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Appendix:

Report on a Community Reconciliation Process, Oecussi, 22 November 2002.

The Commission for Reception, Truth and Reconciliation in East Timor (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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**The suffering of East Timor has been deep
From this suffering comes Great Compassion
Great Compassion makes a Peaceful Heart
A Peaceful Heart makes a Peaceful Person
A Peaceful Person makes a Peaceful Family
A Peaceful Family makes a Peaceful Community
A Peaceful Community makes a Peaceful Nation
And a Peaceful Nation makes a Peaceful World.
May all beings live in Happiness and Peace.**

Adapted from Cambodia

The last Update reported on Commission activities in August-September and focused on the final stages of the Commission's operational establishment, including the training and deployment of district teams. October-November has been a period of consolidating the program activities of these teams across the country. In this period, the Commission has become fully operational and taken major steps in the implementation of its core program, particularly in the key areas of victim-support, truth-seeking and community reconciliation. As a result, we are now able to report in some detail how the CAVR program is working out in practice on the ground. After the hard work involved in setting up, this is an exciting time for the Commission. To give readers a good insight into these activities – which are recounted here for the first time – the report includes several detailed accounts.

Note: the acronym CAVR used in the report comprises the Portuguese initials for the Commission for Reception, Truth and Reconciliation in East Timor.

1. Victims national hearing

A major highlight of the past two months was the National Victim's Hearing 'Rona Ami Lian' (Tetun - 'Hear Our Voices') organised by CAVR, which took place on the 11 and 12 November 2002 in Dili. The hearing coincided with the 11th anniversary of the Santa Cruz massacre, in order to highlight the significance of this day for human rights in East Timor.

The event was a platform for the testimonies of fourteen East Timorese who each recounted their personal experiences of human rights violations in East Timor over the period of the political conflict. The aim was to recognise their stories and through these individual accounts to impart a sense of the national experience, in order to contribute to the healing of the individuals involved and the listening nation. The hearings were held in a public forum, the ex-CNRT auditorium adjacent to the Commission's national office, and were broadcast live nationally by Radio Timor Leste and Radio Rakambia. There was also national television coverage by TV Timor Leste and international coverage by CNN, Sydney Morning Herald, The Age, ABC Radio (Australia), AP, and the Norwegian press.

Much preparation went into the event, including a selection process in all districts from people who had already given statements to the CAVR during the first three months of its operations. Those selected to testify included people who had suffered human rights violations during the period CAVR is mandated to investigate, 1974-1999, a range of violations and a balance of women and men. Six women and eight men participated, ranging in age from the early twenties to the late sixties. A two-day workshop was held in Dili prior to the hearing to ensure that those testifying were well prepared and understood the process.

The hearings began after a ceremonial opening which included choral recitals, poetry and speeches by Jacob Fernandes, the Deputy-Speaker of the National Parliament and Aniceto Guterres Lopes, the Chairperson of CAVR. President Xanana Gusmao was out of the country at the time. Mr Fernandes said that as a Fretilin member of Parliament he strongly supported the Commission and listening to those who had suffered. In his comments, the CAVR Chair observed that 'through recognising the suffering of individuals, we are recognising the suffering of all Timorese, we are listening to our national story'. He added that 'it is important that we hear from victims from all periods of our mandate, including victims from all sides of the conflict. The CAVR is independent and has a responsibility to maintain this impartiality in all its work'.

Each person stood centre-stage between the National Commissioners and the others there to testify and, after a brief swearing-in ceremony, gave an oral account of their experiences. At the end of each testimony the National Commissioners asked questions to clarify any missing information and to encourage further reflection on the consequences of the experiences on that person's life. The dignity and composure with which the people taking part told their often disturbing stories was remarkable and profoundly affected all those listening to the hearings, whether they were present in the auditorium or were listening in their homes.

Asked by National Commissioners what they wanted to say to East Timor's leaders, the victims said the most important thing was to ensure their experience was never repeated in East Timor.

Hearing their voices

You have told us of your suffering during these two days of hearings, but I want to tell you that you are not alone. Through your stories you have shared your pain with us, and now we all feel this with you. You can see here today how the stories of your suffering have affected us all. We open our hearts to you.

Aniceto Guterres Lopes, CAVR Chairperson

Madalena Pereira told how she had been held captive at an Indonesian military base in Ermera for a year, where she was kept as a 'war-bride' by a soldier there from 1977-78. She spoke of how she bore two children, one who died and a son who is alive. She also spoke of how she and her son continue to suffer stigma in her community to this day.

A particularly dramatic testimony was given by Atanacio da Costa, who spoke of a terrible militia assault outside his house in Oecussi April 1999. Cut repeatedly with machetes, he collapsed to the ground, where he was stabbed in the rectum with the barrel of a rifle. Mr da Costa re-enacted elements of this assault, to show how he was assaulted when he was totally helpless, and removed his shirt to show the scars of this attack. He told Commissioners of medical efforts to repair the damage, including ten operations, and the ongoing debilitating effects this has on his daily life.

