

CAVR UPDATE / Dec 2003 – Jan 2004

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

www.easttimor-reconciliation.org

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‘Forgiveness in a political context.... is an act that joins moral truth, forbearance, empathy, and commitment to repair a fractured human relation. Such a combination calls for a collective turning from the past that neither ignores past evil nor excuses it, that neither overlooks justice nor reduces justice to revenge, that insists on the humanity of enemies even in their commission of dehumanising deeds, and that values the justice that restores political community above the justice that destroys it’.

Donald Shriver, ‘An Ethic for Enemies: Forgiveness in Politics’, 1995

This Update reports on CAVR’s activities during December 2003 and January 2004, and gives particular attention to the historic Public Hearing on Internal Political Conflict, which informed observers believe may have been unique in the short history of truth commissions.

Our report on the hearing is longer than previous reports of this kind. This is to satisfy the intense public interest in what was said at the Hearing by those who testified, not least East Timor’s political leaders who, in the words of the veteran Portuguese journalist, Adelino Gomes, gave the world ‘a lesson in humanity’.

The Update also contains CAVR’s quarterly financial report for the period. The reporting period also included Christmas. CAVR shut down for two weeks to allow our wonderful staff a thoroughly deserved break and more time with family and friends than CAVR’s daily hectic schedule normally permits.

1. Public Hearing on internal political conflict

CAVR closed 2003 with another deeply moving public hearing, held like its predecessors in CAVR’s outdoor meeting place (the prisoner’s exercise yard in the old Comarca or prison which is CAVR’s national office). Held over 4 days, 15-18 December, the Hearing was broadcast live on national television and radio and attracted large crowds. The theme was ‘Internal Political Conflict 1974-1976’ and related to the breakdown of relations between East Timorese political parties and subsequent violence and related human rights violations which occurred during the period between Portugal’s decision to decolonise Timor-Leste in 1974 and Indonesia’s intervention in late 1975. A centrepiece was the painful 1975 civil war which resulted in many hundreds of deaths, has divided many families and communities until now, and was used by Indonesia to justify invasion.

Facilitated by CAVR’s seven East Timorese National Commissioners, the Hearing was opened by Bishop Basilio do Nascimento, who emphasised internal personal reconciliation, and heard vivid accounts by six victims of their experience or knowledge of violations committed by members of both UDT and Fretilin. A veritable ‘who’s who’ of East Timor also testified in an individual capacity about the period in question. They included President Xanana Gusmao, Prime Minister Mari Alkatiri, Foreign Minister and Nobel Peace Laureate Jose Ramos Horta, Interior Minister

Rogério Lobato, Xavier do Amaral, Deputy Speaker of the Parliament and Fretilin President at the time, Domingos de Oliveira (UDT Secretary-General at the time) and Mario Carrascalao, a UDT leader at the time and now PSD President. The five contemporary leaders of East Timor's historic parties also testified on behalf of their parties: Francisco Lu'Olo Guterres (Fretilin), Joao Carrascalao (UDT), Clementino dos Reis Amaral (Kota Deputy President), Paulo Freitas (Trabalhista) and Frederico Almeida Santos (Apodeti Pro-Referendum). Invitations to testify were extended to former Apodeti leaders living in Indonesia but were declined.

Major-General Mario Lemos Pires, the last Portuguese Governor of East Timor, presented his testimony on video. CAVR National Commissioner Jacinto Alves and Research Adviser, Dr Aki Matsuno, travelled to Portugal to conduct this interview. The Hearing also heard testimony from Mr Jusuf Wanandi who in 1975 was active in the Jakarta-based Centre for Strategic and International Studies (CSIS) which worked closely with the Indonesian intelligence community and played a leading role in Operasi Komodo, Indonesia's covert takeover campaign. Mr Wanandi was unable to attend but his testimony was read to the Hearing. Independent expert testimony was provided by the highly respected human rights advocate Mr James Dunn, the former Australian consul to East Timor. Mr Dunn visited the territory twice between 1974 and 1976 and is the author of *'East Timor: A Rough Passage to Independence'* (2003).

To help younger East Timorese gain further insight into this distant but still highly relevant period, CAVR held an exhibition of 30 historic photographs from the period during the Hearing. Titled simply '1975', the exhibition was opened by Dr Jose Ramos Horta, who features in slimmer mode in several of the pictures, on the second night of the Hearing. The photos are the work of British photographer Penny Tweedie, who visited Timor in September 1975, and were purchased by CAVR with the assistance of USAID. CAVR is proud to have repatriated these photos to East Timor for future generations. On the same night, CAVR also screened two films. One comprised rare video footage taken by Australian Clive Scollay in East Timor in September 1975, following the height of the civil war. CAVR purchased the footage from Australia's national film archive in Canberra. Like Penny Tweedie's photos, this material had never been seen in East Timor. CAVR was also honoured to invite Portuguese journalist, Adelino Gomes, to open a film showing his long trek from the border to Dili after he had filmed Indonesian military activity inside East Timor in October-November 1975. Gomes independent visual evidence that Indonesia was violating East Timorese/Portuguese territory well before the full invasion were ignored internationally at huge cost to the East Timorese people.

The Hearing was very well received. In Timor-Leste, much positive feedback was received from people in the street. The response from international commentators was also positive. In a comment published after the Hearing, James Dunn wrote: 'The four-day session was a bold move by the Commission, one depending heavily on the participation of the key actors in the drama of 1975, and their readiness to be frank, honest and conciliatory. It could easily have gone the wrong way... (but) it culminated in an extraordinary demonstration of reconciliation, the outcome far exceeding expectations.. (The Hearing) was a significant achievement for the East Timorese, a generous Christmas present by the nation's leaders to their people'.

Speaking to a gathering in Lisbon a month after the Hearing, veteran Portuguese journalist Adelino Gomes, a senior journalist with 'Publico', said that the Hearing 'was the most magnificent point, in human terms, that I had witnessed in the history of Timor-Leste'. He went on to praise the East Timorese for giving the world 'a lesson in humanity'.

A fuller account of the Hearing can be found in Appendix 2 in this Update. For the full text of Adelino Gomes' reflection, entitled 'A lesson in humanity', visit the CAVR website.

2. Program overview

CAVR held a one-day evaluation and planning meeting on 12 December to review achievements to date and plan for the final three months of operations, January-March 2004. Participants were National Commissioners, Regional Commissioners and senior staff. During these final three months, District Teams in 13 districts, supported by National staff, will complete the following tasks:

- targeted statement-taking (e.g. targeting women or specific areas not sufficiently covered);
- further identification, support and referrals for victims with urgent needs (about 300 people);
- a retrospective mortality survey (involving interviews of 2000 households) and graveyard census (counting all graves in all public cemeteries in Timor-Leste);
- thematic research; and
- all remaining community reconciliation hearings (approximately 670 deponents).

By the end of March, all District Teams will also conduct a district meeting to report back and receive feedback from community members and leaders on the work of CAVR to date. A children's drawing competition on the theme of human rights will be conducted in 13 districts as part of a campaign to promote human rights and CAVR's work. Two national public hearings are scheduled for this period: one on the international community and self-determination, 15-16 March, and the other on children in conflict, 29-30 March. An evaluation and de-briefing workshop with District staff and Regional Commissioners will also be held at the end of March.

Also in December, National Commissioners formed a Working Group to develop policies and mechanisms for the downsizing and re-structuring of CAVR after the closing of district activities at the end of March. A new staffing table was developed and a Selection Panel made up of four National Commissioners and the Executive Director will oversee the downsizing and restructuring. The Selection Panel commenced its work in January 2004 and will complete its task by the end of February. The new staffing table provides that CAVR will downsize by 50% by April 2004, i.e. from 280 to 113 persons, and by August 2004 to 40 persons.

A main aim in restructuring CAVR is to ensure maximum productivity in the writing of the Final Report and its supporting activities. To this end, the Writing Team and existing Data Processing Team will be supplemented with a number of new teams such as the Production Team, Recommendations and Final Report Campaign Team, Reparations Team, and the Comarca and Archives Team. A Technical Editorial Team will also be formed to supervise all aspects of the writing and production of the Final Report.

3. Victim support

CAVR conducted its third healing workshop for survivors of serious human rights violations, 3-5 December and its fourth 27-29 January. Both workshops were held at the CAVR national office. The former involved 13 men and 6 women from 13 districts of East Timor. The latter was exclusively for women and was attended by 25 participants from all parts of the country.

These workshops were conducted along similar lines to previous workshops. CAVR worked closely with key civil society groups and organizations involved in the work of supporting survivors of violations. Funding continued to be provided by the Dutch agency, HIVOS.

Fokupers provided high quality all-day group counselling for both workshops for which CAVR is most appreciative. Accommodation was kindly provided by the Gedung BPG (ex CNRT) for the first workshop and by the Canossiana Sisters of Balide for the second. Arte Moris' involvement was also appreciated as they provided materials for the participants of the December workshop to creatively express their feelings and experiences and Gil Madeira provided an opportunity for expression and relaxation through music with his guitar and song.

As with previous workshops priority was given to creating a safe environment to share life stories and to explore past experiences and future hopes in a supported, respectful and honouring way.

The feelings, experiences, hopes and recommendations of the victims were recorded for posterity and to serve as a basis for future reports and recommendations to governing institutions.

Participants of the December Workshop comprised:

Mario Belo de Asis	Maliana
Mario Gonsalves	Maliana
Amelia da costa	Lautem
Jeremias dos Reis	Lautem
Olinda de araujo	Covalima
Lurdes do Espirito Santo	Manatuto
Adriano Pereira	Manatuto
Celsetina Guterres	Baucau
Alberto	Baucau
Cristovao Paixao	Dili
Carlos Bareto	Dili
Jeronimo	Dili
Martinho da Costa	Aileu
Joao baptista	Aileu
Antonio Alves	Aileu
Xisto fernandes	Viqueque
Florindo de Jesus	Liquisa
Imaculada da Concecao	Ermera
Juliana da Cruz	Ermera

Participants in the January Healing Workshop

Marcelina Poto	Quibi-selo
Jacinta abi	Oe-silo
Paulina Foni	Quibi-Selo
Juliana Sufa	Oesilo
Maria Lucia	Bedois/Fatuahi/Cristo rei
Maria Araujo Alves	Suhurama/Inurfuik/Naifeto
Filomena Alves	Suhurama/Inurfuik/Naifeto
Filomena belo	Atewa/Marulu/Quilicai
Joaquina D.R.Gaio	Gurusa / Lakuliu /Quilecai
Etelvina Ximenes	Abafala/Quilucai
Rosa Colo Bere	Matai / Suai
Rosalinda Abuk	Fatuk / Metan
Martinha Amaral Gomes	Suai Kota
Jacinta da Silva	Lebulau / Nunumoge/ Hatubuilico
Angelina da Costa	Mauchiga / Hatubilico
Olga da Silva	Mauxica /Hatubuilico
Saturnina Ximenez	Watucarbau /Viqueque
Joana da Costa	Ailili
Beatris Soares	Butar / Sau
Regina Freitas	Cacaven
Marta Ximenez	Lospalos Kota
Veronica Moniz	Aiasa Maba
Angelina Nunes	Lalegol / Tuluata
Alda Babo	Ponilala
Prisca Lemos	Manusae/Cucara

The next healing workshop will be conducted in the second week of February. The Victim Support Division continues to focus on providing support to district teams, and monitoring follow-up support of those who have participated in activities such as Healing Workshops with the Public Hearings during this period.

During December 2003-January 2004, CAVR teams facilitated more Community Profiling workshops in the districts to help identify the impact of the years of violence upon communities bringing the number of community profiling workshops to a total of 237.

At the end of December the first part of a two part project funded by CEP, providing urgent reparations to survivors of human rights abuses came to an end. By the end of December a total of US\$80,000 had been dispersed to 307 survivors and to National and District level organisations who provide ongoing support to survivors. This money was used by survivors for a range of activities including health care, school fees, the purchase of animals and the starting of small businesses. The second part of the Urgent Reparation Scheme funded by CEP began in January and by March all funds will have been distributed to individual survivors and/or supporting organisations.

4. Community reconciliation (CRP)

As of November, all teams had been informed that they should submit their final statements to the national office by the end of December to allow the first three months of 2004 to complete all reconciliation hearings in all districts. With a significant number of hearings still to run across the country teams have therefore been focussing their efforts on collecting the last round of statements and on

organising and running the anticipated 120 hearings still to take place over the final three-month period of implementation, covering some 800 individual cases. Because of logistical constraints and a desire to offer the opportunity to participate to all of those who had previously expressed interest, some of the district teams continued to submit statements in January. By the end of January however, all districts had submitted all statements and had prepared schedules for running their hearings.

At the close of January the total number of deponent statements taken stood at 1547, district staff having taken 200 statements predominantly in December. As this is the final total of statements taken during the whole period of CAVR's work, the process has exceeded its original target of taking 1,000 statements by over 50%. In total 26 hearings were conducted over the two-month period involving the testimony of 128 deponents.

January saw a noteworthy hearing as 20 deponents gave testimony in a hearing primarily concerned with their activities whilst militia members in Caikasa, Maubara, the birthplace of the notorious Besi Merah Putih militia. The CAVR's Liquica team facilitated the public meeting which saw a high community turnout and level of involvement. After Caikasa elders had sanctified the proceedings with rituals according to local tradition the participants were allowed the opportunity to apologise for their actions, promise never to involve themselves in such actions again, and were once more received by their community.

- *2 December:* Maliana, Lolotoe, Lupal: 1 deponent, community of Lupal
Reason for hearing: 1999 militia membership, carrying weapon.
Community Reconciliation Act: apologise, bound not to repeat
- *17 December:* Baucau, Bucoli: 1 deponent.
- *20 December:* Dili, Cristo Rei: 11 deponents, 1 victim, community of Cristo Rei.
Reason for hearing: '99 militia membership, guarding militia post, carrying arms
Community Reconciliation Act: apologise, bound not to repeat.
- *23 December:* Dili, Rai Nakdoko: 7 deponents, community of Rai Nakdoko
Reason for hearing: 1999 militia membership
Community Reconciliation Act: Apologise, bound not to repeat
*1 Victim failed to appear
- *15 January:* Viqueque, Wesoru: 12 deponents, victims
- *15 January:* Manatuto, Cribas: 11 deponents, community of Cribas
Reason for hearing: 1999 militia membership
Community Reconciliation Act: apologise, bound not to repeat
*1 deponent admitted participation in a serious crime – case stopped and referred to OGP
- *16 January:* Baucau, Kelakai: 1 deponent, 2 victims, community of Kelakai.
Reason for hearing: membership of military group, beating and intimidation.
Community Reconciliation Act: apologise to community, bound not to repeat.
* Victims unwilling to receive deponent have reserved their legal right to prosecute.
- *17 January:* Dili, Bebonuk, Metin II: 4 deponents, 1 victim, community of Metin II.
Reason for hearing: 1999 militia membership, guarding militia post, carrying arms
Community Reconciliation Act: apologise, bound not to repeat
*1 community member subsequently applied for a CRP hearing of his own after being named in testimonies.
- *19 January:* Manufahi, Tutuluru: 5 deponents.

- *19 January*: Liquica, Maubara: 9 deponents.
- *21 January*: Manufahi, Daisua: 10 deponents.
- *22 January*: Manatuto, Uma Kraik: 1 deponent.
- *23 January*: Viqueque, Uatukarbau: 7 deponents.
- *23 January*: Los Palos, Moro/Fainara: 3 deponents.
- *23 January*: Aileu, Remixio: 1 deponent.
- *24 January*: Dili, Kuluhun: 1 deponent.
- *26 January*: Manufahi, Beikala: 1 deponent.
- *27 January*: Aileu, Fahisoe: 4 deponents.
- *27 January*: Liquica, Maubara, Caikasa: 14 deponents.
- *28 January*: Manufahi, Rotuto: 1 deponent.
- *28 January*: Manututo, Lifoo: 1 deponent.
- *28 January*: Covalima, Fohorem: 4 deponents, 5 victims, community of Fohorem
Reason for hearing: 1999 militia membership, guarding militia post, carrying arms
Community Reconciliation Act: Apologise, bound not to repeat.
* 2 victims failed to appear
- *29 January*: Manatuto, Aiteas: 10 deponents.
- *30 January*: Aileu, Manukasa: 7 deponents.
- *30 January*: Liquica, Maubara, Caikasa: 20 deponents.
- *31 January*: Dili, Fatuhada: 1 deponent, community of Fatuhada
Reason for hearing: Former Chefe de Suco and suspected militia organiser
Community Reconciliation Act: Unable to reach a point of satisfaction from the
community perspective. Accusations of involvement in serious crime. Case to be
referred back to OGP.

