



Policy Paper

Centro Nacional Chega!: Time to Focus on Survivors

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About Asia Justice and Rights (AJAR)

Asia Justice and Rights (AJAR) is a non-profit organisation, based in Jakarta, Indonesia, whose aim is to contribute to the strengthening of human rights and the alleviation of entrenched impunity in the Asia-Pacific region. Its work focuses on countries involved in transition from a context of mass human rights violations to democracy, where it strives to build cultures based on accountability, justice and a willingness to learn from the root causes of mass human rights violations to help prevent the recurrence of state-sanctioned human rights violations.

Pictures

Cover by:

Commission for Reception, Truth and Reconciliation(CAVR)'s museum at Centro Nacional Chega! (CNC)'s office. Photo credit: Anne Cecile Esteve

1. Women frame their village map at ACbit's Women Survivors Seminar, Dili-Dare . Photo credit: Anne Cecile Esteve for Assosiasaun Chega Ba Ita (ACbit)
2. An ACbit seminar for women survivors, Dili-Dare. Photo credit: Anne Cecile Esteve for Assosiasaun Chega Ba Ita (ACbit)
3. A reunion of Timor Leste's stolen children. Photo credit: Michael Morgan for Asia Justice and Rights (AJAR)
4. Survivors remember the 7 December 1975 invasion by Indonesian forces at the port in Dili. Photo credit: Focus Media for Assosiasaun Chega Ba Ita (ACbit)

Introduction

When Prime Minister Rui de Araujo signed a decree law establishing Centro Nacional Chega! (CNC) in 2016, Timor-Leste's government took a decisive step to implement the recommendations of two truth commissions. This move, long awaited by survivors and human rights defenders, addressed a decade-long vacuum left behind when the Commission for Reception, Truth and Reconciliation (Comissão Acolhimento Verdade e Reconciliação, CAVR) closed its doors in 2005[2]. By July 2017, CNC was operational with the appointment of a supervisory board and executive body tasked to bring to life the message of Chega!, the CAVR's final report, and recommendations of the Commission for Truth and Friendship (CTF).

This review presents the background to CNC's establishment, progress made in the last two years, and makes recommendations for urgent assistance and support to the most vulnerable victims of mass human rights violations from the 1975–99 conflict. A key finding is the need to refocus CNC's efforts to ensure that victims continue to be recognised as the core stakeholders of this institution, and that creative and effective solutions are being delivered to assist victims to meet their pressing needs.

Promises of Two Truth Commissions & Advocacy Efforts by Civil Society (2005–15)

In October 2005, the CAVR completed its truth-seeking and reconciliation activities, handing over its final report entitled Chega! (in Portuguese, Enough!) to President Xanana Gusmão. The report provided a full account of the crimes that took place from 1975–99, and made a comprehensive set of recommendations[3]. While respecting the CAVR's findings on human rights violations committed on all sides, the President, nevertheless, reacted to the commission's recommendations on justice, calling them a gesture of “grandiose idealism” during an address in parliament a month later[4].



CNC was born because of the victims. Victims wanted to have a memory institution.

We fought for it for years.



Domingos Pinto De Araujo Moniz,
Secretary of National Victims' Association (NVA)[1]

[1]Domingos Pinto De Araujo Moniz, Secretary of NVA, interview by AJAR, 30 July 2018.

[2]For a discussion on Timor-Leste's transitional justice journey see Timor-Leste Case Study, <asia-ajar.org/transitional-justice-asia-network/country-information/transitional-justice-timor-leste-case-study/>.

[3] Chega!, CAVR Final Report, <www.chegareport.net>.

[4]“Row over East Timor massacre report,” Guardian, 29 November 2005, <www.theguardian.com/world/2005/nov/29/indonesia.easttimor>.