In other testimony, Commissioners heard stories of forced imprisonment on Atauro of family members of the FALINTIL fighters, in the late 1970s. Teresinha da Silva of Aileu spoke of forced encampments by FRETILIN of the civilian population in 1975, before the Indonesian invasion, and the subsequent death by starvation of many people due to lack of food in these encampments.

In a deeply moving moment, and the final testimony of the two days, Esmeralda dos Santos gave testimony of how in September 1999 she was taken from the Suai church to a nearby school with other women, where they were kept for one week and repeatedly raped in front of others. She told how they were then taken to West Timor, where the sexual violations continued. She spoke of how she had borne a child from this experience, and asked the audience if she could present her daughter to them. All acclaimed that they welcomed her one-year old daughter, and she was brought onto the stage. Esmeralda introduced Mary Robinson, named after the then High Commissioner for Human Rights who had visited her in Suai in 2000 and met her new born baby. Esmeralda, as with the other women before her, spoke with strength and clarity about her experience, and presented herself with great dignity. Nearing the end of Esmeralda's testimony, emotions were close to the surface. Around the auditorium groups of people were crying and leaning upon each other. They said that listening to these stories had brought back their own traumatic experiences: one young woman, surrounded by a group of crying friends, recalled the murder of her husband one day after her marriage, in August 1999.

A week after this audience, CAVR teams visiting a hill-village in the enclave of Oecussi, one of the most remote parts of East Timor, told how they listened to the live radio coverage of the hearings, and wept at the testimony of Esmeralda.

The full text of the testimonies will be published on the CAVR website: www.easttimor-reconciliation.org

2. Community reconciliation procedures

The Commission is actively involved in facilitating community reconciliation across East Timor and is rapidly growing in confidence in the concept and conduct of this sensitive process. Successful reconciliation hearings have now been conducted in the five districts in which CAVR commenced its field work. The program was previously delayed due to uncertainty following the introduction in May of a proposed amnesty law. However, encouraged by support from various quarters including from Lu'Olo, the President of both the National Parliament and the majority Fretilin Party, the Commission decided to move forward and held its first hearing in Maumeta, Liquica, on 23 August witnessed by Mary Robinson, then High Commissioner for Human Rights.

Since then, 143 perpetrators have voluntarily provided statements to CAVR. To date reconciliation hearings have been held involving 50 of these perpetrators. These processes are aimed at assisting the reintegration of people who have harmed their communities by relatively minor offences, and are based on a perpetrator coming forward voluntarily to participate. Most perpetrators have been low-level members of militia-type groups operating in 1999. As most of the hearings have been held at village level, they are very much a grassroots reconciliation process involving people who have been divided by violence but who otherwise live so closely they are almost family. Hearings have ranged from simple events involving one perpetrator to richly cultural community ceremonies involving large numbers of deponents, but all have so far been characterised by a strong community impulse of forgiveness. Victims who attend the hearings have the opportunity to question deponents and to speak about how the violence has affected their lives, including leading to impoverishment. Many have stressed the importance of trying to put the violence behind them and to move on with building the new nation. All hearings have involved local traditional *lulik* or *adat* ceremonial rites, with the *lia nain* playing an important ceremonial role. *Lulik* (Tetun) or *adat* (Indonesian) is the system of traditional law and custom regulating village life. The keeper of this system is the *lia nain* whose participation enhances the credibility of the hearings in local communities. Evidence from the first 3 months of operations is that perpetrators, victims and communities consider the process very relevant and the Commission expects that the demand for the official process offered by CAVR will increase significantly. December will see hearings being held in Ermera, Maliana, Manufahi and other districts.

Procedures have been put in place with the Office of the General Prosecutor which is required to give approval for hearings to go ahead in each case. These have been working very effectively.

Following is a summary account of recent reconciliation hearings:

29 October: Faelebo, near Liquica. One deponent and one victim. Deponent involved in intimidation and beating. Hearing resulted in agreement that deponent should repair a local school, working together with the victim after the victim volunteered to assist.

30 October: Lacluta, near Viqueque. Nine deponents, nine victim's families. Deponents involved in house burnings and destruction of property. Hearing resulted in agreement that all deponents will work one day a week for 4 weeks building a church.

13 November: Tutuala, Los Palos district. One deponent, two victims. Deponent involved in intimidation and beating. No community reconciliation act was considered necessary.

18 November: Haleu, Metinaro, near Dili. The Hearing was attended by some 500 people and opened by the village chief who explained to the audience that by taking part in the process of reconciliation they were helping to build a new nation. The deponent explained that while he had joined a Timorese militia group in 1999, he had been forced to do so under threat

by the Indonesian military and felt he had no other choice. He stressed he had not committed any crimes and apologised to all present for his actions. After consulting with the community present and discussing amongst themselves, the 5-member panel (comprising Regional Commissioner Juanico P. dos Santos, the village chief, the traditional village leader, and representatives of the church and youth) announced that the deponent's apology was adequate punishment and no other penalty would be given.