5. Truth-seeking

In keeping with the CAVR strategic plan, the following activities were carried out by the Truth-Seeking Division through December 2003 and January 2004.

• ***Statement-taking***

In December CAVR sought to boost statement taking in the districts of Baucau, Dili, Bobonaro, Covalima and Manatuto. This was done by temporarily halting statement taking in districts where more progress had been achieved so that staff from these areas could assist their colleagues in the districts mentioned. Accordingly, statement taking staff from Liquica joined the Baucau statement taking team, Aileu staff assisted Dili, Oecusse assisted Bobonaro, Ainaro joined with Covalima and Manufahi supported Manatuto.

Also in December 13 statement takers were re-directed to work on the Retrospective Mortality Survey (RMS) which is part of CAVR's inquiry into the death toll.

In January, after the Christmas break, these teams returned to their home districts and have focussed on taking statements in villages so far not given the opportunity to contribute statements. A national total of 7300 statements had been taken by the end of January. To reach the agreed target of 8000 statements, a further 700 statements need to be taken by the end of March.

- ***Data processing***

12 CAVR staff work on reading and coding the statements referred to above, and a further 6 staff are responsible for data entry. Together they have processed 3675 statements to the end of January. During this period, CAVR has also conducted an intensive quality review of statements. A further 4000 statements have to be processed in this manner by the end of March so that the results can be analysed for the Final Report.

- ***Research and investigation***

Work commenced on the Retrospective Mortality Survey (RMS) in December following the recruitment and training of staff. This work is being undertaken with the assistance of staff from the Timor-Leste National Statistics Office. CAVR is also being assisted in the survey by Benetec USA, which specialises in surveying and analysing human rights data. 1440 households, randomly selected across every district, are being surveyed. The RMS is part of CAVR's inquiry into the death toll and forced disappearance in Timor-Leste during the mandate period.

At the same time, research continued on the eight other themes which CAVR has prioritised for inquiry. These are: woman and conflict, children and conflict, the Indonesian military (TNI), Fretilin/Falintil, International Actors, Internal Political Conflict 74-76, famine and forced displacement, and political imprisonment and torture.

- ***Public hearing***

The Truth-Seeking Division was also closely involved in the research, documentation and logistics of the Public Hearing on Internal Political Conflict 1974-1976 which was successfully conducted 15-18 December 2003 (see report in this Update, and Appendix) and in preparing for the two Public Hearings to be held in March on self-determination and children respectively.

6. Documentation and archiving

The CAVR regulation requires CAVR to preserve its records and archives for possible future reference. This comprises all forms of information and covers the archiving for access of many thousands of personal stories entrusted to CAVR by victims through its statement taking process, many hundreds of deponent statements, research data and other material, including photographs, audio and visual records. This material will form the centrepiece of a documentation centre being established by CAVR.

A big step in the implementation of this mandate was taken in November when a professional archivist, Ms Del Cuddihy, took up her position as an adviser at CAVR, provided by Australian Volunteers International. Principal activities in December included curating the moving photographic exhibition '1975' which accompanied the Public Hearing on Internal Political Conflict (see report above), and commencement of an organisation-wide inventory of records and other documentation created or collected by CAVR. This work continued in January supported by the establishment of a high-level Working Group. During this period, CAVR took delivery of an in-kind

equipment grant provided by USAID, including computers to digitalise material, display cabinets, storage files and other essential items. During this period, the CAVR archive advisor also contacted others in Dili involved in archival, library and museum projects.

7. Finance

In the December 03-January 04 period, the following funds were received, pledged or proposed:

- \$82,526 from the Government of Denmark through UNDP. This was the balance of the cost sharing agreement signed in December 2002;
- \$32,900 (out of a total of \$60,000) from UNDP for technical assistance. These funds are part of a UNDP grant to CAVR in July 2003 and has been reported in a previous Update;
- \$39,901 (in kind) was approved by USAID for CAVR's weekly radio program;
- \$46,800 of a EUR125,000 grant was advanced to CAVR by the Government of Ireland, with the balance to be paid in 2004;
- \$40,000 was approved by the United States Institute of Peace (USIP's second grant to CAVR);
- \$134,000 was provided by the Government of New Zealand.

In January 2004 CAVR revised its generic funding proposal to a new projected budget of \$5,266,000 and meetings have been held with donors, collectively and individually, requesting a further \$1million to reach this projected budget. President Xanana Gusmao and Prime Minister Mari Alkatiri supported this appeal with letters to donors.

8. Visits and visitors

2 December: Ms Carol Hannon, Representative of Ireland

2 December: briefing to Ambassador Kamalesh Sharma, SRSG UNMISSET

4 December: Japanese Study Group on post-conflict situations sponsored by the Japan Institute for International Affairs

5 December: briefing to donors at CAVR

10 December: Paulo Pinto and Hazem Galal re justice sector language project

10 December: Guglielmo Colombo, Head of EC Office

10 December: Tania Burke, Australian Mission

15 December: Federica Donati, OHCHR, Geneva

15-18 December: witnesses for Public Hearing on Internal Political Conflict (see separate report)

19 January: Ateesh Chanda, Brown University

20 January: US Ambassador Joseph Rees at US Embassy

20 January: NZ Consul-General Peter Guinness

20 January: DSRSG Sukehiro Hasegawa and Mr Haoliang Xu/Ms Lene Jespersen, UNDP

20 January: launch of 'Woman of Independence' by Kirsty Sword Gusmao

21 January: Japanese Ambassador Hideaki Asahi at Embassy

22 January: UK Ambassador Tina Redshaw at Embassy

26 January: Australia Day function at Hotel Timor

27 January: Angela Soares, AESOP/APHEDA

28 January: Australian Ambassador Paul Foley at Embassy

30 January: Yo'av Karny, United States Institute of Peace

30 January: Asia-Pacific women's group sponsored by Timor-Leste Centre for Peace and Democracy.

APPENDIX 2

INTERNAL POLITICAL CONFLICT 1974-1976 CAVR National Public Hearing, 15-18 December 2003

CAVR National Office, ex-Comarca Balide, Dili, Timor-Leste

Introduction

The CAVR public hearing on the Internal Conflict 1974-76 was an historic four days for Timor-Leste. For the first time in the nation's history, key public figures and political party representatives spoke openly and to an official state body about the past violence between Timorese in the brief period between the formation of Timorese political parties and the invasion of the Indonesian military.

The hearing was preceded by months of preliminary work. A series of meetings was held with political parties and leaders, to develop an understanding of the CAVR mandate and the role of this hearing in fulfilling it. Key international figures were interviewed. The Commission placed such high priority on this hearing due to the belief that the conflict between Timorese in 1975, at the very start of forming a new Timorese nation, remained unfinished business in the Timorese psyche and national political life. It remained a source of potential distrust and division between Timorese. To speak openly and truthfully of events of this period, and to do so in a spirit of seeking to understand and to reach out across divisions, was also seen to be a vital aspect of the CAVR's reconciliation work.

The methodology of the hearing was to divide the four days into testimony from three kinds of witness: survivors of human rights violations; key agents of the process; expert witnesses; and leaders of the historical parties. In all the CAVR heard testimony from 14 witnesses, and leaders of the five historical political parties.

Each day was opened with beautiful singing by the wonderful Lahane Timorese youth choir. On the evening of the second day of the hearing, an historic photographic exhibit of 1975 images was opened by Nobel Peace Laureate and Foreign Minister Dr Jose Ramos Horta, together with a showing of historic film footage by Australian Clive Scollay and Portuguese journalist Adelino Gomes. Mr Gomes was present, and recounted his own experiences of filming Indonesian military incursions near the border in October 1975, and his escape. With Dom Basilio do Nascimento opening the hearing, and President Xanana Gusmao closing, the event took on a national significance matched by the spirit of those testifying to come forward in an open and conciliatory way, seeking to help heal wounds and build the basis of new national relationships.

The four-day hearing was televised live across Dili by the national TVTL and broadcast by Radio Timor-Leste. Other national media closely followed the hearing.¹

¹ This report is not a verbatim coverage of the hearing. Neither is it an analysis or comparison of the veracity of testimony provided to the CAVR. It aims to give a broad coverage of the testimony given over the four days to enable readers to gain a general understanding of what was said. It is presented in chronological order as the hearing occurred. Apart from Major-General Lemos Pires (Portuguese), Mr Yusuf Wanandi (Indonesian) and Mr James Dunn (English), all testimony was given in Tetum, one of Timor-Leste's two official languages. Quotes in this text come from notes taken extemporaneously at the hearing.

Schedule

Day One, 15 December 2003:

1. Welcome speech by Aniceto Guterres Lopes, Chairperson CAVR
2. Opening Address by Bishop Basilio do Nascimento, Head of Catholic Church in Timor-Leste
3. Testimony:
 - Xanana Gusmao, key actor
 - Yusuf Wanandi, key actor (written testimony read by National Commissioner Rev. Agostinho Vasconcelos)
 - Manuel Freitas, survivor testimony
 - Mario Carrascalao, key actor

Day Two, 16 December 2003:

1. Choir
2. Prayer
3. Testimony:
 - Monis da Maia, survivor from Manufaha District
 - Major-General Lemos Pires, key actor (filmed interview from Portugal)
 - Mari Alkatiri, key actor
 - Jose Ramos Horta, key actor

Day Three, 17 December 2003:

1. Choir
2. Testimony:
 - Antonio Serpa, survivor from Laleia in Manatuto district
 - Tomas Goncalves, key actor
 - Rogerio Lobato, key actor
 - Domingos de Oliveira, key actor
 - Francisco Xavier do Amaral, key actor

Day Four, 18 December 2003:

1. Choir
2. Testimony:
 - James Dunn, expert witness
 - Kota, Clementino Amaral (Vice-President)
 - Apodeti, Mr Frederico Almeida Santos (President, Apodeti Pro-Referendo)
 - Trabalhista, Paulo Freitas da Silva (President)
 - UDT, Joao Carrascalao (President)
 - Fretilin, Francisco Lu'Olo Guterres (President), Mari Alkatiri (Secretary-General)
3. Closing address by Excellency Kay Rala Xanana Gusmao, President of the RDTL
4. Closing Reflection by Fr. Jovito do Rego Araujo, Deputy Chairperson of the CAVR
5. Closing Prayer by Rev. Maria de Fatima Gomes

Welcome by Mr Aniceto Guterres Lopes, Chairperson of the CAVR

In his opening address, CAVR Chairperson Aniceto Guterres Lopes said that seeking to understand the past, acknowledging past mistakes and learning from these, is an integral part of the nation building process of Timor-Leste.

“Today, four years after we gained our freedom, we are ready to undertake an important and difficult step on the road to self-knowledge. We are secure, courageous and wise enough to know that we must look into our history and to understand it, if we are really to be able to leave it behind. I want to thank our national leaders for their understanding of this important issue and their great support for this process.”

“Over the next four days we will explore together, as a united and free nation, one of the most painful periods of our history. The stories you will hear from victims, key actors, expert witnesses and representatives of political parties will at times fill you with pride. At other times they will move us to regret and shame. Let us move through this process together, recognising that it also requires great courage to admit failures, and that this process is undertaken with the goal of cleaning our house, removing the smell of the rotting rubbish that can only become putrid and poisonous if it remains hidden in dark places.”

“... Some of you may ask why do we need to open up old wounds which have healed. This is a question which the CAVR must face squarely if it is to fulfill the mandate which your representatives, the Parliament, have given to us. The issue is not whether we need to leave the past behind. We know that we do. The goal for us is to courageously seek the best way to do this, to move forward not weighed down by the past ... The process which we will undertake together over the next four days is intended to assist in healing the wounds of the past. Let us not run away from the need to look at our history. What has happened is the truth, it took place. Let us learn from these experiences together so that the old wounds can indeed be cleaned out and be allowed to heal properly, open to light and air, in a spirit of reconciliation and the desire to create a peaceful and prosperous future for our people. Let us recognise our past achievements and glories, and also our mistakes, so that we can guard against making them again.

“...Excuses such as necessity, security and war are never sufficient to justify violations of basic rights of our individual citizens. This is a lesson we need to take with us, so that it can never happen in the future ...”

In concluding, Mr Guterres Lopes said,

“In moving forward let us keep both eyes firmly ahead, but let us also remember where we have come from.”

Opening Address by Bishop dom Basilio do Nascimento, head of the Catholic Church in Timor-Leste

Bishop Basilio do Nascimento is renowned for his warm personality and his combination of keen intellect and popular touch. He began by saying that when he received the invitation to open the hearing, “my heart was divided,” telling of his concerns for Timor’s future when the CAVR began its work.

“Why are we here today? Because of a historical time ... because of the wounds of the past, all Timorese people have waited ... so that we can make reconciliation ... reconciliation for the past suffering, for our land, all Timorese suffered ... Timorese people need to make reconciliation within ourselves, with our land and with our history ... we know this is a good idea, but it is very difficult to do ... we hear words of justification and legitimisation ... ‘because of war I did this’ ... we need to examine this...”

“About morality ... reconciliation within ourselves can only happen when we are able to let go of our remorse ... otherwise a voice will always be talking at us ... always calling in our heads, in our minds ... that is why I say that reconciliation can only be achieved when we are able to let go of our remorse ... We can arrange all sorts of intellectual reasons and arguments .. but when we haven’t got reconciliation within ourselves we are divided. Not just as a nation or groups, but within ourselves ... like a double personality, our mouths say one thing, our actions do another ...”

Bishop Nascimento reflected too on justice stating that reconciliation with justice is the way.

“We know our dead will never return, but we need to know the circumstances of their deaths ... What we Timorese mean by justice is particular ... I observe that Timorese do not wait for those who have done wrong to be punished. This is up to the state ... when Aunt Maria’s son is killed in the mountains ... justice for ordinary Timorese people includes clearing the name,

and making sure that people have not forgotten (the victims)... So this makes us think. Learned people tell us we need justice through the courts. True. But according to the people, there is also this other justice.”

In conclusion, Bishop Nascimento thanked the leaders of the historical political parties for their courage and humility to come forward at the hearing. He said to all Timorese people that “this is the time to understand our past ... and to create a new home in Timor.”

The Commissioners took their seats, and the audience swelled to over 800 people to hear the first testimony of a key actor from 1974-76 period, Mr Xanana Gusmao.

Testimonies

Mr Xanana Gusmao, key actor

Mr Xanana Gusmao spoke as an individual key actor, not as President of the RDTL. He outlined his involvement in Timor-Leste’s political process, starting from the events of 1974-1976, and then beyond this to the different phases of the Timorese struggle for self-determination.

“I joined Fretilin in September 1975, after the counter-coup. In May 1976 ... meeting in Viqueque. In 1977 I went to Los Palos. On 22 November ... I went to Matebian, and was responsible for the Region Ponte-Leste. In March 1981 ... in the re-organisation I became the Chief of Falintil. In 1987, we created the CNRM, and Falintil became separate to Fretilin. This is my involvement as an agent of the process.

“I came here to follow the object of reflecting on the causes and effects ... and with the leaders here ... to clarify the conditions of this process ...”

Mr Gusmao spoke at length about the political and social climate of Timor after the 25 April 1974 “Revolution of Flowers” in Portugal. He told how initially Timorese people were happy, and had high hopes for what would follow. However, he said that very quickly the new political freedom in Timor turned to a politics of personal attack.

