

## East Timor: Who Cares?

January 2009

### Summary

Progressio works with civil society organisations across the world to promote peace and political stability in order to facilitate poverty alleviation and development. Progressio has been working to promote peace, justice and development in Timor-Leste (East Timor) since 1975. We have closely followed its history from a nation illegally occupied by the Indonesians through a UN protectorate to its current status as a fledgling democratic state.

Persistent outbreaks of violence in East Timor in 2005, 2006 and 2008 remind us that peace and stability there remain fragile. Attempts to obtain justice for the victims of the Timorese 1975 internal conflict, the Indonesian occupation and the violent aftermath of the 1999 referendum on independence yielded unsatisfactory results. Of the persons tried by the Ad-Hoc Human Rights Tribunal in Jakarta and the Special Panels for Serious Crimes in Timor-Leste for crimes against humanity, only three of the convicted remain in jail. The rest have been acquitted on appeal or had their sentences commuted. A major reason for the failure of these two judicial processes is the Indonesian government's unwillingness to bring those responsible within the Indonesian security forces to justice.

As gross human rights violators in the region continue to believe that they will never be held accountable, the citizens of East Timor find themselves trapped in a cycle of violence. There has not been a conclusive process of reconciliation, justice or peace-building to enable the country to deal with its troubled past in order to build a more hopeful future. Although any solution must be Timorese-driven, the international community can help in a number of ways.

The 2005 report of the Commission for Reception, Truth and Reconciliation (CAVR) made a number of recommendations as to how the international community can contribute to peace, truth and justice for East Timor. Progressio urges the UK government to take action and support the people of East Timor by implementing these recommendations, specifically by discussing the CAVR report *Chega!* in parliament, supporting the development of a CAVR follow-up institution, releasing relevant classified materials on East Timor, and petitioning the UN Secretary-General to refer *Chega!* to the Security Council, General Assembly, Special Committee on Decolonisation and Commission on Human Rights for discussion and reflection.

### Introduction

From 1975 to 1999, East Timor was subject to one of history's most brutal occupations. *Chega!* found that at least 102,800 Timorese died of conflict-related causes during this period.<sup>1</sup> Many were affected in other ways within a general climate of fear and violence. Many were displaced at least once whilst forced disappearances, arbitrary detention, torture and sexual violence were common. Virtually cut off from the rest of the world for decades, the East Timorese suffered in silence at the hands of their powerful neighbour.

During this period, the international community largely appeared to support Indonesia's illegal occupation by providing military assistance and turning a blind eye to the human rights violations taking place. Recently declassified documents<sup>2</sup> show that in 1975 and 1976 the UK government

<sup>1</sup> CAVR (2005) *Chega!* – Executive Summary, <http://www.etan.org/etanpdf/2006/CAVR/Chega!-Report-Executive-Summary.pdf> accessed 14 May 2008.

<sup>2</sup> Dowson, H (online, undated) 'Declassified British documents reveal UK support for Indonesian invasion and occupation of Timor-Leste, recognition of denial of self-determination, 1975-1976', The National Security Archive website, <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB174/indexuk.htm> accessed 12 May 2008.

agreed to supply Indonesia with arms whilst denying knowledge of atrocities being carried out. While the British government has always publicly acknowledged East Timor's right to self-determination, its desire to improve relations with Indonesia, and to 'promote regional stability' in the context of the Cold War, took precedence.

Since the 1999 referendum, where the overwhelming majority of East Timorese voted for independence from Indonesia, there have been outbreaks of violence. In 2006, divisions within the East Timorese security forces came to a violent head, leading to a complete breakdown in law and order, with 10% of the country's population being displaced<sup>3</sup> and requiring an international peace-keeping intervention. In February 2008 assassination attempts on President José Ramos-Horta and Prime Minister Xanana Gusmão threatened to further destabilise the country.

### **There can be no future for East Timor without making peace with the past**

The consequences of the Indonesian occupation on the economy and livelihoods of the East Timorese have been manifold. During the occupation, economic and social development was subordinate to the military objectives of the Indonesian government. As a result, most skilled professionals in the province – doctors, nurses, teachers and administrators – were Indonesian. When Indonesia left East Timor in 1999, so did these skilled workers. The departing Indonesian military also carried out a 'scorched earth' policy which saw 70% of East Timor's infrastructure destroyed.<sup>4</sup> The new democratic state of East Timor is now struggling to address high levels of poverty and provide basic services to its people. Unemployment is currently estimated at between 50-70%. The country ranks 155 of 177 on the UN's Human Development Index.<sup>5</sup> Life expectancy in the country is on a par with Haiti at 59 years, and health and education services remain inadequate.<sup>6</sup> Although a trust fund exists for the oil being pumped from East Timor's waters, the East Timorese state lacks the capacity to use its revenue effectively.