19 November: Babuli, Metinaro, near Dili: three deponents, five victims. The hearing was led by Dili Regional Commissioner Teresina M. Cordoso. The first two deponents had between them burned down 5 homes in the community in 1999; the third was a former militia member who had threatened community members to vote for autonomy with Indonesia in 1999. All three men apologised for their actions, asked for forgiveness, promised never to repeat such actions and said they had committed their crimes under threat by the Indonesian military. Following questions by the community to the deponents, the panel decided not to impose any penalty on the first deponent. A decision regarding the other two deponents was suspended because victims of their offences were not present. The deponents embraced the victims and members of the audience then ate betel nut and drank palm wine together as a sign of reconciliation.

22 November: Nitibe, Oecussi. 31 deponents and numerous victims. Deponents responsible for destruction of property, destruction and theft of livestock, physical assault and intimidation. Some deponents made a symbolic gift of tais (woven Timorese fabric) and traditional ornaments to the families of the victims. Others arranged the payment of livestock. *(See Appendix for a detailed account of the Nitibe reconciliation)*

3. Truth-seeking program

The Truth-Seeking Division is the largest section in CAVR with a nation-wide staff of more than 70 personnel. The Division comprises Statement-Takers (56 field workers), Statement Readers (6 based at the national office, assisted by one international), Date Processors (4 based at the national office), a Research/Investigation Team (3 in the national office, assisted by three internationals), and a Public Hearing Officer (currently vacant). The Division is headed by Hugo Fernandes.

By the end of November, CAVR district teams working in all 13 districts have taken 2160 statements. These statements relate to violations which occurred in the CAVR's mandate period 1974-1999. The statement taking teams have developed their skills considerably on the job and can be expected to increase the number of statements and their quality as their work progresses. They have been supported in their work by national office staff who have monitored the quality of statements and provided further training as required. At the current rate of statement-taking, CAVR is on track to reach its planned target of 8700 statements.

During the period under review, consultant Ken Ward completed and set up the CAVR data base, assisted in the recruitment of four data entry personnel and provided them with training. Following perusal and codification of the statements by a team of six statement readers, the data is entered on the new data base. The four processors are currently entering 20 statements a day, a rate which is confidently expected to increase with practice. The team is currently assisted by an international adviser, Sophie Kahn, who also providing analysis of the statements. Technical backup is being provided by the CAVR IT unit.

Working with National Commissioners and senior East Timorese staff, historian and Indonesia-expert Dr Gerry van Klinken has finalised the CAVR research program and completed his 3-month consultancy. As reported in the previous Update, the program will research a number of significant national issues including displacement and famine, significant massacres, the Indonesian military, and the impact of violations on women and children. East Timorese staff

have been recruited into research positions, and with the assistance of a GTZ (German) capacity building grant, two international staff have joined CAVR for a short period to assist this team. The team has commenced field research in two areas – massacres and displacement/famine. CAVR Special Advisor Pat Walsh will coordinate the program in cooperation with Hugo Fernandes, Head of the Truth-Seeking Division, and Dr van Klinken who will return to East Timor in the new year. Research is also underway in preparation for a public hearing on political prisoners, scheduled for mid February.

4. Acolhimento/reception and victim support

An estimated 32,000 plus East Timorese continue to live as refugees in West Timor and CAVR is deeply concerned to assist in their social re-integration in East Timor should they chose to return home. To this end, CAVR has undertaken the following activities during the last two months:

- Commissioner Isabel Guterres has continued to actively monitor the situation in West Timor and has joined UNHCR in assisting with 'go and see' visits to the Viqueque area of East Timor.
- CAVR accepted an invitation from President Xanana Gusmao to accompany him on his visit to West Timor, 30 October – 4 November. The CAVR delegation comprised CAVR Chair, Aniceto Guterres Lopes, National Commissioners Olandina Caeiro and Rev Agostinho de Vasconcelos, and three staff – Hugo Fernandes (Truth-Seeking Division), Lamartinho Oliveira (Media Liaison) and Antonia Carmen (Radio Program Officer). The schedule included visits to Kupang, Kefa, Atambua and Mota Ain and provided CAVR with an excellent opportunity to explain the work of the Commission and counter common misconceptions about life in East Timor. President Gusmao was forthright in his support for the Commission and the rule of law/justice in East Timor. The visit was followed by a second meeting with pro-autonomy leaders held in Bali on 13 November, which Aniceto Guterres Lopes, CAVR Chair, attended at the President's invitation.
- CAVR has continued to dialogue with UNHCR about their mutual roles in the context of UNHCR's downsizing. This included a joint visit to the UNHCR border post at Batugade on 26 November.

As a result of the above activity, CAVR has decided on two important initiatives in relation to West Timor:

- To actively and concretely explore the possibilities of statement-taking in West Timor, so that - in line with CAVR's independence and impartiality - East Timorese there have the opportunity to participate in truth-telling. This will require the cooperation of the Governments of both Indonesia and East Timor, an intensive public information program and consideration of security and financial implications.
- To discuss with UNHCR the placement of a CAVR officer in the UNHCR Batugade reception centre. The officer's role will be to meet refugees as they return, to explain to them how CAVR might assist with their social re-integration, to inform the relevant CAVR regional offices about East Timorese returning to their areas and to cooperate with national and district UNMISSET Human Rights officers to ensure protection of returnee rights.

The National Office Victim Support and District Victim Support teams have been very busy during the past two months.