Initially reluctant to make the report public, the President did comply with the legal obligation to hand over the report to the United Nations Secretary General, Kofi Anan, in New York[5]. Back home, the President created the Post-CAVR Technical Secretariat with a limited mandate to disseminate Chega! and to preserve the CAVR archives and the Comarca heritage site.

In the same year, the Timorese and Indonesian governments created the Commission for Truth and Friendship (CTF), a bilateral truth commission focused on the violence before and after the 30 August 1999 popular consultation[6]. The CTF was widely criticised because of its power to grant amnesty and for allowing alleged perpetrators to testify without any serious cross-examination.[7] However, its final report, *Per Memoriam Ad Spem* (Through Memory to Hope), reaffirmed CAVR's finding that Indonesian security forces were responsible for crimes against humanity. A number of CTF recommendations also aligned with recommendations issued by the CAVR[8].

Implementation of the CAVR recommendations was further obstructed by the 2006 crisis in Timor-Leste.[9] A national dialogue, "truth, justice, and reconciliation", was initiated by Bishop Gunnar Stalsett of Norway, reviving interest in Chega! with strong civil society engagement.[10] In 2009, a parliamentary working group drafted laws to create the Institute of Memory and a national reparations programme[11].

However, strong pushback by veterans against the draft law led to its eventual abandonment. Veterans wanted their needs to be prioritised and reacted negatively to the idea that victims from all sides of the conflict might be entitled to reparations. Concurrently, civil society also established the Timor-Leste National Alliance for an International Tribunal (ANTI) that advocated strongly for justice and accountability[12].

[5] UN News, Press Conference by President of Timor-Leste, 20 January 2006, <www.un.org/press/en/2006/060120_Gusmao.doc.htm>.

[6] UN News, Timor-Leste: UN mandated Commission calls on Indonesia to review prosecutions, 27 July 2005, <news.un.org/en/story/2005/07/146602-timor-leste-un-mandated-commission-calls-indonesia-review-prosecutions>.

[7] Megan Hirst (ICTJ), *Too Much Friendship, Too Little Truth: Monitoring Report on the Commission of Truth and Friendship in Indonesia and Timor-Leste*, January 2008, <www.ictj.org/publication/too-much-friendship-too-little-truth-monitoring-report-commission-truth-and-friendship>.

[8] Megan Hirst (ICTJ), *An Unfinished Truth: An Analysis of the Commission of Truth and Friendship's Final Report on the 1999 Atrocities in East Timor*, March 2009, <www.ictj.org/publication/unfinished-truth-analysis-commission-truth-and-friendships-final-report-1999-atrocities>. For more information, see: Chega+10 website, <www.chegareport.net/profil-of-ctf/>.

[9] This working group included AJAR, HAK (Rights) Association and ACbit from Timor-Leste, and KontraS (Commission on the Disappeared and Victims of Violence) and IKOHI (Association of Families of the Disappeared in Indonesia) from Indonesia. Working with the Office of the Provedor (Ombudsman) for Human Rights and Justice (Provedoria dos Direitos Humanos e Justiça, PDHJ) and Indonesia's Human Rights Commission (Komnas HAM), the Working Group has traced more than 120 stolen children and organized five family reunions since 2013.