“... when we had freedom to form parties and talk about democracy ... very soon we saw personal attacks and criticisms of each other ... and groups attacking each other ... the parties divided Timorese ... within families ... father and son, brothers, friends divided ... we used to meet each other and welcome, but then no more, we looked at each other and said, who are you?”

Mr Gusmao noted how parties failed to look at the wider national interest, but focused rather on presenting themselves as the sole bearer of national interest.

“Political party leaders had no energy to reduce violence ... political party leaders were happy when they heard reports from the ground that they had beaten up people ... when they heard of a political party in one place, they sent their people ... and then they would fight when they got there ...”

Mr Gusmao analysed the formation and focus of each of the two major historical political parties, ASDT (which later became Fretilin) and UDT, and of the Apodeti party which favoured integration with Indonesia. The Trabalhista and Kota parties were not key to the process, he said. “The parties,” he said “provoked division amongst the people.”

Mr Gusmao said that the situation in Timor was very tense from June 1975, especially in the interior. This worsened in July, when he said that the situation was “very bad”, and in August before the UDT coup he said people were walking around Dili with guns. He spoke of the coup (using that word), as an anti-communist movement. He had earlier noted how UDT leaders were coming under pressure from Jakarta. He said that pressure from Jakarta on UDT leaders occurred in the context of US war in Vietnam, and the situation in Cambodia.

Mr Gusmao recounted how UDT members took him to their Central Committee to explain their situation, saying that if Indonesia thinks Timor is communist it would invade. He noted that “the generalisation that UDT made that all Fretilin was communist ... was easy to make,” but that within this context, “people in the interior began to fight.”

Mr Gusmao was blunt about the Fretilin response: “the response from Fretilin was revenge.” Once Fretilin gained control, he said that “in Taibesse (a suburb of Dili) ... my own people began hitting people ... they said ‘we have the right to hit people’ ...” Mr Gusmao emphasised that “this attitude of ‘I have earned the right’ to do such things is something that must change in Timorese society.”

Mr Gusmao spoke of the full-scale invasion on 7 December in Dili, and the evacuation to the hills behind Dili. He told of the very sensitive issue of Fretilin taking UDT prisoners to Aileu and Same where many were killed. He said:

“... The UDT and Apodeti prisoners were taken up into the hills not with the intention to kill them ... but the parachutists were already landing ... the Indonesian troops were occupying Dili, coming up, coming up. Control, I can say ... there was a lack of control ... The Aileu massacre, some say that it was the taste for political revenge, but I do not believe it was a party policy, especially because there was already a lack of control, we members of the Fretilin Central committee, the civil political members, at the moment of the invasion the military people told us if we don’t want to carry guns ... just to run ... the situation was not total lack of control, but it was close ... the situation in Dili, the population was running running running to the hills ... I can say that the massacre was not a planned political programme, not a political policy or strategy. It happened, yes. It happened. And the Same massacre shows us that the Fretilin Central Committee did not have capacity ... because the enemy was pushing, pushing pushing ... Falintil and the Fretilin Central Committee’s complete attention was on the advance of the enemy ... we cannot say that the party said to do this, no, the problem was that the forces of the enemy were coming from the East, from the border, then in Dili, parachutists in Baucau, landing in Los Palos, in Viqueque ... the situation was one of lack of control ... we cannot say that Fretilin organized it ...”

Later, questioned by National Commissioner Mr Jose Estevao about this, Mr Gusmao said,

“Even though the war had started ... we didn’t lose all control ... we did not lose absolute control ... we were trying to face the enemy who were coming, not only by road but from everywhere ... the Central Committee met in Maubisse ... and only talked about the enemy ... we didn’t have time to decide about other problems. It just talked about where is the enemy? Where have they moved to? Where are they now? So that was the lack of control. ... those who died in Aileu ... if those giving testimony say who is responsible, then that is alright ... What I said is that I understood that they took people to Aileu not to kill them but to escape (the invasion) ... but it is up to the CAVR to decide ...”

Mr Gusmao closed his testimony by asking all Timorese to participate in the hearing in the spirit referred to by Bishop Nascimento and CAVR Chairperson Mr Aniceto Guterres Lopes.

“... this is not a tribunal ... we’re trying to understand this, because this is something that we did ... I ask you to trust the CAVR ... to strengthen the process the Bishop has already talked about.”

Mr Gusmao returned to the CAVR to close the hearing on the fourth day, in his capacity as President of the RDTL.

Mr Manuel Duarte, Survivor from Ermera district

Mr Manuel Duarte told of his survival of an execution of prisoners by the UDT party in September 1975. His story reflected the arbitrary violence meted out to prisoners held by the two major political parties.

A member of Fretilin, he told of being captured by UDT in Dili on 11 August 1975, released and then captured again on 12 August and taken to the village of Aifu. He told how, after Fretilin seized power on 20 August 1975, UDT fled to Ermera taking prisoners with them. He said there were more than 70 prisoners packed into a small cell, and of the group of six who were taken to the village of Claetremen. He gave a graphic account of the terrible moments before execution.

“The elder Lourenco stated that ‘It is alright for us to die, but give us time first to pray to God.’ We knelt, six people behind us, each with a spear. After praying, they asked us ‘Have you finished praying?’ Then they counted one, two, three ... they pointed their spears at our backs. I immediately rolled down, the five others also fell after me into the coffee plantation, at a cliff by the river. Then they followed us, they lifted my jaw and beat it with a piece of wood until it was broken ... they picked us up and placed us in a row ... covered our bodies with a thin tarpaulin and placed coffee branches on top of that ... then they left ...”

Mr Duarte spoke of how he slowly moved out from the tarpaulin, crawling to bushes and through the night slowly making it to a house where he was treated. When Fretilin arrived in Ermera the following day he was taken to Dili for treatment. He recalled how he had only returned to Ermera on 6 December, the day before the full-scale Indonesian invasion.

Mr Jusuf Wanandi, key Indonesian actor

Mr Jusuf Wanandi, also known as Liem bian-Kie is from West Sumatra and is a Board Member and Senior Fellow of the Centre for Strategic and International Studies (CSIS) in Jakarta. He is a lawyer and political and security strategist and, amongst other positions, is currently President Director of the publishing company of the Jakarta Post. CSIS was established in 1971 with the support of the late Major-General Ali Murtopo and Soedjono Hoemardani, personal assistants to then President Suharto, to undertake policy study on issues of strategic importance for Indonesia. The Murtopo group opposed the independence of East Timor. CSIS worked closely with the Bakin intelligence agency and with Special Operations (OPSUS) and played a leading role in Operasi Komodo. CSIS also devoted considerable resources to countering East Timorese independence views particularly in conservative circles in western capitals, including Australia and the USA.

Mr Wanandi was unable to travel to Timor-Leste for the hearing. He presented a written submission to the CAVR, which was read in Indonesian by National Commissioner Rev. Agostinho Vasconcelos.

Mr Wanandi opened his presentation by referring to the Indonesian Constitution of 1945, and its support for the right to independence of all nations and the eradication of colonialism. However, he said, “the journey of nations to determine their own destiny, there are certain boundaries in order to prevent constant anarchy and conflict ...”

This set the context for his analysis of events in 1974-75. Essentially he said that Indonesia supported the right to self-determination of the Timorese but that the view was that they should have a realistic option to choose to integrate with Indonesia.

Mr Wanandi emphasized what he regarded as Portugal’s failure to fulfil its decolonisation responsibilities. He said that Portugal had “no clear and detailed concept” of a Timorese decolonisation process, and that “they were always overwhelmed with a *fait accompli* by developments in all colonies including East Timor ...” He spoke of the many meetings between Portugal and Indonesia, where he said Indonesia came to understand that the process of Indonesia influencing Timor toward integration would be supported. However, he said that the instability of the Portuguese government after the April 1974 revolution also resulted in the Portuguese not fulfilling promises and plans made between the two countries “so that Indonesia felt ‘fooled’ in various plans or agreements.”

Mr Wanandi also spoke of uncertainty within the Indonesian views on Timor-Leste. In this regard he told of the difficulty of reconciling the idea of self-determination with the Indonesian view that the Timorese should be able to choose to join Indonesia. He said that Indonesia was in a tight situation in

1974 with oil debt crisis, and that President Suharto was preoccupied with the need for economic consolidation and development. He said that

“... within Indonesia the person who totally refused the idea of East Timor joining the Republic of Indonesia was President Soeharto. He felt that the People’s Consultative Assembly (Majelis Permusyawaratan Rakyat – MPR) had never been given the mandate to make decisions for outside the territory of the Republic of Indonesia. He was also experiencing a lot of challenges in national development, especially economically. Therefore he did not want to add other unnecessary burdens ...”

Mr Wanandi painted a picture of Indonesia losing its diplomatic patience “when the civil war occurred on 11 August 1975 between UDT and Fretilin, “ and that later “with Fretilin’s partial declaration of independence in November 1975, the peaceful and diplomatic road became a dead end and violence became a *fait accompli*.”

Mr Wanandi told of Indonesia’s preoccupation with communism in the region, in the context of the North Vietnamese victory. In this sense, he said that Indonesia had a strategic interest in Timor-Leste, “that East Timor could become the source of security problems should a vacuum of power occur, which could easily have happened in the framework of the decolonisation process.” He said that the governments of Australia and Malaysia pointed these issues out to Indonesia, suggesting that Indonesia should “influence this process in order to ensure safety and stability in the Asia-Pacific Region.”

In his analysis Mr Wanandi made no mention of the Indonesian Operasi Komodo that had commenced in late 1974 , and which involved Indonesian military activity in the border areas inside East Timor in October 1975, as testified by other later witnesses. Also no mention was made of important meetings held between Indonesia key figures and Timorese UDT leaders before the 11 August UDT action. Perhaps alluding to Operasi Komodo, he did say “General Moerdani had always been of the opinion that we should fight this civil war by assisting UDT and Apodeti with weapons and ‘volunteers’, but the people were always limited and so were the areas they entered, and this was all done in secrecy.”

In concluding his submission, Mr Wanandi noted that his analysis

“is a personal interpretation ... regarding perspectives and thoughts of persons and groups who played a role in the development of the de-colonialization process in East Timor in 1974-1975. Because it is a personal perspective it certainly will be corrected by others during this ‘hearing’ or at other opportunities which will certainly arise. I would like to emphasize here that this reflects the opinions and perspectives of perpetrators and groups who played a role during that time, and it is not necessarily that I personally agree with the leaders of Indonesia of the time. Especially now that we understand the problem more fully.”

Mr Manuel Freitas, Survivor from Covalima District

Manuel Freitas gave testimony as a survivor of the 1975 violence in Dili. From Suai, he was in Dili as a teenager in 1975 during the Timorese political party violence of August-September.

Mr Freitas spoke of the confusion during this time, and the violence against ordinary people by those with power and weapons. He told of being accosted many times on the roadside by political groups, required to produce political party identity cards but not knowing which card to produce to prevent being beaten up. His story highlighted how difficult it was for ordinary people to avoid being caught up in the violence at this time.

In August 1975 he was taken prisoner in Dili by the UDT party. He told of being tortured and threatened with death in prison, before being released with his body “caked in blood.” Mr Freitas spoke of the violence when the Fretilin entered Dili from Aileu on 20 August Dili, depicting scenes of street gun battles with civilians being caught in the middle. As Fretilin took control, he said he was selected for duty on the border in September 1975.

When he finished telling of his experiences in 1975, Mr Freitas told of the years of Indonesian occupation when he was in and out of prison many times. In 1983 he said he was taken by the Indonesian military, then arrested again in 1984 by the military and imprisoned for four years. After the Santa Cruz massacre of 1991 he was imprisoned again, for seven years.

Asked by the CAVR Deputy Chair, Fr Juvito de Araujo, “How do you feel now when you see UDT party people?” Mr Freitas responded:

“The way to peace is through reconciliation. Our nation is built on blood and bones. Now is the time for peace ... the experience we had at that time must not happen again ... I ask people to remember the people who died in the mountains. Many people in those communities want to hear from the historical political parties. We don’t ask for much from the parties. Do your work well. We don’t want to fight again. If you want to fight again, hand over the power to others ... If you are to govern, govern well, with love for the people ... we don’t want to die again...”

Mr Mario Carrascalao, key actor

Mr Mario Carrascalao was the Head of the Agriculture Department in 1975, and an important figure in the formation of the UDT political party. From 1982-1991 he was the Governor of the East Timor under the Indonesian administration. He gave testimony for over three hours on the first afternoon of the hearing.

Mr Carrascalao gave an at times detailed account of the 1975 period, and the political atmosphere in Timor in the early months of 1975. His analysis of causes of the violence and conflict between Timorese political parties examined external and internal factors. As he commenced his testimony, Mr Carrascalao said:

“I am already of advanced age. Before I die it is important that I share what I know. Many people do not know what happened ...”

Mr Carrascalao’s testimony focused on the periods after the 25 April 1974 regime change in Portugal that led to the formation of political parties in Timor, the tensions between the parties in the months leading up to the violence of August 1975, what he called the anti-communist movement of August 1975 by UDT and the Fretilin response, the circumstances in the camps of West Timor when UDT members fled across the border in September 1975 and the subsequent attempts by the Indonesian regime to legitimize its invasion with integration documents in 1976.

Mr Carrascalao said that in April 1974, at the time of the Carnation Revolution in Portugal, he was studying in Portugal and had been part of group preparing themselves for the fall of the Caetano regime. Interested in forming a political party in Timor, he was the head of the committee established to form the UDT party. Mr Carrascalao was at pains to dispel the view that he was the first President of the UDT party, explaining that this was confusing his role as head of this committee.

UDT was formed, he said, with the original aim of federation with Portugal and a view that in 20 years Timor would be sufficiently mature and developed to be independent.

He said that there were many internal factors behind the deteriorating political climate of Timor in 1975. Timorese had virtually no political experience in an open, democratic process; there was a complete lack of civic education - Portugal failed to do this as it was focused on leaving as fast as possible; he said the Timorese students coming from Portugal transformed the Fretilin party from a moderate party to a revolutionary party that saw itself as “the sole legitimate representative of the people of Timor.”

Mr Carrascalao highlighted his view that the small number of students from Portugal, seven people, altered the course of the ASDT party into the revolutionary-focused Fretilin. Ideology, he said, divided Timorese. “... The Timorese didn’t sit together and communicate with each other. This was the problem.”

Mr Carrascalao spoke of how in the mountainous interior of Timor, communities tended to be either all loyal to one party or the other. "In Maubisse," he said, "everyone was UDT, in Uatu-lari everyone was Fretilin, in Uatu-caribau all Apodeti ... Timor was divided like this."

At the time of the UDT action on 11 August, he was touring the central mountains of Timor for his work, and that "...on 12 August in the afternoon I heard on the radio that the anti-communist movement now controlled all of Timor."

Making his way to Dili, Mr Carrascalao spoke of a city in a precarious situation.

"When I came down (to Dili) I only saw military commanders in charge of UDT, not political leaders. Children and old people carried guns and did what they were told ... we saw children, 12 years old, carrying guns on the streets ... in Dili people were divided into two, Fretilin controlled the east, UDT controlled the west ... I saw that there was no organization. My younger brother Joao was in control (of UDT). He didn't sleep ... no meetings were held. No-one consulted with me about what should be done. Everyone just did things as they liked."

Asked by the CAVR Chairperson, Mr Aniceto Guterres Lopes, what he thought the objective of the UDT anti-communist movement was, Mr Carrascalao said that the objective was to ask Portugal to come and stop Fretilin. He said that the aim was not to arrest Fretilin, but that Fretilin reacted and the situation escalated. He acknowledged that Timorese leaders failed to sit together and communicate about differences.

Mr Carrascalao spoke strongly against communism in his testimony. He said that when UDT acted in August 1975, "the communist movement had not yet put a structure in place. But their mentors were in place. It was embryonic when the coup was done." He said, "I may be many things, but never a communist."