At the National Office, the team focussed on preparation for the first national victims' hearing on 11-12 November. This involved extensive liaison in all districts, conducting a 3-day preparation workshop for all participants prior to the hearing, support throughout the hearing and follow-up support.

In addition, the National team has commenced implementation of a field-based training for Regional Commissioners and District Victim Support staff in relation to mapping the impact of violence upon communities. These trainings take place in communities, in a learning-by-doing process. By the end of November, the trainings had been held in Liquica, Baucau, Lautem, Viqueque and Manufahe. The remaining districts will complete this training throughout December. District teams have also been busy supporting the community reconciliation process, which has a strong emphasis on supporting victims and assisting in restoring their dignity.

5. Community outreach, public information and media

As CAVR has become fully operational in the districts, public information and media are increasingly important.

Radio has been identified as the optimum means of communication for East Timor. With support from a USAID grant, a Public Information Team has been formed with to focus on radio. The team has been gathering material from all districts and recording national events. A weekly radio program will commence on 4 December. The program will be broadcast on Radio Timor Leste, Radio Kmanek and community radio throughout the districts. A particular aim is to record events in the districts and the voices of community members across the country so that a truly national process of healing and reconciliation is projected.

A 25 minute community education video cassette disk has been completed in November, with the assistance of British funding. The video was screened on TVTL on 10 November, the eve of the first national public hearing, and was well received. It will be distributed to all district teams for use in socialisation activities in each sub-district, and to relevant NGOs and community organisations. Initially in Tetum, the video is being produced with an English language voice-over for donors and international agencies.

With activities taking place across East Timor, local media is increasing its coverage of the Commission. TVTL filmed the large community reconciliation event in Lacluta, Viqueque, on 30 October. Radio has covered a number of other reconciliation events. Timorese media played a key role in projecting the first national hearing to a national audience. Radio Timor Leste and Radio Rakambia broadcast live from the hearing. Reports of the emotional power of the testimony from community members in the Oecussi mountain village of Lele-Ufe testify to the power of this medium. Radio Timor Leste has conducted a series of four panel discussions with key Timorese civil society leaders about the work of the Commission over the past two months. The national daily, Suara Timor Lorosae, and several magazines have also covered CAVR activities and issues related to the Commission.

International media took a particular interest in the public hearing on 11-12 November. The hearing attracted stories by CNN, Sydney Morning Herald, The Age (Melbourne), ABC Radio (Australia), AP, and a Norwegian newspaper. In addition, international media have run stories on community reconciliation hearings.

In the new year, a second video cassette disc will be produced showing community reconciliation events across the country. Print materials are also planned for early new year, especially to assist local communities to understand fully their opportunity to participate in the processes of the Commission and to foster enthusiasm for healing, reconciliation and peacebuilding. A series of public events such as concerts, art, poetry and music competitions will encourage this spirit.

CAVR is exploring a plan with UNHCR to receive returnees from West Timor at the UNHCR Batugade reception post which will involve briefing returnees on CAVR and how it can assist

with social re-integration. This will involve distribution of literature especially prepared for these East Timorese.

Following meetings in September with NGOs and the media, the Community Outreach Division has continued its program of meetings with key stakeholders. On 21 October, a meeting was held with political parties. Representatives of 10 political parties attended. A separate meeting is planned with the Fretilin majority party.

6. Community response to CAVR

During the October-November period, in response to CAVR's increased activity and visibility, Timorese media has been reporting community participation in CAVR-facilitated activities and the CAVR work generally.

Community response to the CAVR at district level has been positive and welcoming and people have shown an eager willingness to participate in the various elements of the CAVR work. CAVR must now consider how it can effectively meet this high community demand to participate.

Within this context, there has been some criticism of the CAVR in certain districts. This seems to be locally focussed, and relates to local issues such as particular Regional Commissioners or staff members and their background. For example, in Oecussi a letter was submitted to the CAVR in complaint about the appointment of one Regional Commissioner. In November, National Commissioners Jacinto Alves and Rev. Agostinho de Vasconcelos visited Oecussi. They met with local administration and traditional leaders, and the district UNMISSET Human Rights Officer, about a range of issues relating to the CAVR, including this issue. National Commissioners will return to Oecussi in December for further consultations including with signatories to the letter of complaint.

Timorese media has also reported some discontent with the background of CAVR staff in the Ainaro district. CAVR National Office staff and National Commissioners have travelled to Ainaro and met with community members. Though the issue does not appear to be serious, there is a need for ongoing public information and community education about the CAVR, its independent character and mandate. For example, some community members were angered because they said that only Fretilin members should be allowed to be staff of the CAVR; others said that anyone who did not support independence actively should not be allowed to be a staff member. National Commissioners and senior staff have participated in two nationally broadcast radio panel discussions about these issues, to offer clarification.

It should also be noted that a Regional Commissioner in Manufahe district has resigned for personal reasons, and the National Commissioners are in the process of starting community consultations to select a new Commissioner.