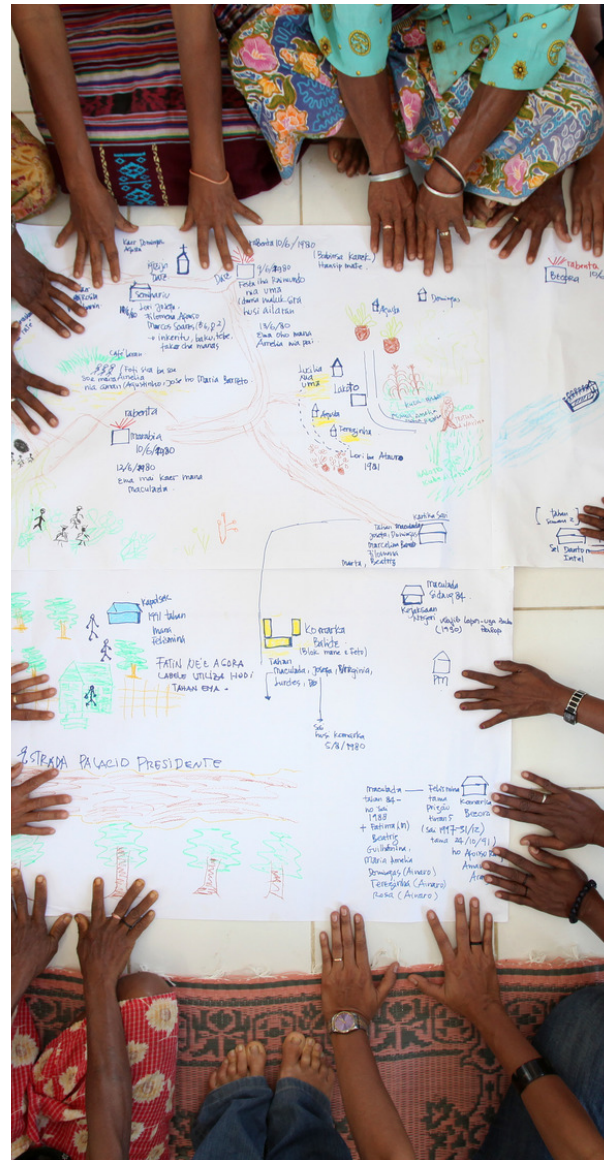
[10] CEPAD (Centre of Studies for Peace and Development), *Timor-Leste: Voices and Paths to Peace*, September 2009, 56, <www.interpeace.org/wp-content/uploads/2009/07/2009_TL_Priorities_For_Peace.pdf>.

[11] *Projecto de Lei n.º /II Cria o Instituto Público da Memória*, and *Projecto de Lei n.º /II Quadro do Programa Nacional de Reparações*, 15 June 2010.

[12] Timor-Leste National Alliance for an International Tribunal, 17 May 2010, <www.etan.org/news/2010/05anti.htm>; Timor-Leste National Alliance for an International Tribunal, March 2010, <www.etan.org/news/2010/03jrh.htm>.

Although the Post-CAVR Technical Secretariat disseminated *Chega!*, little attention was given to the needs of victims. To fill this void, civil society stepped in once again. In 2009, a victims' congress established the National Victim's Association (NVA) to speak out about their issues. Since its establishment, NVA has organised commemorations of massacres across the country, and held regular trainings and events for its members. In 2010, *Assosiasaun Chega! Ba Ita* (ACbit) was established to promote the findings and recommendations of the CAVR. ACbit helped to draw attention to the plight of women survivors, channelling economic assistance from the Ministry of Social Solidarity, and connecting survivors with existing social and health services. ACbit has also established community centres[13] where women survivors work together on livelihood and leadership skills, and has engaged in advocacy to establish policies that support victims[14].

Other civil society initiatives contributed to the momentum building up to the creation of the CNC. In April 2013, a working group of Timorese and Indonesian NGOs accompanied 12 Timorese “stolen children” to reunite with their families decades after they were forcibly taken from their homes during the conflict. The first and second reunion visits in 2013 and 2014 caught the attention of Prime Minister Rui de Araujo, opening his eyes to the unfinished business from the two truth commissions[15].



Women frame their village map at ACbit's Women Survivors Seminar, Dili-Dare.

To commemorate the ten-year anniversary of the *Chega!* report in 2015, civil society groups launched a campaign and website called “*Chega+10*” in cooperation with the Post-CAVR Technical Secretariat[16].