Mr Carrascalao emphasized that in Timor at the time there were many guns from the Portuguese administration, "so many guns ... we couldn't use all of these in five years ..." He said that it was his impression at the time that the police provided guns to UDT and the military to Fretilin. Overall he estimated there were 17,000 guns on all sides, which was too many in the circumstances.

Mr Carrascalao spoke of UDT fleeing to Batugade after Fretilin took control. During shooting at night in the fighting between UDT and Fretilin he saw for the first time tracer bullets in the night sky. He said that it was only later, in Atambua, that he realized that these tracer bullets came from Indonesian guns, as the Portuguese guns were not like this.

He told of life in Atambua, and the signing of the so-called Balibo Declaration which declared Timorese integration with Indonesia. He said that there were two concepts. UDT, he said, wanted to ask Indonesia to come to Timor-Leste "to create the conditions for democracy." Bakin, the Indonesian security/intelligence agency, on the other hand, wanted full integration. He said that the Bakin concept "was implemented and read over the radio" as the Balibo Declaration.

Mr Carrascalao said that after the invasion a so-called popular assembly was held in Dili to affirm the declaration. Later, he said, this declaration was taken to Indonesia's President Suharto. He said President Suharto did not really trust this document, and so sent a fact finding mission to Timor, including diplomats from India and Iran.

Toward the end of his testimony, Mr Carrascalao reflected on the issues of justice and reconciliation.

"CAVR has a difficult problem of what it must do to create reconciliation ... I think to have reconciliation, we need justice. ... Do we take this to the people in a referendum, or to the parliament and ask, do we do reconciliation only? Or reconciliation with justice? My own view, personally, is that those who have done wrong should be punished, according to international principles."

Mr. Monis da Maia, survivor from Manufaha District

Mr Monis da Maia is from the southern district of Same. He described the events following the UDT seizure of power in August 1975, events after Fretilin captured power later that month and then in the period immediately following the Indonesian full-scale invasion in December. Once again, his story reflects the terrible treatment of prisoners meted out by the Timorese political parties at this time.

Mr. da Maia said that when UDT took power he was called to an office on 11 August where UDT party people told him “now you may not react because from east to west, the entire country has become UDT.” When Fretilin entered Same on 27 August, he said UDT people fled to the east though he and others stayed because they wanted to see the army arrive.

He said Fretilin soldiers saw him in the street and set about beating him. Unconscious, he was taken to the school which served as a prison. He told of summary executions in the prison, and regular beatings of prisoners. He recalled how he was so badly injured from these beatings at one point that he was taken for dead.

Mr da Maia spoke of what was known as “popular justice” during this period, when Fretilin brought prisoners in front of the public for accusation and summary punishment. He said that those prisoners who had heavy accusations against them were taken to prison in Aileu. Though the community only accused him of using rough language, he said he too was taken to Aileu on 9 October and on the way prisoners were beaten, and beaten again on arrival in Aileu.

When the Indonesian military entered Dili in December, he said that more prisoners arrived in Aileu from Dili. When Indonesian planes attacked Aileu on 27 December, he said they left on foot for Maubisse in the central mountains. He said they marched in the rain through the night. During the night, “several people were killed ... at the road that turns off to Turiscai.” From Maubisse they continued on to Same in the south. In Same prisoners were held in a house. Mr da Maia told of how one day he and others were loaded into a car, blindfolded and taken away. By the roadside the car stopped, and prisoners were taken out and shot one by one.

“... I knelt, closed my eyes, and gave myself over to God. The weapons were pointed at me. When I had finished praying, that person shot at me and I fell to the ground. How that bullet only wounded the back of my head, I could not stop wondering about this ... there were eight of us taken to be killed, six died on the spot ...”

Mr da Maia had crawled away and was later hidden by relatives. He told of how on 29 January 1976, he heard gunfire in the Same town. “I thought that ABRI and Fretilin had begun to fight, but this was not true. What I saw was a massacre (of prisoners held by Fretilin) at the Primary School.” In March 1976, Mr da Maia surrendered to the Indonesian military.

Major-General Mario Lemos Pires, key actor

Major-General Mario Lemos Pires was the last Portuguese Governor of Timor-Leste, sent by the Portuguese Government after the April 1974 regime change to oversee the process of decolonisation. He was then 44 years old, and came as Governor and Chief Commander of the East Timor Army, as Movimento das Forças Armadas Representative and the only legislative power.

He contributed to the two official Portuguese Government reports on the decolonisation of Timor-Leste and published his own account of the events of 1974-75 in his book *Descolonizacao de Timor: Missao Impossivel?*

Major-General Lemos Pires’ testimony was video recorded in Portugal, as an interview with National Commissioner Jacinto Alves in September. He gave testimony in a general response to a number of broad questions and issues raised by the CAVR prior to the recorded interview. He then answered more specific questions from National Commissioner Jacinto Alves. This was the first time he had spoken publicly to the Timorese people of these historical events. Major-General Lemos Pires spoke with dignity, and demonstrated his deep engagement with the issues and with Timor-Leste.

He began by focusing on external factors which affected the decolonisation process. He highlighted that the decision to decolonise Timor-Leste came about as a consequence of the revolution, and not as the result of a consensus among government and opposition parties.

“I put a lot of emphasis on this because no-one in Timor-Leste was prepared to receive information like this. There was no political demand for this in Timor-Leste, the Timorese were not politically prepared to deal with a situation like this ... for the same reason, Portugal was not prepared to decolonise, it did not have a decolonisation policy, and worse than that, all the countries in the world that asked Portugal to decolonise, when the time came, did not attempt to help or support us.”

In describing his mission in Timor-Leste, Major-General Lemos Pires referred to the very limited resources available to the process at this time, and of the preoccupation in Portugal with receiving 500,000 Portuguese from the former African colonies.

“I left for Timor-Leste with the belief that the support that I would eventually receive from the Portuguese Government would be very limited, and worse than that, the focus of the Portuguese politics on the East Timorese process would be minimal. I was right.”

He spoke of Portugal after the 1974 revolution, and how the situation did not favour the process in Timor-Leste.

“The Portuguese nation that emerged from the revolution was very weak, without cohesion, with a lot of difficulties and with no credibility among its previous (western) allies. The nation was very worried about its revolution and attempting to gain some political stability, caring for the citizens who were arriving from Africa and firmly deciding to finish the war in the African countries ...

“What did the Portuguese people think about Timor-Leste in 1974, after the revolution? Nothing, not much, little. Nothing. Their thoughts were about the revolution and their relatives in the African territories ...”

Of the Timorese political parties and political life of 1974-75, he said,

“... The political parties were born as a result of the revolution, they were not the matured consequence of a learning process as happened in Africa colonies where the war created a lot of highly valuable politicians and as later happened in Timor-Leste during the Indonesian invasion. These parties were created by some Timorese citizens that organized themselves and started to have some political ideas. They were obviously very immature, and that was very harmful.

“There was a lack of preparation for democratic life which was, for the first time, presented to Timor-Leste ... Nobody prepared the Timorese, nor the parties, for political activity. How could they be prepared? ... The revolution did not ask for time to prepare the Timorese leaders before telling them that their country would be independent.”

He emphasised that it was clear in 1975 that UDT and Fretilin were the only substantial parties in Timor at the time, that Kota and Trabalhista were “small elite parties without any popular support,” and that Apodeti did not enjoy strong support, that “its leaders had close links with the Indonesian Consul and sometimes it was hard to understand who ruled the party ... East Timorese leaders or Mr Tomodok.”

“The East Timorese people lived through this scenario with a strong feeling of surprise and some lack of orientation, a lot of them joined parties without knowing their ideology ... most people were in one party or other mostly due to their friendship or because they were contacted at an early stage ... traditional leaders were possibly most surprised, having lived in a stable situation under the Portuguese administration ...”

Focusing on the international players, Major-General Lemos Pires' main point was that “the United Nations ... should have been the principal player in this process.” He stated that he had asked the Portuguese Government to request a United Nations presence in Timor-Leste, but that they never made

this request. He said that Portugal was focused on the African decolonisation process, in which they did not want the United Nations involved.

Major-General Lemos Pires noted that Portugal's western allies and the United States "had an important impact on this process. They knew about the Indonesian invasion and they accepted it." He said that Australia had a negative impact on the process, "its main concern was that Timor-Leste was not a focus of instability which would upset Indonesia."

On Indonesia, he said,

"in my opinion ... Indonesia decided that East Timorese integration was not only the best political solution but the only solution. ... Everything about Indonesia's actions deteriorated from the time that the agreement between UDT and Fretilin was made. Indonesia did not accept independence as a political solution for Timor-Leste."

Major-General Lemos Pires then examined internal factors which had an impact on the decolonisation process.

In his position as Commander of the military, Major-General Lemos Pires said that while the army could have been a guarantee of security, "what I found when I arrived in November 1974 was much more a factor of insecurity." He said soldiers were affected by the revolution in Portugal and the sentiment that it was time for Portuguese soldiers to leave the colonies. He said that Timorese soldiers, while good soldiers, were changed by the revolution as they were also Timorese citizens and held to their opinions about the political parties.

"All of them wanted to take a political side but worse was that the political parties, mainly UDT and Fretilin, each tried to convince them to help and support their own parties. That being so, what I found was that the Army could not fulfill its mission."

Military reorganization was part of the decolonisation process. To assist this, he said that in response to his request for two companies he was given only two parachute units comprising less than 70 men. He said "this was the only group I could rely on ..."

Moreover, Major-General Lemos Pires said a major concern for him throughout the decolonisation process, including the period when he left Dili for Atauro, was his aim to prevent Portuguese and Timorese soldiers fighting each other.

He explained how the decolonisation process was being implemented. Administrative reforms were made, legislation issued, and local elections were taking place. The education system was to be restructured.

He said the coalition was important, especially because UDT and Fretilin were the main parties to discuss the decolonisation legislation which, he said, prepared the way for "a transitional government quite similar to the one created later in 2000 when UNTAET assumed Timor-Leste's administration." He noted that this legislation was approved on 17 June 1975, "but it was not put in place due to the political situation in Portugal."

"Facing the decolonisation process, with specific programmes and a firm intention to deliver the territorial administration to the East Timorese within a three year term, in 1978, Indonesia undertook a whole set of subversive actions to prevent the process from reaching independence ... Indonesian troops often entered via the border, they organized an exhibition at the consulate to display their military power ... and they built a whole scenario to suggest that everything that happened in Timor-Leste was communist-driven."

On what he called the UDT coup, Major-General Lemos Pires pointed out that UDT undertook the action "using guns stolen from the police headquarters without any shooting." He said he had no previous warning of this coup, and that it brought a halt to the decolonisation process. He withdrew to Atauro without any explanation, he said, to prevent a situation of armed resistance to this action and so to prevent bloodshed between Timorese and Portuguese.

The Major-General said he is often asked why he did not use force to reach a political solution to the UDT coup. He said he could not use the Timorese soldiers, as they had their alliances with the political parties. "I believed that my orders would not have been followed." He also said that he could not afford to have Indonesia use an image of Portugal fighting alongside Fretilin to defeat UDT, as this would give Indonesia the excuse "to try to stop the communist process in history." UDT, he said, proposed that he sign an agreement that they were working together to fight the communists. "... What would have been the consequences if the Portuguese governor had made a political alliance with one of the parties in the middle of a decolonisation process? The most likely result would have been for Fretilin to run to the mountains and start a guerilla war...."

Reflecting on the lessons of 1975, Major-General Lemos Pires made several points. He highlighted the lack of support for Timor-Leste from Portugal's major western allies until 1999. He highlighted that illegitimate use of force, by UDT, by the Indonesian military invasion, always results in violence which, once started, "has no brakes, no limits, it violates basic human rights." He urged that those in power, should look to use dialogue rather than force to solve problems. They "should take a lot of care and thought before choosing to adopt force as a solution, and it always has to be legitimate. If it is not legitimate it is not force, it is violence." He urged that the police and military must "stay away from political parties." He noted that "this is a great responsibility for the army, but ... an even greater responsibility for the politicians."

In focusing on civic education for all Timorese, on strengthening democratic institutions in Timor, and on emphasizing military ethics in training, Major-General Lemos Pires concluded that "the most important thing now is that you have a solidarity, cohesion and a strong feeling of nation ... and East Timor should be and appear as a place of stability, a place of peace, a place of freedom ..."

Mr Mari Alkatiri, key actor

Mr Mari Alkatiri gave testimony on 16 December. Mr Alkatiri was born in Dili in November 1948. His parents, members of the Dili Arab community, originated from southern Yemen. He was educated at the Dili Mosque School, at a Portuguese government school and at the Dili Liceu. In January he was a founding member of the clandestine anti-colonial group in Dili and later that year left for Angola to study surveying. He was a founding member of the Fretilin Central Committee specialising in political affairs and in diplomatic work in relation to Africa and the Arab world. He was sent out of Timor-Leste in December 1975 on the eve of the Indonesian invasion to internationalise the issue and served many years as a senior member of Fretilin's diplomatic mission. He worked as a lecturer in international law at the Eduardo Mondlane University in Mozambique. He is Fretilin Secretary-General and became Prime Minister of the RDTL in 2002.

Mr Alkatiri gave testimony as a key actor in this historical period, not as Prime Minister. He began by saying:

"I thought a lot about coming here as an agent of the process. So many of my friends are dead and cannot speak. I felt it necessary to speak today. So many died because two groups fought each other. So we ask why did this conflict happen?"

Most of Mr Alkatiri's testimony was a reflection on this question. He focused on both internal and external factors during this time, including key moments, individuals and countries.

Mr Alkatiri told of a small group that started political activities in Timor in 1970, aimed at developing political activities against Portuguese colonialism. From this small group, he said, the political party ASDT was formed on 20 May 1974. He reflected that he is the only survivor of this small group.

He told of the period when UDT and Fretilin might have worked together, of the failed coalition between the parties in 1975, of the lead-up to the UDT taking power on 11 August 1975 and of Fretilin's response. He spoke too of the period once Fretilin had wrested power from UDT and

controlled Timor, and of the situation in the mountains immediately following the December full-scale Indonesian invasion in Dili.

While he acknowledged lost opportunities and faults within the Timorese political groups, Mr Alkatiri's central point was the external interference was the major factor behind the conflict of 1975. The closing words of his presentation were "... if there had been no external interference, there would have been no war ..."

He said that in his view from 25 April 1974, Portuguese colonialism was no longer relevant, that it was the danger of a new colonialism, from Indonesia, that was the critical factor. In this sense he refuted the earlier suggestions that Fretilin was transformed by the small group of students that returned from Portugal after the 1974 Carnation Revolution. Fretilin, he said, was "transformed due to internal and regional realities," namely the danger of this new colonialism from Indonesia.

It was in this context, and what he called Portugal's support for this new colonialism, that Mr Alkatiri said ASDT was dissolved and Fretilin formed. He said the idea was to create a wide front to raise patriotic consciousness, and to prepare the people for resistance should Indonesia come to Timor.

He said that in 1974, ASDT overtures to UDT to develop national policy in this respect went without response. Speaking of the short period of Fretilin-UDT coalition in January-February 1975, he said that this partnership failed due to the lack of practical mechanisms to deal with difference of views within the coalition: "... with no real method ... or an instrument to resolve conflict, the coalition died."

He spoke of the days leading up to the 11 August UDT taking of power. Reflecting on how the violence started, he spoke of the killing of Domingos Lobato, the Fretilin leader Nicolau Lobato's younger brother, on 8 August 1975. He said that Nicolau Lobato released the killer without any vengeance. This, he said, showed what kind of man Nicolau Lobato was.

Mr Alkatiri reflected on the causes of the 11 August UDT action. He told of how he and Mr Joao Carrascalao are now friends, of the nights they spent talking together in a hotel in New York about these events during the occupation years. He said that Mr Joao Carrascalao said that when the delegations returned from the Maucau meeting in July 1975, they stopped in Jakarta and Bali on the way back to East Timor. He said Mr Joao Carrascalao told of how they met with the Malaysian Defence Minister, who offered to help UDT if it beat Fretilin.

