



Struggle continues for Timor occupation survivors

Two crucial reports may mark a turning point for justice **SUSAN HARRIS RIMMER** writes

Will the date October 30 mark the last best chance for justice for survivors of occupation in East Timor?

In 1999, then UN High Commissioner for Human Rights Mary Robinson said of the violence in East Timor, "To end the century and the millennium tolerating impunity for those guilty of these shocking violations would be a betrayal of everything the United Nations stands for regarding the universal protection and promotion of human rights." In 2008, the outcomes of the transitional justice processes set in place by the UN and Indonesia are cause for deep concern in terms of their inadequacy, and would confirm Robinson's worst fears. Not one Indonesian perpetrator has been punished.

The Timorese National Parliament held a plenary session to debate two important reports; the Final Report, Chega! ("No more, stop, enough!" in Portuguese), produced by the Commission for Reception, Truth and Reconciliation in Dili in 2006 and the Bilateral Commission for Truth and Friendship report, a process comprising 10 Commissioners, five from Indonesia and five from Timor-Leste with a secretariat in Denpasar, Indonesia. This commission was founded by then presidents Gusmao and Yudhoyono in 2004 but the report was delayed until recently.

A Timorese Parliamentary Committee has presented two resolutions to the Parliament that according to the Committee's press release last week "recognise the achievements of both Commissions, acknowledge their findings, and propose implementation of their recommendations". The proposed resolutions highlight the Commission for Reception, Truth and Reconciliation and Commission for Truth and Friendship recommendations in the areas of victim reparations, a commission for disappeared persons, justice, education and the establishment of an independent institution to oversee implementation efforts.

President Jose Ramos Horta told Televizaun Timor-Leste last month, "Recommendations are only recommendations and are not

obligation for the Government and the Parliament to follow them." This negative response may be puzzling to an outsider – why would the Timorese Parliament not embrace the recommendations of documents many years in the making in a bipartisan manner? Both reports are controversial.

The Commission for Reception, Truth and Reconciliation was established by the United Nations (with Timorese participation) as an independent body to inquire into human rights violations committed on all sides, between April 1974 and October 1999, and facilitate community reconciliation with justice for those who committed less serious offences. The commission could not grant amnesty and was meant to refer "serious crimes" to the court in Dili.

The commission delivered its final report to Parliament in November 2005, and to the UN Security Council in January 2006. Yet it was not publicly disseminated within Timor until June 2006, and has not been brought before Parliament until now. This is because the report did not win full acceptance by the Timorese Government, mainly because of controversial recommendations about national and international reparations, including a demand that Australia pay reparations for its recognition of Indonesia in Timor's waters. However, it is generally considered by international observers to be a document of great worth and integrity in telling the truth about the period of occupation. An example is the report's estimation of the number of people who died during the conflict, a figure that has never been known. The Chega! final report says an upper estimate of 183,000 died as a result of both killings and deaths due to privation.

Even though the Commission for Reception, Truth and Reconciliation was designed to be a companion for justice, not a substitute for it, generally it has been the mechanism that offered the most benefit to ordinary Timorese citizens, in terms of recognition of suffering and a recommendation that victims be compensated by the new Timorese Government.

As one survivor told the commission, "I will not hold office

like these important men who once fought together with us. All I ask for is my right to a decent life as the family member of a fighter. I got this way because my husband and children disappeared. The important men are not permitted to forget us [just because they] now have a strong chair stuck on the ground. In the past, when their positions were not yet certain, we fought together."

The Commission for Truth and Friendship did not enjoy the same kind of acceptance by civil society in Indonesia or Timor. At its inception, Indonesian non-Government organisations feared it would be a "whitewash machine", because it could recommend amnesty for those involved, and its findings would "not lead to prosecution". It was designed to "emphasise institutional responsibilities" rather than identifying and assigning blame. It had the power to recommend rehabilitation for those "wrongly accused" (but did not in the final report) but had no power to propose rehabilitation or reparations for victims. The final Commission for Truth and Friendship report was delayed several years but turned out to slightly exceed expectations by admitting the Indonesian military was at fault in the 1999 violence. In terms of the relationship with Indonesia, the reaction of the Timorese Parliament to the report is extremely important.

Justice issues are equally important in today's East Timor. The opposition is planning a massive march on Dili and rumours of tension in the police force are raising concerns of a return to the instability of 2006 and February this year. East Timor remains one of the poorest countries in Asia. There are many political reasons why the Timorese Parliament may not respond with energy and commitment to the recommendations of the two reports. But for the long term human security of Timor, for the memory of the victims and the future of the survivors, the international community should hope they do.

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