7. Human resources

Ten Timorese staff joined the National Office during October-November. They include two finance officers, and a team of researchers and data processors. This latter group is responsible for entering key data from the 2160 statements so far gathered by CAVR. They have been trained by an international data-base expert, Ken Ward, who designed the CAVR data-base.

A number of short-term international team members have also joined the CAVR in October-November, with a focus on capacity building during this consolidation period. These include

support for statement analysis and data processing, research, community reconciliation, public hearings, victim support, technical radio and video production. Two new staff members have joined the CAVR: Amy Rothschild for one year (supported by Yale/Notre Dame Universities) and Chris Vertucci for two years (supported by the Mennonite Central Committee).

CAVR is pleased to confirm that all ten positions allocated in the UNDP '200 list' have received donor support. While funds are pledged, most positions have not yet been filled. Through British/EC funding, the Program Manager position has been filled in November and Ms Galuh Wandita has commenced work. The Legal Counsel position (made possible through British/EC funding) has also been filled, and the successful applicant is expected to take up the position in January 2003. Funding for other positions is pledged, but positions not yet recruited. AusAID has confirmed it will provide a Finance Advisor to CAVR for six months. Other Advisor positions will be supported by the EC, Denmark and Japan.

8. Capacity building and training

In October, the German development agency GTZ provided CAVR with a special grant of USD17,500 for capacity building for activities till the end of December. This has allowed timely capacity building inputs, including the following:

- Development of a program of effective recognition and support to victims of human rights violations suffering from trauma, and self-care for CAVR Commissioners and staff (Input: from a psychologist with extensive East Timor experience).
- Training of trainers for the national office Victim Support team, and in-field training for district Victim Support officers and Regional Commissioners for community mapping exercises to measure the impact of violence upon communities; recognising trauma-related behaviour in victims of human rights violations and developing effective referral networks and processes; and self-care for Victim Support Officers and Truth Seeking Statement Takers. Focus on district training by running programmes with communities. (Input: two months of technical assistance by a psychologist with extensive community development experience in East Timor).
- A support training video for district teams about recognition of trauma and strategies for dealing with it, and self-care in terms of vicarious trauma. This is currently in production and will be supplied to all district team members. (Input: video producer)
- Capacity building of Truth-Seeking statement analysis team, and through this quality improvement of district team statement takers work. Also capacity building of data-entry team in use of data-base, and ensuring effective coordination mechanisms between data-entry team, statement analysers and district statement takers. (Input: one international for 6 weeks).
- Information production training: this included radio Cooledit training for the CAVR Information Production team (on-the-job during production schedules for weekly radio program); video shooting and editing training for CAVR Information Production team. (Input: one international trainer for one month)

In addition, the Institutional Development and Training Team, working with the Regional Co-ordination Team, has developed a regular support and monitoring process for district teams, in order to develop a responsive process to meet ongoing needs.

9. Advisory Council

National Commissioners are establishing an Advisory Council of prominent individuals, both East Timorese and internationals. The Council will enhance the Commission's status and credibility and assist the Commission by providing authoritative advice and feedback. The

composition of the Council, some 10 individuals, will be announced in the New Year after invitees have confirmed their acceptance.

10. Finances and procurement

The Commission has undertaken significant expenditure in the last few months to establish, equip and operate its large national staff and program. Following are the main developments during the October-November period:

- The CAVR Chairperson, Aniceto Guterres Lopes, and the German Government agency GTZ signed a grant contract for Euro200,000 on 21 November.
- Germany has also provided USD17,500 to assist with capacity-building in the Public Information/Community Outreach program of the Commission.
- The British Embassy is in the process of transferring USD61,000 to the CAVR account, being the balance a previous grant.
- USAID has provided USD7,985.00 to enable the in-house production of weekly radio programs for broadcast on national and community radio throughout East Timor.
- UNHCR is providing CAVR with some equipment, including several vehicles, as it downsizes its program in East Timor.
- AusAID has formally agreed to provide a Finance Advisor to CAVR for a six-month period. The appointment is being managed by ITC's Australia-East Timor Capacity Building Facility (CBF) in collaboration with UNDP and will be made in the New Year.
- CAVR has written to Prime Minister Alkatiri requesting that the Inspector-General conduct another financial audit of CAVR in December.

11. Visits and visitors

- 4 October: briefing of donors and presentation of August-September Update.
- 14 October: presentation to human rights training program provided by the International Service for Human Rights, a Geneva-based NGO.
- 15 October: briefing to international prison assessment mission.
- 17 October: briefing of East Timorese political parties
- 29 October: briefing of Misereor representatives, Dr Martin Brockelmann-Simon, Managing Director, and Dr Duetting (Asia Director)
- October: Commissioner Isabel Guterres joined UNHCR on several refugee 'go and see' visits to the Viqueque area;
- 30 October-4 November: six National Commissioners and staff visit East Timorese refugees in West Timor with President Xanana Gusmao.
- 8 November: meeting with representatives of Japanese Government, Hashi Hiroharu, Akiko Hayashida (Ministry of Foreign Affairs, Tokyo) and Shinichi Kusano (First Secretary, Embassy of Japan, Indonesia)
- 13 November: CAVR Chair visit to Bali with President Xanana Gusmao.
- 18 November: briefing to international justice assessment mission
- 25 November: CAVR Chair meeting with Prime Minister Alkatiri.
- 26 November: visit with UNHCR to Batugade reception centre for returnees.
- 26 November: briefing of international police assessment mission.
- 28 November: meeting with John Pitt, Managing Director, Pitt and Sherry.
- 29 November: CAVR Chair, Aniceto Guterres Lopes, and Advisor Kieran Dwyer, depart for international meeting of truth commissions in New York.