"It is a lie to say that UDT attacked Fretilin because it was communist. Chico Lopes wanted integration. He changed his thinking, and became an ambassador for Indonesia. Of the UDT people, only Joao Carrascalao was politically active before 1974. Joao Carrascalao said that if the communists in Timor-Leste left, Indonesia would leave Timor alone. He told me this. He said that when we had gained independence, they could all come back. He really believed this ... But who were the communists? The students from Portugal? My name was on the list, and I'd never been to Portugal...When 11 August happened, Indonesia thought UDT had won. Radio Kupang was broadcasting that UDT was communist pro-Soviet, and Fretilin communist pro-China. Friends, communists or no communists, Indonesia was coming ..."

He said that on 17 August Fretilin leaders entered the Aileu military headquarters, and that at this stage "we still had the will to dialogue with UDT." Again he asked, "why couldn't we get a peaceful solution with UDT at this time?" and answered by telling how Fretilin had news of UDT forces gathering in Los Palos, and that their only option to fighting was to "wait to be arrested in Aileu."

Mr Alkatiri said that the Fretilin action of 20 August was not a counter-coup. He said it was not aimed against UDT.

"... There was no counter-coup. It was not against UDT, it was against the wider offensive ... UDT was in reality like an intermediary ..."

He said after Fretilin took control, the Central Committee formed a committee to consider the situation of those Fretilin held in prisons. He noted that Fretilin held both UDT and Fretilin people in prison.

Fretilin members were held due to “excesses”. He said that in these prisons there were no human rights violations, that the International Red Cross had access, and that this process of dealing with the prison situation was further indication that the Timorese were capable of resolving the situation. “This is why I say that if there had not been external interference, external pressure, this was a problem we could have resolved in a short time.”

Asked to reflect on the impact on human rights of these events, Mr Alkatiri made some important comments. He acknowledged that the conflict between parties was taken to the villages, where many were killed. He also acknowledged mass killings by Fretilin, who took people from Dili to Aileu and Same where they were killed.

“When I hear people who come to me say ‘my brother was killed by Fretilin because they called him a traitor. Are we traitors or not?’ I know that we need to resolve this.

“There were human rights violations ... Fretilin assumes responsibility for what is good in its past, and for what is bad ... I did not violate one person’s human rights. As an agent of the process, I did not violate anyone’s human rights ... I do not know who killed those in Aileu and Same ... (but) Fretilin as an organisation must assume responsibility for those killed in Aileu and Same. They were elements of Fretilin ... as a political organisation, Fretilin assumes responsibility ... Fretilin has formed a Commission for Unity and Tolerance to investigate the past killings – who killed, who died? We must take responsibility.

“I think in politics we must take collective responsibility ... if you don’t control, you take political responsibility ... I myself do not know who did or ordered the killings – if I did know, I would tell the CAVR, not in a hearing but I would tell the CAVR.”

In summarising his presentation, Mr Alkatiri focused on some key points. He said that while internal Timorese factors contributed to the violence, external factors prevailed. He noted that there was a kind of international alliance between Lisbon, Jakarta, Canberra and Washington pushing integration, and that Lisbon did not prepare the way properly for decolonisation with its own government was in disarray at the time. But he also acknowledged that Timorese did not try hard enough to seek a solution to their problems before resorting to violence, noting “it is easy to start war, but very difficult to end war.”

Dr. Jose Ramos Horta, key actor

The second day of the hearing closed with Dr Jose Ramos Horta’s testimony as an agent of the process. Jose Ramos Horta was born in December 1949. After studying at the Liceu in Dili he worked as a journalist on the newspaper *A Voz de Timor* and was a founding member of a clandestine colonial group in 1970. He was exiled to Mozambique later that year for criticism of the Portuguese regime. He resumed his job as a journalist in Timor in 1972 and played a leading role in the establishment of the ASDT, later Fretilin political parties. He traveled to Australia and Indonesia to build support for independence. After the proclamation of independence on 28 November, 1975 he was appointed Minister for Foreign Affairs and External Information and was sent out of Timor early in December to internationalise the issue, particularly at the United Nations. With bishop Belo he was awarded the Nobel Peace Prize in 1996. He became the RDTL Minister for Foreign Affairs and Co-operation in 2002. He is the author of *Funu: The Unfinished Saga of East Timor*.

Dr Ramos Horta gave a sharp analysis of the geopolitical situation in which Timor found itself in 1974-75, and the dictates of the realpolitik of the time. He also gave some compelling testimony of the political and social context and events in Timor during this period.

Dr Horta opened with the remark:

“We need to look at our past. Not to think we can wash the cloth ... but to recognise our errors, our truth ...”

Dr Horta then focused on the geopolitical context of the era, which he said had a powerful influence on what occurred in Timor. In mentioning the 1974 Portuguese Revolution of Flowers, he highlighted the fact of the Cold War and said that if it were not for this, the situation in Timor would never have occurred. He pointed out that in this international context, peoples in lands all over the world suffered due to the conflict between the US and the Soviet Union.

He highlighted how the Indochina experience heavily influenced Washington's thinking on Timor. As an example, he mentioned how Washington saw the MPLA in Angola as a puppet of the Soviet Union, and how thousands died in subsequent conflict. He made the point that despite such preoccupation, the Soviet Union never stepped foot in Timor. As the Soviet Union only intervened in countries when it was in its strategic interest, it was not necessary as its main aim was to prevent China's influence in Indonesia.

Dr Horta mentioned other key international factors. While the Revolution of Flowers had gone peacefully and well, he noted, things later went badly. Portugal made good relations with the Soviet Union and Cuba. This made Washington very nervous, and they then began an active campaign to destabilise Portugal. This contributed to the lack of effective handling of the Timor situation by Portugal.

Dr Horta also focused on Indonesia, and Timor's frustrated efforts to convince Indonesia that an independent Timor was no threat.

"On 15 June, 1974, after the formation of ASDT, I was given the job by the leaders ... to go to Jakarta ... not to other countries. Why go to Jakarta to start our diplomatic activities? Because we knew that our future depended a lot on Jakarta ... I met Adam Malik (the then foreign Minister) ... I received a letter from him saying 'Indonesia respected (Timor's) right of self-determination.' ... This was Adam Malik's opinion. The Indonesian military opinion was different ... who was the military? Ali Murtopo was the leader ... Adam Malik was isolated already ..."

"Indonesia's principal occupation was, would Timor get independence? They didn't want Timor to be independent, Fretilin or otherwise. Why? Because if Timor got independence it would be an example to other areas."

"It is easy to make anti-communist propaganda ... but the Indonesian interest in Timor was strategic, not ideological ... perhaps ideological a little, but the preoccupation was strategic. They used all sorts of methods to destabilise Timor ..."

Dr Horta reflected on a lost opportunity by the United Nations in 1974-75 to play a key role in securing a peaceful transition in Timor.

"There was a possibility that Indonesia would not enter Timor if the United Nations had taken leadership of the situation in Timor. The United Nations refused."

"Why couldn't the United Nations Decolonisation Committee come to Timor? I asked Ambassador Salem to send a team here. Why? Because Indonesia did not want to internationalise the Timorese problem. Portugal was also at fault because it did not internationalise the situation in Timor."

"It is important that the UN in 1974 had the chance to internationalise the situation in Timor. At this time the UN criticised Portugal on decolonisation ... but only focused on Mozambique and Angola ... they never considered the situation in Timor."

Focusing on the internal Timor political situation, Dr Horta emphasised the normalcy of the plurality of views within Timorese political parties. "In all political parties around the world today there are factions, some conservative, some left wing ..." He described himself at the time as being of the centre-left, comparing his position to that of Germany's Willie Brandt.

“In Fretilin, some were social democrats, some Marxists, some of them very heavy. In all political parties there are factions. In Australia there are factions in parties, in Washington too ... it is not something out of this world, factions exist ... what is important is that leaders have the strength to bring the factions together...in 1975 Nicolau Lobato had this strength.”

Dr Horta went on to describe Nicolau Lobato as a Christian Marxist, in the way the term is understood in many Latin American countries: Nicolau Lobato believed in Marxism, but was one hundred percent Catholic. He commented: “When western journalists said Fretilin was communist, I said ‘they don’t know what they are talking about.’”

Dr Horta said that he believed that a social democrat party would not have resisted Indonesia entering Timor and that conflict occurred because Fretilin had organised itself to resist.

Dr Horta was at pains to clarify the good intentions of Major-General Lemos Pires in his efforts at decolonisation, describing him as a victim of the process.

“Lemos Pires was a man of integrity. He came from Portugal to Timor with one instruction - facilitate Timor’s integration into Indonesia quickly. Lemos Pires went to all districts, and some sub-districts. He saw for himself. He wrote to Portugal to say that most Timorese didn’t want integration with Indonesia...And Lemos Pires was not leftist. He was a man of the right, trusted by the US ...”

Reflecting on the failed Fretilin-UDT coalition, Dr Horta said both parties failed to meet the challenge of developing accord, and that this was a critical lesson for Timor in the future. He said that the internal instability created by this situation complemented the geopolitical situation of the time in fermenting the conflict that occurred. He reflected too on the cost to human rights.

“... many were assassinated ... there is no justification for this ... they were not in battle, they were prisoners. Assassinated. This is a dark element of our history ... Never again.”

Dr Horta said that he believed that Fretilin and UDT leaders were against violence, but that it was beyond their capacity to control the entire country.

“But we cannot escape responsibility. We must accept it.”

The third day of the hearing began with beautiful singing by the Suave Choir. Opening testimony was from survivor Mr Antonio Serpa from Laleia in Manatuto district.

Mr Antonio Serpa, survivor from Laleia, Manatuto district

Mr Serpa began by saying “to tell my story I would need twenty-four days. I will try to tell the most important things.” His story indeed reflected twenty-four years of suffering, a kind of Timor Everyman for these years: from the days of incarceration during the conflict between Fretilin and UDT, forced marches through the mountains after the Indonesian invasion, and repeated imprisonment by the Indonesian military over the long years of occupation.

Mr Serpa recounted how in 1975, at the age of 19, he was a member of a youth group in Manatuto, named Lezeval. He said he was arrested by Falintil soldiers, who beat him up and took him first to Manatuto and then to Dili. He told of the image of Indonesian soldiers “falling out of the sky” on 7 December, and how of 8 December he and other prisoners were taken to Aileu by Falintil.

“I think there were 3000 of us there ... in this situation food was a big problem ... we were worried to ask for food in case we would be killed ... in one room ... there were about 70 of us. We were not given any food ... on 27 December the Indonesians came to Aileu, and we went to Maubisse ... for three to four days we had no food and we had no strength to run ... on the 28th morning we continued to Maubisse, on night of 28th we slept in Maubisse and on the 29th we continued on to Same ...”

In Same, he said, they were treated well at first. But then, he told of prisoner executions. He said that on the night of 11 January (1976) in the village of Holarua, near to Major Lourenco’s house ... we heard gunshots ... and in the morning we heard that eight mestizos had been killed (by Fretilin).”

After this, he said that prisoners were divided into many groups. He was taken to Faterberliu in the central mountains, where he said the population treated prisoners well. On 20 May 1976, he said that Nicolau Lobato announced that all prisoners would be released. In June he was allowed to return to his home area of Manatuto, where he became a local level leader in one of the Fretilin camps near Laleia. When in 1978 they had to evacuate to higher mountains in Natabora due to a large Indonesian military offensive. Mr Serpa told of Fretilin's worsening attitude to former UDT members,

"Every night, whoever they (Fretilin) suspected, they told us to go and get them and they were killed ... the situation was getting worse ..."

He eventually surrendered to the Indonesian military and was saved because one of the commanders knew his cousin. He was allowed to return to Laleia.

Years later, in 1982, Mr Serpa said he was taken by the Indonesian military and imprisoned on Atauro island for three years. Here, he said, people were saved by assistance from the international community. In 1985 he was taken from Atauro, to Dili, where he was imprisoned in Becora and beaten badly, and then Balide prison (now CAVR headquarters). As he testified he pointed to the rooms of the CAVR headquarters where he was held. He was finally released from prison in 1995.

As he finished his testimony, Commissioners asked Mr Serpa what he would like to say to Timorese people today. Mr Serpa said,

"My recommendation to our younger people is this. Now in democracy we have many parties. But they must not do what they did before ... dividing us ... we are one people ... we must not let this happen again. We must value what we have."

Mr Tomas Goncalves, key actor

Mr Tomas Goncalves was born in the western town of Atsabe, the son of the local traditional leader Guilherme Goncalves. In 1974, he joined the Apodeti political party, and traveled a number of times between East Timor and Indonesia prior to entering with Indonesian forces from the western border in October 1975 and later in Baucau during the full-scale invasion. Previously interviewed by international media and researchers, this was the first time he had spoken to an official East Timorese body and the community.

Mr Goncalves began by explaining that under the Portuguese, Timorese people did not live well, and that "therefore the 25th of April 1974 was an important day for all Timorese." He said that as political parties formed in Timor he joined the Apodeti party after being invited by Abilio Soares.

"Why didn't I join UDT or Fretilin? ... They were all our parties, with different ideologies though we were one people. I thought it was better for all of us to be close to Indonesia."

He described that as Secretary of the party he was based in Atsabe, in the western part of East Timor, and that he was sent to other areas to campaign. He told how in August 1974, he went to Atambua in West Timor with plans to form a force, in case it became necessary in the future. He said that he only stayed for a week or two, but that the Secretary-General of Apodeti had contact with Jakarta who sent military uniforms to Apodeti. These, he said, were supposed to be used for a protest at the visit of a Portuguese delegation in September.

He told how he was called to Jakarta to meet with the Indonesian Foreign Minister Mr Adam Malik. He told of a confused meeting, as he could not understand Indonesian well. He said he just kept saying "yes, yes, yes" to whatever was put to him. After meeting with the Foreign Minister, he said he was taken to meet military. He said he returned to Atambua and that in November about 110 Apodeti members joined him there, and they commenced military training with a company of Indonesian soldiers in December in a camp about eight kilometers outside Atambua. He was paid money by three commanders who said they were merchants. These included the officers he named as Kalbuadi and Subianto.

Mr Goncalves said that Indonesian military operations infiltrated Timor as early as September 1975. He said three teams entered Suai, Bobonaro and Fatubesi.

“They killed many people. I don’t know how many people. Whoever was in the street, they killed. ... They said Timor was communist. I said Timor was not communist, it was Catholic ...”

Mr Goncalves spoke about the invasion on 16 October, from the Atambua border, when the western journalists were killed in Balibo.

“... in October, on the night of the 15th, I was at home (in Atambua) ... the Indonesians called me, Kalbuadi told me to take my men to the border ... we shared out guns ... there was a battalion ... Rajawali ... three companies ... Subianto, Ali Musa ... In the night we advanced ... toward Balibo ... in Balibo Fretilin didn’t put up much resistance ... when we got there, no Falintil were there ... we know here in Timor the news that all the world knows about the journalists. Who killed the journalists? The Bapaks (Indonesian military) killed them. If in the future Australia or others open an international tribunal I would be willing to testify to this ...”

Mr Goncalves said he landed by boat in Baucau on 19 December 1975. “On the 19th we went to Dili ... and then on to Aileu ... from the partisans not one was killed but many Indonesians were killed ... more than 100 killed.” He told of the gradual advance on Aileu, fighting over days in which he insisted that the Timorese “partisans” did not kill one Timorese person.

“In Aileu I was called to open the graves from the massacre ... we opened three graves – yes, bodies were there. I see this as a consequence of war ...”

Later, in response to a question from Commissioner Isabel Guterres, Mr Goncalves said there were many bodies in these graves, but “I don’t know how many.”

Responding to other questions from Commissioners, Mr Goncalves said that Timorese “partisans” knew very little about Indonesian policies or plans: “as a Timorese partisan, Indonesians ordered and we just followed.” He said he never saw documents, that plans were kept very confidential by Indonesian officers.

