious crimes. The value of having such a memorandum was most evident during the operational phase of the Commission's truth-seeking and community reconciliation work.

The memorandum detailed the circumstances in which information might be exchanged between the Commission and the Office of the General Prosecutor. It noted that the Commission and the Prosecutor's office would protect the independence and integrity of both institutions. It would safeguard the confidentiality of information received by either institution. While the Commission and the Office of the General Prosecutor were independent institutions with different mandates, it acknowledged that "both organisations are committed to working together to the greatest extent possible within their mandates to assist the process of justice for past human rights abuses in Timor-Leste".

Media and information campaigns

201. The Commission's mass media strategy centred on the production of a weekly radio programme, *Dalan ba Dame* (The Road to Peace). Radio is the most far-reaching and effective media in Timor-Leste. Radio networks provide almost complete national coverage, and several community-based stations in the districts broadcast in local languages. Radio networks also broadcast to many East Timorese living in refugee camps and communities in West Timor. Television coverage is confined to Dili and to a lesser extent the country's second city, Baucau. The majority of the rural population are unable to read and write, which limits the impact of written materials.

202. By producing its own radio programme the Commission ensured that communities across the territory could gain a sense of the national dimension of what was taking place in their local area. National audiences were brought into contact with grassroots activities. The weekly one-hour radio programme was broadcast by the national broadcaster Radio Timor-Leste and the Catholic Church national station Radio Timor Kmanek. It broadcast its first programme on 4 December 2002 and broadcast every week thereafter throughout the life of the Commission. In October 2004 it was reduced to a 30-minute programme. Community radio stations in some districts also carried it. The Commission worked with smaller stations such as Radio Falintil and Radio Rakambia to broadcast community reconciliation hearings live in some districts. *Dalan ba Dame* was produced in Tetum, though coverage of local hearings and other events was often in regional languages. In addition community radio stations frequently discussed the work of the Commission in the local language.

203. The Commission developed a partnership with the national television broadcaster Television Timor-Leste (TVTL). TVTL and Radio Timor-Leste both provided full coverage of the seven national thematic hearings. The Commission also produced two videos on its work for dissemination to communities. District teams carried televisions and generators to rural communities to show the videos, which proved a very effective way of bring people together to share information. They were also shown in West Timor as part of the Commission's outreach programme. Videos were produced using Tetum as the narrative language, with Indonesian and English language voiceover editions.

204. A number of print publications were produced with the objective of explaining the Commission's mandate and work to communities. These publications were produced in Tetum, Indonesian and English. An Update bulletin, reporting on the progress of the Commission's work

in Portuguese, Indonesian and English, was published every two months. Its primary audience were institutional and organisational stakeholders.

205. This team also organised media releases and press conferences. Articles and written materials were published in *Cidadaun* and *Talitakum*, respected East Timorese journals with a readership in both Timor-Leste and West Timor. Popular items to promote the Commission included posters, booklets, brochures and T-shirts.

The international community

206. The Commission recognised that its work was of both national and international importance. Consequently, it encouraged links with the international human rights community. It was perhaps of greatest interest in Timor-Leste's own region, none of the countries of which had established their own truth and reconciliation commissions.

207. As the Commission's activities developed it received a steady stream of inquiries seeking information about its work, particularly about the innovative CRP programme. National Commissioners and senior staff attended international conferences, seminars and workshops on human rights, post-conflict reconciliation and transitional justice to share the experience of the Commission and to learn from others. In addition, the Commission hosted dozens of international delegations who visited to learn from the CAVR experience. These included senior officials and representatives of organisations from countries experiencing conflict or seeking to deal with its legacy, including: Burma, Afghanistan, Bougainville, Fiji, Philippines/Mindanao, Indonesia/Aceh and West Papua, and Sri Lanka.

208. The UN gave significant support to the Commission. The Human Rights Unit of UNTAET and UNMISSET, the Office of the High Commissioner for Human Rights and the UNDP, both in Timor-Leste and from the New York headquarters, provided technical support and advice. The UNDP in Timor-Leste managed seven permanent international advisors provided to the Commission through funding from bilateral donors. The UNTAET and later UNMISSET Human Rights Unit provided two permanent senior advisors to the Commission. UNOTIL, the successor mission to UNMISSET, provided one permanent senior advisor. The then UN High Commissioner for Human Rights, Mary Robinson, met the National Commissioners in Dili on 23 April 2002 and attended the first community reconciliation hearing, in Liquiça District. Ms Robinson became a member of the Advisory Council of the Commission.

209. The UN High Commissioner for Refugees (UNHCR) and the International Organisation of Migration (IOM) worked to assist returnees from West Timor as well as helping the Commission with logistics, such as by providing flights to the enclave of Oecusse. The Commission also worked closely with some international non-government organisations with offices in Timor-Leste. A number of NGOs made submissions, or provided the results of independent studies on aspects of the Commission's work. These included Catholic Relief Services and The Asia Foundation.

210. The International Center for Transitional Justice (ICTJ) in New York advised and supported the Commission from its inception to the completion of its work; it was an invaluable partner (see box on early Milestones of the Commission). The Human Rights Data Analysis Group (HRDAG) provided technical assistance. They established and maintained the human rights database. They also conducted the death toll research and analysed the data collected. Part 6: Profile of Human Rights Violations, and the Annex of Statistical Methodology, include a full account of the work of the HRDAG.