Attempts at obtaining justice for human rights violations committed in East Timor have been incomplete, ignored or ineffective. Indonesian courts have acquitted all Indonesian suspected human rights violators tried in relation to the occupation.<sup>7</sup> The legal process did not meet international standards and the only defendant to serve a sentence in Indonesia was an East Timorese born militia leader who was subsequently released on appeal.<sup>8</sup> Many of those indicted within Indonesia by outside bodies have treated such proceedings with disdain. For example, former Indonesian military commander General Wiranto was indicted by the UN-backed Serious Crimes Investigation Unit for crimes against humanity in 2004, and then proceeded to run (albeit unsuccessfully) for the Indonesian presidency the same year.<sup>9</sup> He is also standing in 2009.

The Comissão de Acolhimento, Verdade e Reconciliação (CAVR – Commission for Reception, Truth and Reconciliation) was established to determine the truth regarding human rights violations which took place in East Timor between 1974 and 1999, promote reconciliation, restore the dignity of victims and help reintegrate individuals back into their communities. The CAVR was required to recommend reforms and initiatives that would prevent the recurrence of these human rights violations.

The CAVR submitted its final report, *Chega!*, to the President of the Republic on 31 October 2005. On 28 November 2005 *Chega!* was presented to the national parliament. But political factors, such

<sup>3</sup> CIA (online, date as accessed) The World Factbook: Timor-Leste <https://www.cia.gov/library/publications/the-world-factbook/geos/ft.html> accessed 12 May 2008.

<sup>4</sup> CIA (as above).

<sup>5</sup> United Nations Development Programme (online, date as accessed) Human Development Report: Timor-Leste [http://hdrstats.undp.org/countries/country\\_fact\\_sheets/cty\\_fs\\_TMP.html](http://hdrstats.undp.org/countries/country_fact_sheets/cty_fs_TMP.html) accessed 12 May 2008.

<sup>6</sup> Government of Timor-Leste (online, undated) National Development Plan – Executive Summary <http://www.pm.gov.tp/execsumndp.pdf> accessed 12 May 2008.

<sup>7</sup> See Cohen, D (2004) Intended to fail: The trials before the Ad Hoc Human Rights Court in Jakarta, International Centre for Transitional Justice.

<sup>8</sup> Pascoe, D (2006) Justice for serious crimes committed during 1999 in Timor-Leste: Where to from here?, Honours thesis, Australian National University.

<sup>9</sup> Human Rights Watch (2004) 'Indonesia: Indicted general unfit for presidential bid', Human Rights Watch website, 21 April 2004, <http://hrw.org/english/docs/2004/04/22/indone8481.htm> accessed 12 May 2008.

as fear of souring relations with Indonesia, have prevented the report from being discussed and acknowledged officially, despite widespread internal and international pressures to do so. *Chega!* contains a detailed account of the 1975-1999 conflict, outlines the human rights violations which occurred and makes over 200 recommendations. The CAVR calls on the East Timorese state to establish a victims' reparations programme, undertake institutional reforms particularly in the justice and security sectors, ensure a free media and a vibrant civil society, conduct memorialisation activities, educate East Timorese citizens about their history and human rights, and bring the perpetrators of human rights violations to justice.

In 2004, the presidents of East Timor and Indonesia created the bilateral Commission for Truth and Friendship (CTF). The CTF was mandated to promote reconciliation between the two countries and document the truth<sup>10</sup> surrounding the violent events of 1999. Many East Timorese and human rights specialists feared the commission would provide a 'whitewash' for the 1999 violence.<sup>11</sup> The UN and many civil society organisations refused to co-operate with the CTF's investigations because the CTF was originally empowered to grant amnesty for perpetrators of human rights violations but not to recommend prosecutions.<sup>12</sup>

The CTF submitted its final report on 15 July 2008. The CTF, like the CAVR, concludes that human rights violations amounting to crimes against humanity occurred in 1999, and that the Indonesian armed forces (Tentara Nasional Indonesia – TNI) and TNI-sponsored militias were principally responsible for these crimes. The CTF final report includes recommendations for responding to those human rights violations including recommendations for victims' reparations, the establishment of a documentation centre, human rights training programmes, institutional reforms, and the creation of a centre mandated to investigate the whereabouts of disappeared persons and separated children. By not recommending amnesties, clearing names or claiming 'conclusive truth', the CTF has also left the door open on the issue of future criminal justice. The CTF's recommendations are consistent with those of the CAVR.

The CTF has also delivered in an area where the CAVR is yet to make much progress. Indonesia has so far largely ignored *Chega!* but, through the CTF, Indonesia has acknowledged responsibility for the 1999 violence and President Yudhoyono has expressed 'regret' over 1999. The CTF report is yet to be discussed in either the Indonesian or East Timorese national parliaments.