Mr Rogerio Lobato, key actor

Mr Rogerio Lobato was born in 1949 and is the brother of the Fretilin President Nicolau Lobato. He was a primary school teacher and achieved the highest rank of any Timorese in the Portuguese army. He was in the army during 1975, and played a key role with Fretilin during August 1975. He was appointed Minister for Defence after the proclamation of independence on 28 November 1975. He left Timor on 4 December, with Mari Alkatiri and Jose Ramos Horta. Mr Lobato is now Minister for Internal Affairs in the RDTL.

Mr Lobato gave testimony full of painful emotion. He recounted the days of 1975 both from the national perspective and from the perspective of his personal loss. At times speaking through tears, the closeness of this emotion shifted the tenor of the public hearing.

Mr Lobato’s testimony gave the perspective of a Timorese member of the Portuguese armed forces in the days of flux after the 1974 Portugal regime change and up to the August 1975 violence.

Mr Lobato emphasised that in his view, the Portuguese troops could have controlled the situation in Timor in 1975 had they been decisive and worked with the Timorese members of the Portuguese forces.

“... The conflict at this time was brief ... Portuguese troops were only few, and they had come to Timor without commitment ... they could have restored law and order ... but they had to wait for orders from Lisbon ... we asked them, if you give the order we can restore order in Timor, but there was only indecision from them ... if Portuguese soldiers had worked with Timorese soldiers, we could have controlled the situation ...”

He told of the conflicting feelings Timorese members of the Portuguese armed forces felt at this time.

“In the Portuguese armed forces we saw much that we did not agree with ... such as throwing guns in the sea ... when we heard the radio from Kupang everyday saying that if we want to live Timor must become part of Indonesia, our hearts were divided – should be we Portuguese military, or nationalist and defend our country?”

Mr Lobato spoke of his role in co-ordinating the Fretilin counter action to take power, which commenced on the night on 20 August 1975.

“When Fretilin declared the general armed insurrection on 15 August, this was not just against UDT, but against the threat from the border ... on the 19th we co-ordinated everything well. Commanders came to Dili ... on the 20th we began the operation, late at night about two in the morning ... we entered the Quartel in Taibessi (Dili) ... in Dili we organised armed forces ... I sent forces to Aileu, Same, Zumalai to close the road to prevent people running inland, and to Baucau to prevent them leaving the country ...”

He told of chaos in Taibessi in these early hours, where he said more than 1000 people had gathered with guns, shooting in the air. He told of how the crowd beat one man to death in front of him. He said, “As Commander of the forces, I must take responsibility for this. I ask forgiveness of the family.”

Mr Lobato told of conditions in the Fretilin prisons.

“As the Prime Minister said yesterday, Fretilin was an organization that never gave an order to commit violations, but members of Fretilin, as individuals, abused their power and committed violations of human rights.

“... people entered the prison and beat people ... not always because of political reasons – sometimes because of reasons like jealousy about love. But some were truly angry ... I was angry because of the death of my young brother Domingos ... as a Falintil Commander I could have killed ... I did beat Francisco de Oliveira – I could say I did nothing, but I will say this, what I did. But I did not kill Francisco de Oliveira ...”

The death of the Portuguese officer Major Maggiolo Gouveia has never been fully explained. He was held in a Fretilin prison, and this has remained a very controversial issue. Mr Lobato addressed this, but did not ultimately shed light on the circumstances of his death. He said that when Major Gouveia was in the Fretilin prison he was beaten and abused by angry Falintil members. Mr Lobato said he tried to deal with this by removing him from prison to the military hospital, where he said “he could be protected by the International Red Cross”. He told of measures he took to prevent people taking weapons to the hospital. But this was the limit to Mr Lobato’s information about this controversial death.

In general, of the killing of prisoners, Mr Lobato said,

“I want to say that in this process of war so many died. I don’t want to lay blame here. I think it is important for us here to set out the facts ... it is true that Fretilin killed many UDT prisoners ... UDT also killed Fretilin prisoners ... I want to ... concentrate attention on what is the CAVR’s focus, human rights. At this time I was the Commander of the Armed Forces. I must take responsibility for much that happened ...”

But Mr Lobato told the audience he was also a victim of human rights abuses. Through tears, he told of how his family members, including his mother, brothers and sisters, were hunted down, with seventeen family members being killed.

“In human rights I was also a victim ... when I came to Manatuto in 2000 I went to visit my mother’s grave in Laclubar ... I made a promise, that all of the suffering I had experienced for the independence of Timor-Leste, I can forgive ... but I ask you not to ask me to forget. Impossible. It is impossible to forget about my mother, brothers and sisters, without guns, killed ... I cannot forget ... I can forgive. Because we do need to move ahead. I also have a child ... if I were to kill those who killed, then they will get my child. We must end this ... there needs to be justice, for the victims, not just Fretilin victims, victims from all sides ... justice

must be here ... if later Parliament gives an amnesty then that is another thing ... but justice must be here, or we will not be able to shake hands when we meet in the street ...

Mr Lobato completed his presentation with the words:

“I ask forgiveness from all brothers and sisters who feel they are victims of mine when I was a Falintil commander.”

Mr Domingos de Oliveira, agent of the process

Mr Domingos de Oliveira was born in Laclubar in 1936. He was a senior customs officer in the Portuguese administration from 1961-1975, and also taught languages at secondary school level. He joined the UDT political party in May 1974, and became Secretary-General in September that year, a post he held until retirement in September 2003.

Mr de Oliveira delivered a detailed paper to the CAVR, and much of his testimony was read from this. At times he spoke in great detail of events of 1974-75, particularly highlighting the rising tensions between the two main political parties.

Mr de Oliveira said he was surprised when the 25th April 1974 revolution occurred in Portugal. He reflected:

“ ... before 25th April all we did was drink coffee and talk about football and so on ... after 25 April, all we talked about were the consequences of 25 April ... In Portuguese times young people were scared to talk about politics openly because of the PIDE (Portuguese intelligence apparatus) ... ”

He told of early meetings to form the UDT party and work out its principles and position. He noted that UDT defended the principle of self-determination for Timor, but that its position was that Timor had to walk slowly to achieve this over a period of perhaps ten years.

“Why did I join UDT? Because I thought it was right to seek independence through different stages. And I believed in social democracy and Catholicism. I thought we would have independence in ten or more years.”

He said that when ASDT was formed it stood for many of the same principles, though it was especially strong on independence. Despite this, he spoke of the rising tensions between the parties:

“From what I observed, when the parties went to the mountains ... they did not oblige the people to follow them ... but there were concerns. The students from Portugal spoke harshly on the radio against UDT, calling them ultra-conservatives and so on ... UDT responded, then ASDT responded, and so the tension between the parties began ... I need to admit that at this time we did not act well between the parties ... I do not say Fretilin or UDT are solely to blame ... both must take responsibility.”

He told of the formation and the disintegration of the UDT-Fretilin coalition.

“ ... in October (1974), because things were always bad, Fretilin and UDT talked about coming together. We held many meetings. Nicolau Lobato and I met, we were neighbours ... but there was a lot of opposition from the base of both parties ... a lot of anger ... the objectives of both parties were the same, only the method different. It was no good that we had bad relations ... after many meetings, UDT and Fretilin made a platform that we called a coalition ... ”

He told of violence by Fretilin against UDT members, and pressure against rural people to hand over UDT party cards for Fretilin cards, the situation resulting in a meeting where UDT decided to withdraw from the coalition.

“... at a meeting at President Chico Lopes’ home ... the majority agreed to end the coalition. This was a mistake. With the end of the coalition things were always worse ... ”

Mr de Oliveira pointed out that during these months Indonesian intelligence was closely following events in Timor. He said that “each day Radio Kupang broadcast what Fretilin and UDT did that day ...”

Mr de Oliveira gave an explanation of UDT’s action to take power on 11 August 1975 through what he called the “movement of 11 August.”

“Australia and Indonesia said that Timor should either stay with Portugal or enter Indonesia. In Jakarta they talked of the danger of communism. We wanted a movement to remove communist leaders ... we held an action.”

He spoke of the UDT leaders meeting in Jakarta, on the way back from the July 1975 Maucau meeting.

“We wanted Indonesia to understand this was not against Indonesia or any other country ... They said, ‘no problem, we will only observe’ ... but they said Timor is communist, and Mario Carrascalao spoke strongly against this.’ ... When we returned from Jakarta ... we met with the Governor of Kupang ... he was very angry. He said that they would still attack Timor because it was communist.”

And then of the movement itself, though in general terms.

“UDT prepared this movement ... firstly, it was not a coup d’etat ... it was to remove radicals, not just Fretilin, but from all parties ... this movement was not against Fretilin as a political party. It was to remove members who we considered to be those who would bring problems to our country.... in this movement people were killed. It was not just that Fretilin killed UDT. UDT killed Fretilin ...”

Mr de Oliveira spoke of the UDT leaders in Indonesia after Fretilin gained control in August 1975. He said that UDT leaders did not approve of the so-called Balibo Declaration which declared integration with Indonesia. He said, “it was not made by the political parties. It was made by the Indonesians and they obliged some Timorese political leaders to sign it in Bali.”

Mr de Oliveira finished with two reflections. On his return to Timor after the Indonesian invasion, and travelling to Aileu:

“I was so sad when we came back and found that 97% of our leaders had been killed in Aileu. I lost two brothers to politics ... I forgive those ... who killed my brothers ... As Secretary-General of UDT, I ask forgiveness of widows and young people from our actions ...”

And he closed with a remembrance of the Fretilin leader Nicolau Lobato.

“I cannot end without a few words about Nicolau Lobato ... in 1977 he asked me to help form a clandestine movement against our common enemy, Indonesia ... we did this ... About Nicolau ... before people killed Nicolau, I had a vision ... he told me ‘Domingos, we all made mistakes, we did, you did ... but we must come together’ ... what I have said is not against Fretilin, or Portugal or other countries, just facts ... so we can prepare a good future for Timor.”

Mr Francisco Xavier do Amaral, key actor

Mr Francisco Xavier do Amaral was the founding Fretilin President, and was appointed President of the RDTL when independence was proclaimed on 28 November 1975. He was born in 1937 in Turiscai, the eldest son of the village chief. He studied at Soibada and Dare, and then at the Jesuit seminary in Maucau. In 1975, he was a translator in the courts, a teacher at school and a teacher at his school set up for those excluded by the colonial system. After the invasion he lived in his village in Turiscai but was deposed as President in September 1977. He is now head of the ASDT political party, and Deputy Speaker of the National Parliament. He is the elder statesman of the current Timorese political landscape.

Mr do Amaral began his testimony thus:

“Firstly I want to say that I came here not to attack anyone, or defend myself, but to tell the story as I know it, for the future of our nation.”

He noted that when the 25 April 1974 revolution occurred in Portugal he was not personally prepared. In 1975 Mr do Amaral was a renowned orator, and as he recounted the scenes of Dili’s social and political characters of the times, he had the large audience laughing in the aisles.

He said that Timor faced many problems at this time, but that he said to Nicolau Lobato, “Timorese need to sort out Timor’s problems.”

“ASDT had a big problem. The world did not know anything about Timor. Not just the world, even many in Portugal ... and Indonesia ... so I sent Jose Ramos Horta to travel ... I saw the attitude of Portugal, they were helping to put Timor into Indonesia’s hands ... Portugal wanted to wash its hands of Timor and give us to Indonesia ... therefore ASDT did not want to participate in the Maucau meeting ...”

“... I was prepared to accept a popular consultation, a referendum, organised by Portugal to see what the Timorese people wanted ...”

Speaking of the rivalry between UDT and Fretilin at the time, and their relative support in the community, he said “I could see that the sub-district heads (Chefe do Postos) and functionaries were in UDT’s hands, but that the people were in ASDT’s hands ...”

Mr do Amaral said that at the time of the UDT action on 11 August, he was in the interior, in Maubisse.

“I got the order not to come to Dili ... I did not imagine that there could be a coup or military action in Timor ... I waited in Maubisse for three days ... I couldn’t go to Dili, so I went to Turiscai ... I turned on my radio and heard that UDT had arrested Fretilin in Bucoli ... they had arrested all the communists ... I thought, ‘what communists?’ ... then I heard of attacks ... they said it was a war against communists ...”

Mr do Amaral also spoke of his arrest by Fretilin in September 1977, and his treatment as a prisoner. He told how he was held for a month and a half before being moved, and how subsequently his group was captured by the Indonesian military at the Dilor River. He told how he was brought to Dili, and how he believed the Indonesians aimed to use him to help strengthen Timor’s link to Indonesia. He was later taken to Indonesia, where he was effectively held prisoner tending the horses of the military commander Kalbuadi. He said that in the drama of September 1999 he had called the Portuguese diplomat in Jakarta, Ana Gomes, and asked for assistance to go to Portugal. He pointed out that he had never signed any document that said he agreed with integration.

In his closing remarks, Mr do Amaral noted that in 1975 “we were not well prepared ... our blood was hot ... this is part of our character ...” He continued,

“I think justice is heavy. We cannot stay in the past ... we need to educate our people to forgive each other ... We sit together not to condemn each other, but to learn lessons from our past. To help each other go forward ... for a good future for all our children ... Timorese people can leave our suffering behind ... and live with peace in our land. We created this independence ... to give our hearts and hands to each other ... I ask all, respect peace in our land ...”

The final day of the hearing was indeed an historic occasion. It began with an analysis of the international context which Timor found itself in 1974-75, by former Australian Consul to Timor and respected author and commentator, Mr James Dunn. Then each of the five historical political parties spoke on behalf of their parties. This process commenced with the three smaller parties of the time, Kota, Trabalhista and Apodeti. Then a moment all had been waiting for, as Mr Joao Carrascalao of UDT arrived to speak. His testimony changed the whole tenor of the hearing and set the scene for the final testimony from Francisco Lu’olo Guterres and Mari Alkatiri of Fretilin and the extraordinary emotional scenes that erupted at the end of the hearing.

James Dunn, expert witness

James Dunn traveled from Australia to give testimony. He worked as an Australian government official for nearly 30 years, specialising in international relations. He served as Australia's Consul to Portuguese Timor from 1962-1964. From 1970-1986 he was Director of Foreign Affairs Group of the Parliament's Legislative Research Service, making him the senior foreign affairs adviser to the Australian national parliament. Sent on a fact-finding mission to Timor in 1974, his report recommended self-determination. He returned to Timor in 1975 as leader of an ACFOA humanitarian mission and, after the Indonesian invasion, he advocated tirelessly on human rights in Timor-Leste around the world. He is the author of *East Timor: A Rough Passage to Independence* (2003).

Mr Dunn presented a paper to the CAVR titled *East Timor's Painful Birth – Reflections on the Causes of a Humanitarian Disaster*. He delivered the paper in English, with interpretation into Tetum. This paper, he noted, aimed "to address the causes of the disastrous events that began in East Timor in 1975." He described the 24 year Indonesian occupation as "one of the worst humanitarian disasters of its kind since the end of World War II, in relative terms." In his opening comments, he emphasised that in his view:

"true reconciliation ... calls for detailed examination of how these tragic events occurred, in terms of truth, justice and responsibility. It demands exposure of those responsible for crimes against humanity, and their acceptance of responsibility. It includes those governments who accommodated these crimes against humanity, as well as the perpetrators."

Mr Dunn lamented that the issue of responsibility for these crimes against humanity during the 24-year occupation had virtually escaped exposure, let alone investigation. He noted plainly that "ultimate responsibility for the tragedy that engulfed East Timor in 1975, including the civil conflict between Fretilin and UDT rests firmly with the Indonesian military commanders who planned and carried out the conspiracy to integrate East Timor by military force."

He said that responsibility for the humanitarian disaster went beyond the Indonesian military to include Australia, the USA, Indonesia's major European friends, Japan, India and ASEAN, "most of whom turned their eyes away from human rights violations they would have denounced elsewhere." Mr Dunn made it clear that he thought the Timor disaster could have been prevented in 1975, if these powers had acted in accordance with their obligations under the UN Charter.

In his paper, Mr Dunn considered the international environment of the period, the Indonesian intervention, East Timor's independence movement, the civil conflict of August 1975, and the role of the Portuguese.