12. Rehabilitation of former Balide prison

Work is proceeding on the rehabilitation of the former colonial prison in Balide, Dili, which will serve as the CAVR national office. This is a human rights heritage project which will be transferred to community management after CAVR completes its mandate in 2004. A new roof, concrete flooring in several areas, extensive rendering, and electrical re-wiring and re-plumbing are nearing completion. Layers of paint (applied over the years to clean up the prison ahead of visits by various international delegations) have been stripped off the internal walls revealing prisoner graffiti written over 25 years ago, some of which will be preserved. The construction of a large traditional meeting house is underway in the main courtyard (former exercise yard). The project is behind schedule. It is planned to hold the first thematic public hearing (on political prisoners) in the new premises in mid February.

To help develop thinking about the long-term use of the complex, CAVR is in contact with several human rights-related heritage projects in other countries. These include Ireland (the Strokestown Park Famine Museum in County Roscommon), Japan (Hiroshima Peace Memorial Museum) and Australia (Port Arthur Convict Prison, Tasmania).

The rehabilitation is being funded by Japan. A CAVR delegation will visit Japan in February as guests of the Japanese Government.

APPENDIX

Report on a Community Reconciliation Process Suco Lela-Ufe, Nitibe, Oecussi on 22 November 2002

By Kieran Dwyer, Advisor to CAVR

This process today is very important to us. It is important to me as a victim, because it shows that I can stand up in my community and say what really happened. But for me, it is even more important because it helps us move forward, as a community and a new nation. We had so many years of fear and suffering. And so many years of being divided. Now we can begin to walk forward together, and build a new nation for us all and for our children.

Victim of human rights violation at Lele-Ufe community reconciliation hearing

In Oecussi we have been hindered in our efforts at economic development by divisions in our community from 1999. If we cannot all work together as East Timorese, we cannot build our new nation and especially our district of Oecussi. Today, with the help of the Commisison for Reception, Truth and Reconciliation, we are able to heal the divisions in our community, and this helps us come together to look forward to developing our whole community together.

Francisco Xavier Marques, District Administrator, Oecussi

This process today is not the end of the reconciliation process in your community. It is a beginning of a new social process. In this process we all have to look at our history. Reconciliation does not mean that we forget about our past, but it means that we look at it in order to understand ourselves better and to be able to move forward as a community. This is a process we can call developing a new social conscience. Through this process, we can go on to create a culture of peace in our new East Timor.

Jacinto Alves, CAVR National Commissioner

This was the first Community Reconciliation Process (CRP) in the district of Oecussi, and came after the district team had been working in Nitibe (a sub-district of Oecussi) for nearly three months*. This brief report aims to share some of my observations of the process, especially as I was particularly impressed with the community leadership and ownership of this process and the deep sense of satisfaction so many community members expressed with it.

The hearing was held in the village of Lela-Ufe, a mountain village (*suco*) about one and a half hours drive in the dry season from Oecussi town (31 km). The village sits on a ridge, overlooking the hills of Indonesian West Timor on one side, and valleys of Oecussi district on the other. The *suco* is comprised of four *aldeais* or sub-villages, several of which require a long walk.

Visiting Lela-Ufe the day before the hearing, I met with a number of the village elders who would make up the panel for the hearing, who were meeting with Mr Arnold Sunny, the Regional Commissioner in the Oecussi team, the chairperson of the panel. He was meeting to brief the elders, and also to discuss generally with them their thoughts about how the day should proceed. With them were some of the key *lia-nain*, or *tokoh-adat* of the village, keepers of the traditional customs and law. Nitibe is known as a place of very strong continuance of traditional customs, and I immediately noticed the elaborate silver (or like metal) tobacco holders and woven baskets used by the men. We sat outside overlooking West Timor, beside a traditional round, cone-roofed *uma lulik* (sacred house), and below a wooden *lulik* (sacred) monument.

I was told how in 1999 the village had been physically divided upon political lines. Pro-independence families lived on one side of the village, militia groups lived on the other. This division was a very strong symbol of the deeper divisions in the community. Elders said that

one aim of the reconciliation ceremony was to involve the whole community in healing this divide. In order to symbolise this, they had made some very specific arrangements about how people would be seated and how the process would proceed for the hearing. They explained that the hearing would place much emphasis on the dignity of the victims, though not at the expense of the perpetrators (or 'deponents' as they are known in the process). In fact, the perpetrators were provided with a special shade cloth (UNHCR issue!), to show that the hearing was placing special emphasis on returning them to the centre of the community.