[13] ACbit has established eight centres for women's groups in six municipalities: Nae Mori Isa and Memória Furak in Ermera, Habelun Hamaluk Feto Maluk in Viqueque, Feto Maluk Haki'ak Malu in Lautém, Sagrada Família and Nove Nove in Bobonaro, the Tumin group in Oecussi, and one group in Mauchiga, Ainaro. See ACbit Annual Report 2017, <chegabaita.org/wp-content/uploads/2018/07/ACbit_Annual_Report_2017_English_webversion.compressed.pdf>.

[14] See ACbit annual reports; e.g., annual report 2017, <chegabaita.org/wp-content/uploads/2018/07/ACbit_Annual_Report_2017_English_webversion.compressed.pdf>.

[15] AJAR, “A reunion for Timor-Leste's Stolen Children, May 2016, <asia-ajar.org/2016/05/reunion-stolen-children-timor-leste/>.

[16] See *Chega+10* Website: <www.chegareport.net/profil-of-ctf/ <http://www.chegareport.net>>.



An ACbit seminar for women survivors, Dili-Dare.

During this event, civil society advocated for the creation of a follow-up institution[17]. In response, the Prime Minister established a working group of seven experts who were given six months to analyse the implementation of the CAVR recommendations and advise the Prime Minister on the creation of a follow-up institution with a mandate to implement its recommendations[18]. The working group found that the majority of the recommendations had not been implemented.[19] In recommending a follow-up institution, the working group made a strategic compromise to side-step the use of controversial terms such as “reparations, victims, and justice.”[20] However, the drafters of the decree law establishing the institution introduced an open clause that would allow these themes to fall within the mandate of the follow-up institution, an approach that was pragmatic and incremental.

CNC'S Mandate

CNC is a public institution with “financial and administrative autonomy” and oversight of the Prime Minister[21].

Established by Decree Law No 48/2016 and adopted by the Council of Ministers on 31 October 2016, the CNC has a broad mandate to promote the implementation of the CAVR and CTF’s recommendations focusing on memory, human rights education, and solidarity with the most vulnerable survivors of human rights violations. CNC is to be a “national centre for the preservation of memory, research and learning” (Article 3).

[17] Lia Kent, Naomi Kinsella, and Nuno Rodrigues Tchailoro, *Chega! Ten Years On: A Neglected National Resource, The Fate of the CAVR Final Report in Timor-Leste*, research paper, State, Society & Governance in Melanesia, July 2016 <ssgm.bellschool.anu.edu.au/sites/default/files/publications/attachments/2016-07/ssgmreportseries1chega10years.pdf>; Budi Hernawan and Pat Walsh, *Inconvenient Truths: The fate of the Chega! and Per Memoriam Ad Spem reports on Timor-Leste*, AJAR, August 2015, <asia-ajar.org/2015/09/inconvenient-truth-the-fate-of-the-chega-and-per-memoriam-ad-spemreports-on-timor-leste/>.

[18] The seven experts were Benícia Eriana Magno, Nuno Rodrigues, Denita Baptista, Pat Walsh, Jacinto Alves, Hugo Fernandez, and José Luis Oliveira. The group worked from May to November 2016 (see Despacho no. 018/2016/V/PM, <www.mj.gov.tl/jornal/public/docs/2016/serie_2/SERIE_II_NO_21.pdf>).

[19] Report on The Status and Future of CAVR’s Recommendations, Prime Ministerial Working Group (PMWG) on a CAVR Follow On Institution, 15 July 2016 (on file with AJAR).

[20] Benícia Eriana Magno, Former Coordinator of the Working Group, interview by AJAR, 31 July 2018.

[21] Article 1, Decree Law No. 48/2016, <<https://timorarchives.files.wordpress.com/2019/02/cnc-decree-2016-min.pdf>>.