Mr Dunn considered the international political climate post Vietnam War, and the Cold War preoccupation with communism in the western countries, especially the USA. He said this climate was a strong influence on Indonesian military commanders, who he said had made up their minds on Timor shortly after the April 1974 regime change in Portugal.

"The decision by Suharto's powerful generals to prevent East Timor's act of self-determination was taken in the brief honeymoon period that followed Horta's meeting with the Indonesian foreign minister, and twelve months before the armed conflict between UDT and Fretilin broke out in mid-August 1975."

He noted that at this time President Suharto "had some reservations about this plan, but his doubts faded in 1974, when (Australian) Prime Minister Gough Whitlam told him that the best outcome for East Timor's future was for the colony to be integrated into Indonesia."

Mr Dunn highlighted the contradiction in Australian foreign policy, which supported self-determination across the Pacific but which did not really support this in Timor-Leste.

“Whitlam’s view was conditioned by his quest for a closer relationship with Indonesia. To him the Portuguese colony was an anomaly, a country too small and too backward to become independent. He was a big man. He liked big countries, and didn’t like small countries ... He also believed it was a natural part of the Indonesian archipelago and should therefore become part of the Indonesian republic. Whitlam apparently wanted this outcome to evolve from some sort of self-determination process, but was unresponsive to those of us who pointed to the contradiction in such a view. In any act of self determination the East Timorese would simply not choose to join with Indonesia.”

Mr Dunn spoke of the “polite but very guarded reception” Jose Ramos Horta was given in Canberra in July 1975. He told of how Australian officials had advised him at the time that he could discuss “self-determination” with Ramos Horta, but not “independence,” concluding that “Australian officials were effectively paying lip service to East Timor’s right to self-determination.”

On the United States, Mr Dunn noted that “in the aftermath of the Vietnam War Indonesia had acquired a new strategic importance in Washington’s eyes.”

“The archipelago was perceived as a strategically important division between the Pacific and Indian Oceans, where Soviet fleets, especially nuclear submarines, were venturing ... despite its pretensions to non-alignment, the strongly anti-communist Suharto regime had become a de facto ally of the United States in its ongoing campaign to contain the spread of Soviet or Chinese influence.”

Mr Dunn spoke of the disappointing response of Asian countries. The Philippines under Marcos “never questioned moves by the Indonesian dictator”. Japan he said was a big supporter of Indonesia, motivated by rising oil prices and the need for these resources to fuel their economy. India, as the largest democracy in Asia, he noted was a particular disappointment – from the outset, he said, India’s leaders likened the Timor situation to that of Goa and supported Indonesia.

Mr Dunn also pointed out that in reality the communist states did not support Timor. He said that, after his mission to Timor in 1974, he met with both the Soviet and Chinese ambassadors in Canberra. The only interest each showed in Timor, he recalled, was whether the other’s agents were active inside the country. He noted that China actively supported Timorese independence, but did not regard the territory as strategically important.

Portugal, he said, was “tired, exhausted.” Exacerbating this problem was the fact that “under Portugal, Timor-Leste had a low level of understanding of what was happening in the world.” He noted the absence of a university or other higher learning institution in Timor, and added that “Portugal didn’t even know much.”

“The new Timorese leaders were innocents when it came to understanding the complexities of international politics at that time ... for a small nation on the threshold of decolonisation, the rhetoric of the time was greatly encouraging. Independence for the colonies of the remaining colonial powers was no longer a nationalist dream, it was now an inalienable right ...”

The position of Indonesia, he said, was the critical factor,

“The reality was that the Timorese had few influential friends or advocates in the international community ... the bleak reality in 1975 was that only one country was deeply interested in East Timor’s future, and that was Indonesia, the state intent on denying it the option of choosing their own future ...”

Mr Dunn told of the lack of adequate engagement by the United Nations.

“Kurt Waldheim (then Secretary-General) gave scant attention to the unfolding drama, while the UN Decolonisation Committee was more preoccupied with the crisis in Portugal’s African territories than developments in East Timor.”

Portugal, he said, “could have done more to get the UN on the ground”, echoing the thoughts of Major-General Lemos Pires from the first day of the hearing. He noted that the UN “was kept out of the

crisis” in Timor in August 1975, and that the Whitlam government in Australia declared that there was no point in internationalising the situation. Mr Dunn said that this was “a grave error in judgment, for UN intervention at that time could have had a decisive impact on President Suharto who still entertained serious doubts about the wisdom of an invasion of East Timor.”

With no official UN contact with East Timor during the Fretilin interregnum after the August crisis, Mr Dunn noted that the General Assembly had no informed reporting of conditions in East Timor when it came to debate the situation after the invasion of 7 December 1975.

“After a half-hearted attempt to contact the resistance, the Security Council lost interest. The world, it seemed, had abandoned East Timorese to their neo-colonial fate.”

Mr Dunn was unequivocal in condemning Indonesia’s actions.

“The Indonesian intervention and annexation of East Timor was both ill conceived and a serious violation of the UN Charter, if not the Indonesian constitution. It was not based on a territorial claim, and was advanced for reasons that had no real substance ...”

He noted that the military intervention took place with several distinct phases. The first phase involved the manipulation of East Timor’s conservative political leaders, and also intelligence penetration, training of Timorese guerrilla fighters and a propaganda campaign. The second phase, he said, involved the coercion of UDT elements who had been forced to retreat to Indonesian Timor, and moves to isolate the Fretilin administration. The third phase was a covert military assault on East Timor from the Indonesian side of the island. This operation of stealth, he said, was being monitored by western intelligence agencies.

Mr Dunn said that the first major military operation was launched on 16 October 1975, and involved over 2000 troops, including 300 East Timorese. This included the killing of the five Australian-based journalists covering the story.

Mr Dunn condemned the Australian and US response to this situation.

“In view of President Suharto’s initial doubts about the invasion, and the atrocities that accompanied it, it could have been prevented had Australia and the United States, whose intelligence agencies were aware that it was being planned, acted in accordance with their obligations under the UN Charter and the UN instruments of decolonisation. They supported the Indonesian objective of integration. ... Western governments served to shield Indonesia against international scrutiny. They not only helped Indonesia cover up its illegal annexation: they also helped conceal from the international community the gross human rights violations that accompanied it, especially in those first four years, by obstructing international moves to investigate reports of serious human rights violations ...”

Mr Dunn emphasised that it is essential for the international community to fully reveal the extent of these crimes against humanity and to hold accountable those responsible. He noted that this is also essential for the reform of the Indonesian military, many of whose senior leaders were in command roles in Timor when these atrocities were committed.

Mr Dunn spoke of another aspect of the international climate of the times. He told of the emphasis on decolonisation during the 1960s and 1970s, and how the UN General Assembly resolutions 1514 of 1960 and 2625 of 1970 “were powerful pronouncements that colonial rule was no longer acceptable.” He noted the context of small Pacific island states moving to self-government and independence, such as Fiji, Nauru and Paupau New Guinea.

“In the sixties East Timor’s small size and economic backwardness were sometimes raised as obstacles to independence, but by the seventies such arguments were no longer acceptable.”

From his trip to Timor in June-July of 1974 as head of a fact-finding mission for the Australian government, Mr Dunn noted “it was clear to me ... that as far as the future was concerned, there were really only two options, continuing a post-colonial relationship with Portugal, or independence ...

integration with Indonesia ... was an option virtually forced on the Timorese people by the Portuguese administration, in deference to pressures from Indonesia ...”

As to the political party climate in Timor, prior to the August 1975 violence, Mr Dunn said that “In general I would like to stress that the political attitudes of the leaders at the time were manifestly moderate, and conducive to a reasonably harmonious decolonisation.” He said he believed the coalition would probably have endured “had it not been for external interference, mounted by Bakin, whose aim was to destroy this manifestation of East Timorese unity.”

Reflecting on how little the western world understood East Timorese society, history and culture, Mr Dunn’s central point was that in 1974-75 “conditions existed for a relatively smooth transition to independence, had the Indonesian military not intervened to force the outcome of integration.”

Commenting on the civil war, Mr Dunn described the conflict between Timorese in August 1975 thus, *“... It was a short but bitter armed struggle which, in three weeks of fighting (mostly in the Maubisse area and Dili itself) left between 1,200 and 1,500 Timorese dead.”*

Mr Dunn noted that Joao Carrascalao, the UDT leader, moved to seize power on 10 August 1975 immediately after returning from Jakarta with false advice from Indonesian intelligence that Fretilin was about to organise a left-wing coup.

“The war was the intended outcome of a sinister campaign of political intervention organised by the architects of Operasi Komodo, the secret intelligence operation set up by Generals Ali Murtopo and Benny Murdani in December 1974.”

This TNI action, he said, was almost certainly developed without the knowledge of most of the Indonesian political leaders at the time. He stressed that what is important about this analysis is that while the Timorese and Portuguese knew little of what was happening at this time, Australia did know and was in a position to do something.

Mr Dunn said of the Fretilin period of rule after August 1975, that “in this role they acted responsibly and with restraint, setting up an interim administration which succeeded in restoring a measure of stability to all of East Timor, with the exception of Oecussi.”

Mr Dunn noted that “the Portuguese authorities have often been unfairly blamed for the breakdown of the decolonisation in 1975.” Responsibility for this, he said, lies with the destabilisation campaign of Indonesia. Mr Dunn said that the Portuguese officials in Timor did their best in difficult conditions, but that they were under-resourced and inadequately supported by the metropolitan government in Lisbon which was then “seemingly paralysed by a grave political crisis.”

He noted that in the post revolution period, “the Portuguese overseas service had become demoralised and that this effected hastily assembled decolonisation programmes.” Mr Dunn noted the efforts of Dr Almeida Santos in travelling to Canberra after the August 1975 violence, to seek support for an international peacekeeping force. This request was refused by Australia.

On Governor Lemos-Pires decision not to return to Dili from Atauro in October 1975 to resume the decolonisation process, Mr Dunn said that this was disappointing though understandable given the lack of direction given from Lisbon. Mr Dunn, who was in Dili in October 1975, told of his meetings with Fretilin leaders who wanted the Governor to return. He said that he travelled twice from Dili to Atauro in October 1975 to ask Governor Lemos-Pires to return and resume the decolonisation process. He said Governor Lemos-Pires told him that he had sent 28 messages to Lisbon without reply.

In closing his presentation, Mr Dunn reflected that the central cause of the failure of the decolonisation process in 1975 and the ensuing violence was the Indonesian military intervention.

“If Indonesia had supported the decolonisation process, instead of seeking to undermine it, the course of East Timor’s recent history would have been different. There would have been

no civil war, nor an invasion. East Timor today could have been a thriving nation of more than 1,300,000 people ...”

This report will touch briefly on the presentations by the three smaller parties, and focus more on the testimonies from the leaders of the two major historical parties, UDT and Fretilin.

Kota, Mr Clementino dos Reis Amaral

Mr Clementino dos Reis Amaral testified for the Kota party of which he was a founding member in 1974. Mr Amaral has a long history in Timor politics. He was district administrator of Baucau in Portuguese times. He was a member of the Indonesian Parliament for 14 years and a member of the Indonesian Human Rights Commission (KomnashAM) for 7 years.

Mr Amaral said that part of the philosophy behind the Kota party’s formation was to give value to Timorese traditions and the ways of the elders. He stressed that often the Kota party was misrepresented, and he said that it had never supported integration. In his testimony on the events of 1975, Mr Amaral focused on the Baucau region in the east, as this was where he was at the time. He recounted events that occurred prior to and during the August violence and at the time of the Indonesian invasion in December.

In the violence between Timorese political parties, Mr Amaral highlighted the violations of arbitrary arrest and imprisonment, torture, summary displacement and forced displacement. This latter violation, he said, also occurred when Fretilin said they were taking people to the mountains to protect them from the Indonesian invasion. Mr Amaral focused on the execution of prisoners in Aileu, Same and Maubisse by Fretilin, emphasizing that the CAVR should further investigate these killings. He said that Kota party members have evidence they want to share with the CAVR on these matters.

Mr Amaral said that violence occurred between Timorese because “there was no will to create peace amongst ourselves.” He said that there was a lack of political maturity, and that the breaking of the Fretilin-UDT coalition was a matter of competing for power. The parties, he said, lacked commitment to national unity, putting party interests above this. He also talked of the unfavourable conditions internationally for Timor at this time, including the Cold War.

Asked by the Deputy Chairperson of the CAVR, Fr Jovito Araujo, whether he thought Indonesia simply used communism as an excuse to fulfil their plans to enter Timor, Mr Amaral pointed out that Indonesia was actively preparing to invade Timor prior to August 1975. He said Indonesia’s key motivation was that they did not want Timor to become independent as it would serve as an example to the Indonesian provinces.

Of the Balibo Declaration, signed by the Kota delegate Mr Jose Martins, Mr Amaral said that the document was “written by the Indonesians, signed at five in the morning with pistols on the table.” He said that within a month of its signing, Kota members were refuting its authority in the United Nations.

Mr Amaral focused much of his presentation looking forward rather than backwards. He emphasised that the work of the CAVR must be carried forward, and that when it reports the Parliament must not simply file its report in the drawer. He also made a passionate plea that violence must not occur again in Timor. He talked of the national problem of domestic violence as a sign that Timor does not yet enjoy a fully peaceful environment.

Mr Amaral ended his presentation by standing, and speaking with great passion.

“We are a political party. We are not free of errors. If any of the members have caused Timorese people to cry, then I want to stand up to apologise. I am sorry to the people of Timor and I ask your forgiveness in the name of our party. This is not political propaganda. This is for our land and for all Timorese people.”

Apodeti, Mr Frederico Almeida Costa and Mr Gabriel da Costa

Mr Frederico Almeida Costa, President of Apodeti Pro-Referendo, spoke about Apodeti's involvement. Commissioner Jacinto Alves had earlier explained CAVR's efforts to invite senior members of Apodeti now in West Timor to testify, but that they had declined.

Mr Frederico Almeida Costa spoke for the party, making it clear from the start that he represented Apodeti as it emerged in 1999 to support the UN-organised popular consultation, and that he did not speak for the leadership of Apodeti of 1974-76.

Mr Almeida stated that Apodeti had supported the idea that Timor should integrate with Indonesia in 1975. He said,

"When young people ask, why did our people suffer for 24 years this is a hard question for Apodeti ... today is a big day for us ... to look at the conflict of 1974.

"... When the idea for integration happened, people were surprised ... because the 25th of April gave the opportunity for independence ... but it was our right ... we could see that our situation in Timor was not good, so we thought it was better to join Indonesia, which was much closer than Portugal."

In contrast to the Day Three testimony of Apodeti member Tomas Goncalves, Mr Almeida said "Apodeti never carried guns ... never gave orders to carry guns ... were politics with our mouths, not guns ..."

He said that Apodeti was awkwardly between UDT and Fretilin.

"... People called us traitors, our party a traitor ... UDT did the coup, burnt our houses, Fretilin did the counter-coup, burnt our houses ... with the coup and counter-coup, many people died. We are giving information to the CAVR about massacres of 1974-75 ... to see the truth in a proper way ..."

Mr Almeida spoke of his party's view of human rights.

"We want to give a vision of human rights. About human rights we talk about the cases of 1999 ... we ask about 1975, can it also be considered? We ask the United Nations to also help with this. Lastly we look at the cases of 1999 and 1991, Santa Cruz. At Santa Cruz so many were killed. Who did this? ... Why did the Santa Cruz incident happen? ..."

In finishing his presentation, Mr Almeida made two main points.

"Leaders need to recognised their mistakes ... if they want to embrace reconciliation ... Lastly, we ask the widows, whose families died ... in Apodeti's name we say sorry, and ask for forgiveness from them."

Trabalhista, Mr Paulo Freitas

Trabalhista was the third party to give testimony. Mr Paulo Freitas spoke for the party.

Mr Freitas' central point was that "the power ambitions of Fretilin and UDT parties were the cause of an unnecessary war." He noted that the Timorese had not fought a war against the Portuguese State as had occurred in African colonies, but that Timor was given the opportunity to decolonise. He said that all Timorese parties lacked experience, and that as a result the ordinary people suffered.