211. The Commission developed a website that gave it outreach to the international community. Documents, regular bulletins on the Commission's work and photos of events were put up on the website, which was frequently visited by members of the international media,

human rights organisations, students, academics and donor agencies. This Report is published on the website (<http://www.cavr-timorleste.org>).

Community outreach and public information

212. The Public Information and Community Outreach Unit aimed to increase awareness among stakeholders and the public about the Commission and its work, through building direct relationships, public education and media campaigns. This involved developing mechanisms to provide information to all levels of the community, from national decision-makers and institutions and non-governmental organisations to district administrations and local community leaders and groups, as well as the wider public. It also reached a significant international audience, including UN agencies inside and outside Timor-Leste, donor and prospective donor countries and organisations, and the wider international human rights and justice community.

Table 1 - Milestones of the Commission

June 2000	Workshop on transitional justice for human rights campaigners
August 2000	CNRT Congress calls for the establishment of a truth and reconciliation commission for Timor-Leste. A Steering Committee for the establishment of the Commission is set-up
December 2000	Nationwide consultations occur and the drafting of a regulation by members of the Steering Committee
December 2000	Policy approval from Cabinet of the Transitional Administration
April 2001	Cabinet of the Transitional Administration approves draft regulation
13 June 2001	National Council approves draft regulation
13 July 2001	Promulgation of UNTAET Regulation 2001/10 by the Transitional Administrator; establishment of an Interim Office
23-25 August 2001	Consultation with pro-autonomy leaders by the Steering Committee, with support from the Interim Office, in Kupang and Bali
15-16 September 2001	Second consultation meeting with pro-autonomy leaders in Bali
20 September 2001	Selection Panel established to select National Commissioners and gather nominations for Regional Commissioners
October 2001	Visits by the Selection Panel to 13 districts and to West Timor on nominations for National and Regional Commissioners
21 January 2002	Swearing-in of seven National Commissioners
22-26 January 2002	Retreat of National Commissioners in Maubara; development of core principles of the Commission
4 February 2002	First National Commissioners meeting. Election of Chairperson and Deputy Chairperson of the Commission and appointment of portfolios
7 February 2002	Appointment of National Commissioners gazetted in the Government Gazette, formally commencing the two-month establishment period of the Commission
April-May 2002	Recruitment of senior executive staff; recognition of the Commission in Timor-Leste's Constitution
15 May 2002	Swearing-in of 29 Regional Commissioners by the Transitional Administrator
June-July 2002	Development of policy documents, including the Strategic Plan, Operations Manual and Finance Manual; policies on confidentiality, children, women and rights of deponents; development of basic tools such as statement-taking forms for truth-seeking and community-reconciliation
4 June 2002	Signing of MoU with the General Prosecutor
June-August 2002	Recruitment and training of national, regional and district staff; start of the Commission's programme in 13 districts, including sub-district consultations; establishment of 6 divisions in the National Office; establishment of 6 Regional Offices overseeing the work of 13 District Teams
23 August 2002	First Community Reconciliation Hearing in Maumeta Village, Liquiça
September 2002	Review and programme planning in Dare; Urgent Reparations Programme begins; statement-taking begins

11-12 November 2002	First National Public Hearing, a victim's hearing titled "Hear Our Voices"
December 2002	Evaluation of first 3 monthly operational period
January 2003	Revision of Strategic Plan and coordination mechanisms
17-18 February 2003	Inauguration of Balide Comarca as the Commission national headquarters; Second National Public Hearing on Political Imprisonment; West Timor outreach programme begins
21 April 2003	First Sub-district Victim's Hearing, in Ainaro Vila, Ainaro
28-29 April 2003	Third National Public Hearing on Women and Conflict
June 2003	Institutional review of Commission and its progress; start of Graveyard Census
23-27 June 2003	First Healing Workshop
28-29 July 2003	Fourth National Public Hearing on Forced Displacement and Famine
9-14 August 2003	Second Healing Workshop
September 2003	Retrospective Mortality Survey begins
19-21 November 2003	Fifth National Public Hearing on Massacres
2-6 December 2003	Third Healing Workshop
15-18 December 2003	Sixth National Public Hearing on The Internal Political Conflict of 1974-76
December 2003	Evaluation workshop and prioritising of remaining field work
27-30 January 2004	Fourth Healing Workshop (for women)
9-13 February 2004	Fifth Healing Workshop
9-11 March 2004	Sixth Healing Workshop
15-18 March 2004	Seventh National Public Hearing on Self-Determination and the International Community
March 2004	Closing of district operations; district closing meeting and children's drawing competition in 13 districts; national evaluation workshop; restructuring and downsizing of the executive body
29-30 March 2004	Eighth National Public Hearing on Children and Conflict; exhibition of children's drawing competition at the National Office
April 2004	Establishment of Writing and Editorial Teams
October 2004	National Parliament approves extension of Commission mandate to 39 months of operation, to deliver its Final Report and close by 7 July 2005
July 2005	The National Parliament extends Commission mandate to 29 July and provides that the President shall present the Final Report to the National Parliament in Portuguese two months later
29 July	The National Parliament extends Commission mandate to 31 October.
31 October	Delivery of the Final Report to the President of Timor-Leste.

¹ Regulation 2001/10 Section 13.1(a)(iv).

² *Outcomes of the CNRT National Congress*, 21-30 August 2000; United to Liberate, United to Construct.

³ Regulation 2001/10 Section 11.1.

⁴ Regulation 2001/10 Sections 39 and 44.