In June 2008 Committee A of the East Timor National Assembly passed a resolution endorsing *Chega!* and this was followed up the same month by a meeting involving the chair of that committee, churches, civil society, members of the government and the post-CAVR secretariat. Discussion revolved around getting the report's recommendations accepted and implemented, inclusion of *Chega!* in the school curriculum, church and civil society support, establishing a transitional justice centre and reparations for victims.

Both the CAVR and CTF final reports were due to be discussed by the East Timorese national parliament in the autumn of 2008. However the discussion of Committee A's resolution inviting the discussion was twice postponed by the leader of the parliament, Fernando Lasama. The parliamentarians have asked for more time to consider the report. There are a number of parliamentarians who are committed to seeing implementation of the two commissions' recommendations. Elements of civil society, victims, local NGOs, the Church and sections of the media are also keen to see progress in implementing *Chega!* There is currently discussion of possible structures to succeed the post-CAVR arrangements, and some form of justice centre, which would provide practical support to the victims as well as follow up on the CAVR and CTF recommendations, is under discussion. However, it will be a political struggle to create a widely

---

<sup>10</sup> Commission for Truth and Friendship (online, date as accessed) 'About the commission' [http://www.ctf-ri-tl.org/ctf1/index.php?option=com\\_content&task=view&id=62&Itemid=43](http://www.ctf-ri-tl.org/ctf1/index.php?option=com_content&task=view&id=62&Itemid=43) accessed 13 May 2008.

<sup>11</sup> Kompas newspaper, Jakarta, Indonesia (2005) 'Indonesian and Timorese NGOs reject Truth and Friendship Commission', translation posted on ETAN (East Timorese and Indonesian Action Network) website, 19 March 2005, <http://www.etan.org/et2005/march/20/19iandt.htm> accessed 12 May 2008.

<sup>12</sup> United Nations News Centre (2007) 'Timor-Leste: UN to boycott truth panel unless it bars amnesty for gross abuses', 26 July 2007, <http://www.un.org/apps/news/story.asp?NewsID=23340&Cr=timor&Cr1> accessed 12 May 2008.

accepted implementation programme which remains true to the intentions of the CAVR and CTF recommendations.

### **The international community: how it can help**

The illegal occupation of East Timor and the subsequent human rights violations that occurred were part of the wider international context of the Cold War. Powerful nations around the world turned a blind eye to the human rights violations being perpetrated by the Indonesian military, instead choosing to supply Indonesia with arms and promote it as a regional ally.

The international community can assist East Timor with the implementation of the CAVR and CTF recommendations process by pledging financial, moral and technical support for any steps the East Timorese parliament takes towards implementation. Countries like the UK can also provide an example for others to follow by recognising their role in the East Timor conflict and acting to remedy these past wrongs.

### **Recommendations**

The UK government should commit to discussing the *Chega!* report in parliament once it has been discussed in the East Timorese parliament. Particular attention should be paid to *Chega!*'s documentation of UK support for the invasion of East Timor and the *Chega!* recommendations aimed at the international community. The UK parliament should develop a formal response to the CAVR report, acknowledging its role in the conflict, detailing which CAVR recommendations it will implement and offering to provide some form of reparations to East Timor.

The UK government should assist with publishing of the CAVR final report and other CAVR publications in English.

The UK government should declassify documents relating to East Timor's history and fight for self-determination so that the East Timorese state can begin to write its own history.

The UK government should make provision of military equipment to Indonesia contingent upon its respect for human rights, democracy and the reform of the Indonesian military.

The UK government should support the East Timorese government's plans, once fully formulated, to establish an institution in East Timor to oversee implementation of the CAVR and CTF recommendations.

The UK government should petition the UN Secretary General to refer the CAVR report to the Security Council, the General Assembly, the Special Committee on Decolonisation and the UN Commission on Human Rights, in order for each of these bodies to devote a special session to discussion and reflection on the report and the lessons to be learned from its contents and findings.

Taken together these measures are designed to ensure that the UK and wider public are aware of the truth of the Indonesian occupation, and that there has been full disclosure of the UK's involvement in it. In addition, by discussing the *Chega!* report in Westminster, the government has the opportunity to review the report's implications for the UK, and what follow-up is needed. Finally, by committing further resources to development assistance including capacity building and funding a CAVR/CTF 'follow-up institution', the UK can contribute to peace building, development and a positive future for East Timor.

Published January 2009 by **Progressio**, Unit 3, Canonbury Yard, 190a New North Road, London N1 7BJ, UK, email: enquiries@progressio.org.uk, website: www.progressio.org.uk, tel: +44 (0)20 7354 0883, fax: +44 (0)20 7359 0017. Progressio is the working name of the Catholic Institute for International Relations, which is registered in the UK as a charity (number 294329) and a company (number 2002500).