Mr Freitas said that he did not have detailed knowledge of the events leading up to the fighting between Fretilin and UDT. However, he said in his view if the coalition had remained intact, the conflict would not have occurred. He said that Indonesian spies were prevalent across the country and that they played a role in destabilising the coalition, but that the Timorese leaders were not smart enough to resist this.

Mr Freitas spoke at length of his own experiences during the 1975 violence, and subsequent years, including a graphic account of the 1991 Santa Cruz massacre.

UDT, Mr Joao Carrascalao

Mr Joao Carrascalao, the President of the UDT party, flew from Australia to give testimony to the CAVR hearing. As the time for his testimony neared, the audience numbers swelled to over 800 people, leaving standing room only. This was the testimony everybody had been waiting to hear.

Mr Carrascalao began by thanking the CAVR for holding the hearing, and said that he trusted the CAVR to complete its work. Then he changed the tenor of the four days.

“I want to say that I was sad as this hearing went on ... each party wants to tell its own story ... nobody is admitting they did wrong. I want to start by saying that I did wrong. All the victims that Fretilin killed, it’s my fault. Fretilin victims killed by UDT, my fault ... if you look for who was to blame, you don’t need to look so far, I was at fault. I will carry the weight of this mistake ... but I want to look at the past and the struggle for liberty.”

With this, a wave of astonishment and emotion swept the audience. Mr Carrascalao continued.

“... With or without force Indonesia wanted just one road. Indonesia knew Timorese people wanted independence ... Indonesia knew that under international law they had no right to claim East Timor. Indonesia was formed under Netherlands colonial boundaries. Timor was a Portuguese colony ... Indonesia had a large intelligence operation in Timor ...”

Mr Carrascalao spoke of many of the moments and events of this period. While his testimony did not always address in an historically chronological form, this report will present his views in more or less this way.

Mr Carrascalao spoke of the response to the Revolution of Flowers in Portugal of 25 April 1974, and formation of Timorese political parties, emphasising the lack of experience and wisdom of young political leaders.

“... Portugal gave Timor the opportunity to choose their own political parties ... many people wanted to continue with Portugal ... but young people and those with political consciousness knew that Portugal was the poorest country in Europe ... It was good that Portugal gave the opportunity to choose ... but we cannot forget 450 years of colonialism ...”

He said that he was not a founder of the UDT party, but that in May 1975 he became a member. Speaking of politics at the time and relations between the two main parties, he said.

“... Yesterday Mr Xavier confirmed that many village chiefs and functionaries were with UDT. But not only them, also many ordinary people ... but when the campaigning started, Fretilin’s support raised quickly ... the Fretilin movement wanted independence quickly, and the Portuguese started to support Fretilin because they wanted to throw away Timor quickly ... there were many incidents, including for personal revenge ...”

“... In Fretilin some leaders were communist, but Fretilin was not a communist party. In UDT some leaders were socialist, but UDT was not a socialist party, it was social democracy ...in Timor, at the base, there were no differences ... UDT wanted independence, but perhaps in ten years ...”

Of the failed coalition, he said.

“... Why did the two parties divide? I give myself fully to understand and tell the truth, but I do not take responsibility for the parties dividing ... the parties were always attacking each other, saying bad things about each other ...”

He told of a meeting when he and Mr Francisco Xavier do Amaral were called to the Government Palace to meet with Governor Lemos Pires.

“... Xavier said ‘I don’t want to’ (break the coalition), but I don’t have power in the party.’ Xavier said in the meeting, ‘I don’t have power anymore.’”

“...the coalition was already false. UDT accused Fretilin, Fretilin accused UDT ... we were always at each other ... (at the UDT meeting) only three of us voted against leaving the coalition ... but it was a democratic decision ... It was not the Indonesians who broke the coalition ... we don't need to blame others, we are to blame ...”

And he told of the lack of support, and worse, by the international community in this context.

“... The Portuguese did not provide any civic or political education to the Timorese, and for this reason I point my finger at the Portuguese ... Indonesia was dominated by the military ... the Australian people helped us, but the Australian government always sided with Indonesia ...”

Mr Carrascalao focused especially on Portugal, Australia and the USA in this respect.

He talked of the London meeting in March 1975, between the Portuguese and Indonesian governments.

“... The Portuguese wanted ... the fast road ... they knew many Timorese wanted independence, some wanted to continue with Portugal ... they thought the easy way was for integration. They were like me, they didn't really know the Timorese people, so they agreed for the Indonesian government to take Timor ...”

While the June 1975 Maucau meeting took place, Mr Carrascalao spoke of his preoccupation with how Timor could manage in this international situation. He said he thought it was very important to understand Indonesia at this time.

“Domingos de Oliveira and I came back through Jakarta ... we met with General Murtopo ... we went there and the President of UDT was already inside ... the President of UDT didn't open his mouth, only I talked ... we thought that if the students went back to Portugal and the communist soldiers went back to Portugal, then the Indonesians would have no reason. But when we went through Kupang ... we heard that Indonesia was going to enter ... they told us that Indonesia was going to enter Timor anyway ...”

On the UDT action of 11 August 1975,

“I did wrong, because I did not understand the Timorese people ...”

“The movement of 11 August. The name of this was not the anti-communist movement, but the movement of 11 August ... Many called it a coup d'etat ... it was not an anti-Fretilin movement, it was not to take power ... it was not to start a war ... we did not want blood to run, we didn't want violence ... this violent action happened spontaneously from the base ...”

“... Every day I went to the UDT prisons and released 50-60 people. Three people died ... Who is responsible? I am responsible ... there were no orders to kill from the parties. Many killed for revenge for their own personal reasons, built up over the years. So many dead. Close to 2000 killed. Who is to blame? I am to blame ...”

Mr Carrascalao spoke of Indonesia's preparations to enter Timor. In addition to a large intelligence operation taking place, he noted that Radio Kupang labeled not only Fretilin but also UDT, and himself, as communist. He also told of a boat arriving in Dili around this time, and from it two boxes of guns being unloaded and taken to Atsabe, where the Apodeti group held power.

On the Balibo Declaration, Mr Carrascalao spoke bluntly.

“... Until today I have never signed anything supporting integration ... it's no good (political leaders) saying others were wrong, 'they were wrong, I only did the right thing' ... the Balibo Declaration, who wrote it? The presidents of the parties wrote it ...”

Mr Carrascalao spoke of the painful years of campaigning internationally for Timor.

“I am here to make reconciliation ... in 24 years I have been so ashamed ... the whole world has been against us ... I have wept at night ... when we went to other countries, not just UDT but UDT and Fretilin members, we were very sad ... it was not that Kalbuadi or Murdani went

to meet us, they sent Timorese and they accused us ... we were so sad ... I wept every night ...

He told of how UDT and Fretilin had worked together after the 1975 war.

“It was not only yesterday or the day before that Fretilin and UDT came together ... after Atambua, Fretilin sought out UDT to talk ... but it was not a good time to come together ...”

Mr Carrascalao made an impassioned ending to his presentation.

“My final words. I am sorry. We continue to ask forgiveness, always. Not just from the UDT victims, but from all victims. The principle of UDT is to help all victims ...

“In other countries around the world I have said that Timorese people are great ... it is important that we have tolerance in our hearts, reconciliation in our hearts ...”

“I have done wrong. At the massacre of 12 November (1991), I was in hospital ... I love the people ... I love this land. I could live in Sydney, a good life, easy work, good money, lots of friends. But I want to make a contribution, a humanitarian contribution ...

“... today we come together again ... Don't hold revenge in your hearts ... We don't need to label people as Chinese or white or black. Okay, there are tall people in Los Palos, short in Maubisse ... we are one people ... a new life, we need to find a new way ...”

Mr Mari Alkatiri and Mr Francisco Lu'olo Guterres, Fretilin

The final testimony was given by the Fretilin delegation of Mr Mari Alkatiri (Secretary-General) and Mr Francisco Lu'olo Guterres (President). President Xanana Gusmao was in the audience, together with many senior national political figures. After the testimony of Mr Joao Carrascalao, expectation was high. Mr Alkatiri commenced, and immediately met those expectations.

“I wanted to hear what Sr Joao would say before I decided what to say. He spoke truthfully. I congratulate Sr Joao for his courage to come forward and speak truthfully.”

Mr Alkatiri then reflected on the early meetings prior to the formation of the ASDT and other parties.

“... we had a public meeting in the Acait (restaurant) before ASDT was born ... it was a very hot discussion ... we discussed ‘are we Portuguese, or not Portuguese’, there was no other political discussion ...”

“...Sr Jose Ramos Horta participated in all political meetings at this time. He participated in the meeting which formed UDT. He came and met with me and Nicolau Lobato and said there is no need to form our own political party, we can just join UDT. I asked what is the ideology of UDT? He said a continuing link with Portugal. I said, okay, you go to UDT, we'll go ahead ...”

He told of the formation of Apodeti, and of his personal experience of the efforts of Indonesia to co-opt Timorese leaders.

“... Apodeti was born ... the Indonesian influence started. It started with the Consul ... at my house, my father and mother had many visits from the Indonesian Consul. He said their child should join Apodeti to help Timor join Indonesia.”

On the creation of Fretilin, he said,

“Ramos Horta said that the international community did not know or recognise Timor ... and so it was easy for them to accept the idea of integration ... so we started to prepare the people for resistance, for a struggle for national liberation ... we aimed to open a single front ... we asked UDT to join ... but had no response ... this is where Fretilin was born ...”

Mr Alkatiri emphasised the extent of Indonesia's military activity in Timor well before the December invasion of Dili.

“Many people say the Indonesian invasion started on 7 December. This is wrong, It started on 16 October. At the 28 November Declaration (of independence), Indonesia already occupied Atsabe ... I can say that the war between UDT and Fretilin started on 20 August ... and it was over by the start of September, two weeks maximum ... then it was war with Indonesia ...”

On the Timorese internal conflict, a key moment came when Mr Alkatiri acknowledged that the Fretilin party took responsibility for killing its prisoners,

“... Many were killed in the UDT-Fretilin war, people say up to 3000 maximum. I do not believe it was 3000 ... but we must take responsibility ... there were (Fretilin) massacres in Aileu, Same, Ermera, Betano (check). We must assume responsibility ... Fretilin killed Fretilin itself, this shows that this process was very violent ...

“I was pleased to see Sr Joao take responsibility. This is very important.”

Later, responding to questions from the Commissioners, Mr Alkatiri said,

“I have met many widows and orphans as I travel around Timor. They were Fretilin before, and they continue to be Fretilin. Their husbands were Fretilin. Fretilin killed them, as traitors. And they want to know, are they still considered traitors? Are they still considered families of traitors? ... Fretilin must accept this. We must rehabilitate people’s names formally.”

Mr Alkatiri then introduced Mr Francisco Lu’olo Guterres, the President of Fretilin, to talk of the periods that followed during the 24 years of occupation.

Mr Guterres spent the entire years of occupation as a member of Falintil in the mountains of Timor, as a senior political commissar. He gave a detailed account of the years of organising the resistance to the Indonesian occupation, of the crises and the efforts to regroup and reorganise to meet the needs of the resistance. He told of the crisis of 1979, after the deaths of Nicolau Lobato, Mau Lere and Sahe, with the resistance seemingly crushed. He spoke of the joy he felt when Xanana arrived in his camp, and of his rise to leadership in these darkest days. He told of the growing emphasis on national unity, from 1983 onwards, with gradual restructuring through what was the CRRN, CNRM, and finally CNRT. He noted how Falintil became non-partisan with the formation of CNRM in 1987, and of Xanana’s leaving Fretilin to lead both Falintil and CNRM, of how this effectively “opened Timorese hearts.”

Importantly, toward the end of his testimony Mr Guterres echoed Mr Alkatiri’s words in accepting responsibility for Fretilin violence.

“UDT killed Fretilin. Fretilin killed UDT. Fretilin killed Fretilin. As President of Fretilin, I apologise, and ask forgiveness.”

Mr Guterres had the last words of the hearing,

“My last words ... War is bad. War killed so many, divided us arbitrarily ... learn this lesson, so we never repeat it ...”

At this Mr Joao Carrascalao spontaneously stood, walking to the podium and embraced first with Mr Alkatiri and then with Mr Guterres and Mr Alkatiri. President Xanana Gusmao stood, joining the tearful embrace. Slowly, it seemed, others were standing and the embrace took in all the political leaders and many of the audience.

Closing the Hearing

Before the President made the closing address, a very touching, spontaneous, ceremony took place. Sr Lino, an elderly man who had been watching the hearing from his home in Dili, had come to the CAVR with documents about human rights violations. Frail, and supported by his daughter, Sr Lino stood at the front of the large audience with Fr Jovito Araujo, the Deputy Chair of the CAVR and with President Xanana Gusmao holding the microphone for him. Handing over the documents to Fr Jovito, in a slight, quavering voice, he said “I was a clandestino for 24 years, that is all.”

The President of the RDTL came to the podium to close the four day hearing, with emotions running high in the packed audience. It seemed he abandoned any written text, and spoke directly from the heart in a passionate and deeply moving speech, often through tears.

“At times people didn’t believe that CAVR could get a good result from this process. But I was in constant contact with Commissioners and staff, and I could see that they had great determination to commence this very important process in Timor.

“This process by CAVR is ... a unique process in the world. I thank all of you, victims, all people, political leaders ... for your courage ... Courage like before when we dreamed of independence, courage when we accepted all our suffering so that we could live in freedom ... we needed this courage to look at our past ... for the parties to accept responsibility for their wrongs ...

“ ... (in Portuguese times) we tried to learn, to think ... we lived in fascism, in a closed society ... today it is also difficult to liberate ourselves ... we are all together here in this hearing with CAVR ... with a mission to reflect, analyse and hold what we have produced, independence ...

“As a land that is trying to heal itself, that is trying to strengthen its state ... the political parties came not to justify, but to explain ... the participation of the victims ... it is so hard to come and speak here ... all of us must hold firmly to national unity. We do this when we hold this public hearing.

“The leaders didn’t point fingers ... it is important that the leaders assumed responsibility, that their parties assumed responsibility ... (through tears) we can cry, not because we are sad but because we are happy ... happy because the people want to be one ... happy because we all want to leave behind our suffering ...

“... I congratulate CAVR. The CAVR has shown us that Timorese know our mission and responsibility ... I congratulate you because you could bring us together here ... we are here to help ease the hearts of victims, especially victims ... we should be happy because this holds great promise for our future, for tolerance ...”

As he ended, the President asked all to applaud the CAVR. Amidst a huge standing ovation, the President continued to speak through tears, saying that as a member of the Fretilin Central Committee in earlier times, he too must take responsibility for wrongs.

As the large audience took their seats, and with many standing, Fr Jovito Araujo asked for a moment of calm to allow all to collect their thoughts. As the large and emotional audience settled, Fr Jovito spoke in a soft voice. He thanked all for their spirit of togetherness in making the hearing possible. He reflected on the pain of victims, and of all Timorese from this time of terrible division in the society. He noted the significance of coming together in a spirit of peace to listen and to seek to understand, and of political leaders taking responsibility for their and their parties’ actions. Through this calming reflection, it was possible to begin to see the significance of events of the past four days.

A closing prayer was given by Rev. Maria de Fatima Gomes, a member of the Advisory Council to the CAVR. The embraces and tears continued for a long time after this, including a moving scene of the Present of the RDTL, Mr Xanana Gusmao, embracing a group of widows from this period who had come to the CAVR when they heard the hearing over the radio. In seats across the auditorium, people sat crying and embracing each other. Others smiled and held the hands of supposed political enemies. A remarkable end to these four historical days.

While the process of determining all matters of truth in this period continues, and the work of reconciliation must continue well beyond the CAVR’s mandate, there is no doubt that this hearing went beyond everyone’s expectations. Timorese political leaders and the people have taken a brave and large step in this process of building permanent peace. As the Portuguese journalist Adelino Gomes said, with 28 years experience covering Timor-Leste, this hearing “was a lesson in humanity.”