31 deponents

The hearing was to involve 31 members of what had been the local *Sakunar* (Scorpien) militia of 1999, and focussed on their activities during April 1999. These had included the burning of houses and destroying of property of local prominent CNRT members, as well as physical assaults, intimidation and stealing of livestock of other community members. The 31 were relatively low-level members of the group, not leaders. They had returned to Oecussi in April 2002.

Each member had already made a written statement, assisted by CAVR district staff, detailing what they had done, who they had done it with and why. These statements had been sent to Office of the General Prosecutor, who had approved the cases for CRPs. Approval of the last 11 cases had only been received days before the hearing, and the panel was not sure if all of these would go ahead – staff were seeking victims and their families that afternoon, to see if they wished to be part of the hearing (they had previously been contacted, but were unaware that these cases had now returned from the Prosecutor General's office).

The hearing was scheduled for a 10 o'clock start the next morning.

Arriving for the hearing at about 9am, we came upon a festive atmosphere. The hearing was to take place in the grounds behind the village church. Already hundreds of people had gathered. A band – electric guitar, keyboard and violin (CAVR generator-backed) – was keeping the crowd entertained on one side, while a group of elder women prepared their metal gongs under a tree. Next to the women, a group of people were dressing in fantastic traditional costume of white metal, silver-like bodices and tiered head-dress, bells attached to ankles. One moment the focus seemed to be on the band, the next on the elder women and those dressed for traditional dancing. Then they would all strike up together.

A large number of people were wearing what was clearly their ceremonial best *tais* (woven sarong), often with the orange stone beads – these, I learned, were either deponents, victims or staff of the CAVR. With 31 deponents, this led to a large number of highly dressed up people, and the feeling of a very special occasion.

The area behind the village church was a dusty hillside, built up in grades with drystone walls making four platforms leading to a peak for the *lulik* or *adat* platform. A wooden branch was planted in the ground at the centre. At its base were a variety of wooden containers. Beads and bunches of leaves hung from the wood, as did two buffalo heads with accompanying gore. Also two full buffalo bladders. At this peak, a slim, spritely old man sat on haunches together with an old woman dressed in sarong and black blouse with the local orange stone beads that many wore for the day. Both were clearly significant traditional law makers. The area was shaded by a large tree. Behind the church, beneath the central *lulik* place, the hearing was taking place at the core of the village.

As time approached, I noticed several of the people in the white metal bodices mobilising people, and in particular one elder moving about with particular energy. They were members of the panel, and were gathering up the deponents and the victims to take their places on either side of the panel, just below the *lulik* place. A calling of names over the PA system brought more people to their places, and we were ready to begin. Commission staff welcomed

everyone to the event, and then called upon the panel to enter: a procession of panel members with the dancers in traditional wear entered with full ceremonial pomp, emphasised by their elaborate silverware costume.

Taking their places upon the *biti bo'ot* (big mat), the panel members set about explaining to community members how things would proceed. The *biti bo'ot* was just below the *lulik* shrine, with deponents sitting to their right, and victims to their left. Community members sat to the front, spread to left and right. Local dignitaries, including the District Administrator, the District Police Chief, Village Chiefs from the sub-district and local leaders of all political parties sat under a tarpaulin at the front. The UNMISSET Oecussi Human Rights Officer estimated that there were 1000 community members present.

Opening

The process was ceremonially opened with the *tokoh adat* spreading a colourful *tais* upon the *biti bo'ot*, in front of the Panel and between the deponents and victims. I was told this symbolised a bridging between perpetrators and victims. Regional Commissioner Jose Antonio Ote opened the hearing with a prayer. He played no role with the Panel as he was in fact a victim at the hearing, his house having been burnt during this violence in April 1999. The entire process was conducted in the local language *Baikeno*, as most village people speak neither Tetum nor Bahasa Indonesia.

Proceedings began with the Chair of the Panel, Mr Arnold Sunny, reading a summary of the statements of the deponents and affirming that the Prosecutor General had approved the case for a CRP. He explained the legal basis for the CRP hearing pursuant to the Regulation establishing the CAVR. This was quite a formal process, setting a proper foundation and legitimacy for the community process.

The next step was to hear, individually, from each deponent. Each stood facing the community, side-on to the Panel and victims and explained his role in the April 1999 violence in the village. After speaking, Panel members asked questions seeking clarification or more detailed information such as who had recruited them into the militia groups, and who had ordered various actions. Panel members were firm and indicated their authority with dignity, and treated deponents with courtesy and respect. All were very active, with the Regional Commissioner playing a facilitating rather than a dominating role. This was especially good to see, as some earlier CRPs had seen inexperienced Regional Commissioners tending to dominate local Panel members.

With 31 deponents, this took some time – there were several short breaks, when the Panel invited the local band to play some music. The group had composed a special reconciliation song for the event, and this became the theme song for the day. Each time the group struck up, the elder women also began beating their gongs on the other side of the gathering, and this was the signal for the elaborately dressed dancers to stand and dance with their ankle bells and silver-metal costumes all ajangle.

After the deponents had all had their say we broke for lunch. Two buffaloes had been ceremonially killed for the event.

