

CAVR Update /April 2002

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The commission for Reception, Truth and Reconciliation in East Timor (CAVR-the Portugues Acronym) is a National, independent, statory authority. The commission is mandated to under take 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-reconcilliation.org

This update reports on developments at the CAVR National Office since the formal commencement of the Commission on 7 February 2002 and is published in English and Indonesian, the working languages of the Commission. Future Updates will be issued on a monthly basis.

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'Crime is a violation of people and of their relationships. Justice, then, ought to seek first of all to repair relationships, to make them right'. Howard Zehr.

1. Human resources

An achievement of fundamental importance to the Commission has been the Timorisation of the organisation, especially at the leadership level. This followed the Interim Office period, when activities were more dependent on international staff, and commenced in earnest when seven National Commissioners were appointed by Government Gazette on 7 February 2002. From that date, full legal and administrative responsibility for all aspects of the governance, policy direction and organisation of the Commission has transferred to East Timorese control.

This has been followed by a number of the important initiatives in the human resources area :

- appointment of an East Timorese Executive Director (Mr Joao Baptista) replacing the former Project Manager (Mr Pat Walsh);
- selection of 30 Regional Commissioners;
- appointment of a Program Manager (Mr. Lucio dos Santos, formerly of IOM) who will oversee the implementation of the Commission's three major functions;
- appointment of Coordinators for two of the Commission's functions: Truth-seeking (Mr. Hugo Fernandes, formerly editor in chief of Talitakum magazine), Reception and Victim /Witness support (Ms. Armandina Gusmao, formerly a member of the Constituent Assembly). These managers will commence work early May. The position of Community Reconciliation Coordinator will be re-advertised.
- appointment of a Head of Administration (Francisco Amaral)
- appointment of support staff, especially in the Truth-seeking Unit which now constitutes the largest Unit (12 staff);
- evaluation of local and international staff.

Counting all Commissioners, CAVR will have a human resources complement of 85 by the end of May. The following comments should be noted:

- this recruitment process has been a major undertaking (involving organisation development, advertising, head-hunting, some 200 interviews - including in some districts outside Dili, writing and translating of job descriptions and contracts);
- care has been taken to ensure a mix of ages, gender and political backgrounds;
- the role of internationals has been revised to one of technical support and capacity building, requiring necessary but considerable organisation-wide adjustment;

- because the commission and its modus operandi are new in East Timor, intensive training and support are required for new staff and regional commissioners (some general orientation has been provided for new staff; more specific training packages are being prepared, including staff manuals);
- a number of international technical support staff will soon leave with the conclusion of UNTAET's mission.

International technical support staff

CAVR is an East Timorese institution headed by East Timorese and staffed by East Timorese. However, CAVR National Commissioners are seeking technical support in a number of key areas from a small team of 10 internationals to replace the support previously provided, in the main, by UNTAET. The departure of a number of experienced and key internationals in May and the expected delay in finding replacements will have a short-term effect on the Commission's capacity. Donors are requested to give urgent consideration to providing support to the Commission in this vital area. A list of the 10 positions and job descriptions is available.

2. Governance

The primary responsibility of the National Commissioners in the two months following their appointment on 7 February has been to undertake "*preparatory activities to ensure the effective functioning (of the Commission) during the period of its operation*" (Regulation 2001/10, Section 12). Much is involved in thinking through and establishing an organisation which is unique in this region, and in which East Timorese have no background. In view of the complexity and sensitivity of its functions, care is being taken to ensure human resources, structures, systems and procedures are as developed as possible before operations commence in earnest.

The commissioners have:

- attended a week long retreat (led by international consultants from ICTJ in New York);
- elected office bearers and assumed individual portfolios;
- held 18 plenary sittings to the end of April;
- formulated a range of administrative policies;
- commenced phasing in the Commission's truth-seeking function through a pilot project scheme;
- participated in a number of workshops on Commission procedures;
- coordinated a number of Working Groups;
- secured positive endorsement of CAVR by key political leaders, the Catholic Church and the Constituent Assembly (Article 162, new Constitution);
- Selected regional commissioners (to be sworn in before 20 May);

- selected 6 regional office sites (Dili, Oecussi, Baucau, Maliana, Suai, Aileu);
- obtained support (political from the Justice Minister, financial from Japan) for the rehabilitation of the former Balide prison as the CAVR national office;
- negotiated an MOU with ASSEPOL (ex-political prisoners association) regarding the Balide prison;
- appointed senior staff;
- made two visits to West Timor and several visits to the districts;
- established a web-site (www.easttimor-reconciliation.org);
- given many media interviews and held a number of press conferences;
- provided many briefings to donors and visiting international delegations;
- held several consultations with the General Prosecutor;
- commenced work on a national public education strategy;
- met with and briefed the Transitional Administrator;
- negotiated the content of two Directives (one on the Commission's fund-raising powers, the other a Remuneration Directive);
- overseen the raising of a proportion of the \$2 million now pledged to the Commission (approximately half projected requirements).