Testimony by victims

After lunch, the Panel invited victims to come forward and tell their story. This began with three prominent CNRT families whose houses had been burnt and property destroyed. The first family was represented by the male head of household. He told his story with quiet dignity, and made a strong point that for him and his family it was now important for them to forgive in order to contribute to building peace in the new nation of East Timor. When he had finished, the woman Panel member suggested it was also important to hear from his wife, that her

perspective and her active participation in this reconciliation was necessary if the process was to be effective. This was to set a pattern for the day, and showed how important effective women's leadership on the Panel is.

***The crowd cheered its approval, deponents, victims
and the Panel all clapped and laughed***

The second victim family was asked to speak. Again, the male head of household began. He said that he wanted to start with something good, and then perhaps he would get a little angry. He took up the microphone, signalled to the band and began singing a well-known Indonesian tune with words to the effect of "We're happy here (pointing to the victim families), we're happy there (pointing to the deponents) ...". He stopped, said he needed his wife to be part of this, and she joined him and they danced arm-in-arm while singing this together. The crowd cheered its approval, deponents, victims and the Panel all clapped and laughed - a lifting of tension and another sign of the dignity and leadership role that victims and their families play in this process.

Throughout the process, victims were offered a very central role. The Co-ordinator of the Victim Support Division of the CAVR National Office, Rosario Araujo, commented to me after the hearing that in fact this was effectively also a victims' hearing, and played a key role in assisting to restore the dignity of victims before their community.

Once all the victims had spoken, it was time to open the floor to community members. Slow to start, a number of community members took this opportunity. Some suggested that some deponents had deliberately understated their role in violence. For example, it was suggested that one deponent had not just beaten a victim once, but on a number of occasions. When this sort of information was produced, a deponent was required to come forward again, and answer any new allegations. On this occasion, the deponent admitted that he had in fact beaten this man repeatedly over a period of time in 1999.

The most significant new information emerged when, after hearing from community members, a deponent alleged that one of the other deponents had in fact been involved in the killing of two people. The Regulation establishing the CAVR and its mandate specifically allows for such situations. The Panel heard this information, deliberated, and informed the deponent and the community that, in light of this, they were required to suspend the hearing for this deponent. All of this was done openly before the community, and the Panel clearly took, and showed the community it took, its responsibilities very seriously.

Determining an appropriate act of reconciliation

Once everyone had been heard from, the Panel deliberated upon the appropriate acts of reconciliation to be carried out by each deponent. In relation to the three CNRT families, there had been extensive discussions prior to the hearing. It was agreed that a symbolic offering of *tais*, silver-metal coins, tobacco pouch and *tua sabu* (locally brewed distilled liquor) would be made to each family. The three families were brought forward, and the Panel asked the woman head of household to speak first. Each spoke with dignity of how they accepted the offering in a spirit of reconciliation. Then the men spoke. Again the victims, and their feelings and perspectives, were central to creating a real sense of reconciliation.

After the CNRT families, less overtly political victims' matters were considered. This produced a very interesting process of discussion and negotiation. For example, a number of victims – mostly poor farmers – made the point that they did not want *tais*, but financial compensation. When a deponent said that he had no money, but did have ceremonial beads, the victim pointed out that he had killed his goat and that he would rather have a baby pig than the beads. So, agreements were struck for each case. This whole process took over an hour, as the Panel

brought victims and deponents forward to discuss matters to ensure they reached agreements that were acceptable to all. It seemed to me that this came as a bit of a surprise to some deponents. There was an element of tension about this at first, but seemed to work itself out especially due to the very skilled and courteous way the Panel dealt with all concerned.

This completed, the *tokoh adat* was again at the centre of the event. The elder man and woman came forward and chanted in ceremonial language before the deponents and victims. They were sprayed with blessed water from a sprig of leaves, and then a line was formed made up of Panel members, National Commissioners, Oecussi CAVR team members and victims, and the deponents moving along the line with embraces for everyone.

The hearing ended at 9pm. As the band warmed up for the all-night dance, speeches were given by National Commissioner Jacinto Alves and the Oecussi District Commissioner Mr Francisco Xavier Marques. The event was filmed, and recorded for radio production, and excerpts will be broadcast.

As the speech of the District Administrator indicated, my overwhelming impression had been of a community-driven event facilitated by the CAVR. Deeply embedded in the strong local culture and custom, community members affirmed that this process had real meaning for their lives – that it was important for them to publicly acknowledge what had happened in their community and to deal with the rift that had divided them. In this, both deponents and victims repeatedly made the point that this was part of building a new culture of peace in their village and in this way contributing to building their new nation.

** CAVR's program requires that a team works in a sub-district for three months and completes its core operation in that time before moving to the next sub-district in one of East Timor's 13 districts. In terms of the CRPs (Community Reconciliation Procedures), during the first month the team identifies communities where the CRP is relevant, contacts community members who have harmed that community in the context of the past political conflict, explains the process to them and asks if they would like to participate. If a CRP is then to go ahead, the CAVR team takes a statement from the deponent. During the second month, statements are sent to the Office of the Prosecutor General for consideration and approval for the CRP, while the district team works with the community to prepare for hearings. Hearings take place in the community in the third month. The whole process involves intensive work with communities, deponents and victims, and with community members who will become members of the panel presiding over the hearing.*