3. Financial situation

Encouraging support has been given by international donors with half of anticipated funding needs of approximately \$4 million now pledged. CAVR is aware, however, that obtaining the balance of the first \$2 million will depend on the Commission's performance.

As at the end of April 2002, CAVR has \$842,000 in its BNU account in Dili. This comprises grants from the UK, Australia, Japan and Finland. An agreement is about to be signed with UNHCR for the transfer of a \$317,000 EC grant. Further grants are being discussed with the Governments of Sweden, Norway, Canada, the US and Ireland. A table of grants received (and anticipated) is available on the CAVR website or by email.

The Commission has acquitted and provided reports on earlier grants received from:

- USAID/OTI
- United Kingdom
- Finland.

The Commission is currently preparing for its first audit. This will be conducted early May by a government-appointed auditor. (Report will be available).

In addition, the CAVR Finance and Donor Liaison Units have

- produced monthly financial reports;
- submitted a report to the Budget Review Committee;
- developed financial and pay-roll systems;
- computerised the CAVR accounting system (using MYOB);

- drafted a Finance Management manual for use by the national and regional offices;
- mentored East Timorese staff;
- interviewed applicants for the Head of Finance position, without success. This position is being re-advertised and head-hunted;
- participated in a Finance Committee chaired by the CAVR Treasurer, Olandina Caeiro;
- commenced a revision of the budget in the light of the recent Remuneration Directive;
- continued liaison with existing donors and the search for further funds.

4. Phasing in of CAVR functions

The National Commissioners have commenced the core functions of the Commission by preparing two pilot projects (Truth-Seeking) and exploring a third (Community Reconciliation). This has been done during the two month preparatory phase provided for in Regulation 2001/10 in order to provide experience and lessons from the field before commencing operations nationwide. The process has not completed any cases, but has yielded a number of important practical results. Focussing on concrete issues has helped CAVR identify and address a large number of significant methodological, legal and logistical issues which must be resolved before the Commission can operationalise its work, both in terms of the pilot projects and nationally.

The two Truth-seeking Projects are as follows:

- Indonesian military use of Atauro Island as a detention centre, 1980-1982 (forced displacement);
- extra-judicial killing of 5 civilians in Muapetine, Lospalos, 1983.

Preliminary discussions are underway about the conduct of a pilot project in community reconciliation in Oecussi (relating to 1999).

In preparing the pilot project scheme, CAVR has undertaken the following activities:

- A district-by-district human rights mapping exercise (report confidential because not yet verified);
- consultation with community, NGOs and authorities in three pilot project sites: Lospalos, Atauro, Oecussi. (Reports available)
- community consultation in Dili regarding Atauro. (Report available in Indonesian);
- two Truth-Seeking Workshop. (A report of the first workshop is available in English and Indonesian; the second report is being prepared).

Some issues currently being addressed are as follows (to be completed before the end of May):

- finalisation and testing of a statement-taking format;
- preparation of a human rights and statement-taking training workshop;
- finalisation of confidentiality policy;

- finalisation of victim/witness protection policy;
- policy dialogue with the Office of the General Prosecutor and the Serious Crimes Unit about the classification of crimes, division of competence and referral of information gathered by CAVR.

These legal requirements need to be finalised before commencing operations, including the pilot projects. Best practice dictates that proper procedures are needed to protect the rights of participants and the credibility of the Commission and its findings.

5. Future plans

Principal short-term priorities are as follows (additional to undertakings referred to above):

- next stage in development of regional infrastructure, including swearing in and training of Regional Commissioners, staff recruitment and fitting out of offices;
- implementation and evaluation of pilot projects and application of lessons learned (with assistance of international consultants to input experience from other commissions);
- delivery of national public education programme;
- rehabilitation of the former Balide prison as CAVR national and Dili regional headquarters.

6. Challenges and issues of concern

Some short-term key issues which are foreseen include the following:

- accountability arrangements post-UNTAET (who in the East Timorese government will the Commission report to after the departure of the transitional Administrator on 20 May). This issue, which is both legal and political in character, will be the subject of special meeting next week, including with the Transitional Administrator;
- uncertainty regarding the supply of international technical staff and the anticipated short-term vacuum between departure of experienced international staff and recruitment/induction of replacements;
- donor conditionality: this has resulted in an imbalance in the sector distribution of grants to CAVR leading to serious shortfalls in vital areas, including a shortage of vehicle and computers;
- the likelihood that, to complete its mandate, CAVR will need the full two years and six months referred to in Regulation 2001/10.