Specifically, CNC is tasked to advise and make recommendations to the government to ensure that the CAVR and CTF's recommendations are included in Timor-Leste's national plans. However, CNC also has direct powers to implement recommendations when it works in collaboration with government ministries and NGOs (Article 6c and 6d). This direct power of implementation relates to two general areas:

- **Memory and learning:** CNC has the power to execute measures dedicated to preserving and expanding the records and archives of the CAVR, providing access to the public, and promoting the use of these materials in education. It also has the power to identify sites of conscience to promote history and human rights.
- **Rehabilitation and healing:** CNC has the power to develop programs to address conflict-related trauma together with survivors, the government, and NGOs. CNC is mandated to involve the most vulnerable survivors in these activities.

In addition, CNC is tasked with writing an annual report on its efforts to monitor the implementation of the CAVR and CTF recommendations.

CNC is authorised to report directly to the Prime Minister who must approve its strategic and annual plans, including budget and procurement plans. It is managed by a Board of Directors appointed by the Prime Minister for a three-year period that must include a former commissioner or senior official from the CAVR and/or the CTF, two members appointed by the Council of Ministers, and representatives from civil society and religious groups (Article 10). The Board must meet a minimum of four times a year to supervise the work of the CNC (Article 11).

CNC also has an International Advisory Board comprising experts appointed by the Prime Minister (Article 16 and Article 17). Finally, the Decree-Law prescribes CNC's structure, reflecting its key programme areas of education, memorialisation/archives, solidarity (with survivors), and advocacy, as well as operational units that include a unit on finance and one on human resources.

Victims to be prioritized by the CNC

The law establishing the CNC provides a working list of those who should be considered the most vulnerable survivors of human rights violations, namely "children who were separated from their families; families of the disappeared; persons with disabilities; survivors of sexual violence, torture, and mass atrocities; and displaced East Timorese who are still living in Indonesia" (Article 6a). The groups mentioned by this provisional list are consistent with those identified as a priority in the CAVR recommendations, and the list has been welcomed by NGOs.

CNC's Progress to Date

No mention of “reparations” or “victims”,
but leaving the door open

In Timor-Leste, “reparations” and “victims” have become controversial concepts, particularly for veterans and political leaders. Some believe the term “victim” implies a passive stance that does not convey the resilience of those who suffered, and prefer to replace it with “survivor” or “martyr”. Others argue that the definition of victim under international law is too broad and would allow anyone to claim victim status. [22] In response to these concerns and the failed draft law on reparations in 2010, the working group decided to use the word “solidarity” rather than “reparations”. Similarly, “victims” is replaced by the phrase “most vulnerable survivors of human rights violations” in the body of the law. Both Articles 5 and 6 contain clauses that make it possible for CNC to extend its work to “other tasks”[23] so that “one day these issues [related to reparations for victims] can be put on the table.”[24]

In its infancy, CNC’s resources were limited due to the national budget crisis that led to early elections when the parliament did not approve the government’s budget in 2017[25]. During this time, the institution focused on “achievable” activities to demonstrate how some recommendations could be implemented with very limited resources. [26] CNC also sought partnerships to strengthen itself institutionally and broaden its impact. By the end of 2018, CNC was able to operate on a full budget. Kicking off with a meeting of its international advisory committee in October 2018, the CNC presented an institutional review and its strategic plan for discussion[27]. Focusing on memory and learning as the foundation for its work, CNC has re-introduced Chega! to key government ministers, including the Minister of Justice, the Minister of Social Solidarity, the Minister of Education, and the Minister of Legislative Reform, as well as the President of Parliament.

[22] Benícia Eriana Magno, Former Coordinator of the Prime Minister’s Working Group (WGPM), interview by AJAR, 31 July 2018.

[23] Article 5.g states that CNC may undertake “. . . any other tasks that may be assigned to it by law”, while Article 6.n says “. . . any other powers that may be assigned to it by law”.

[24] Benícia Eriana Magno interview, 31 July 2018.

[25] David Hutt, “Political deadlock augurs ill for Timor Leste,” Asia Times, 9 January 2018, <www.atimes.com/article/political-deadlock-augurs-ill-timor-leste/>.

[26] Hugo Fernandez, Director of CNC, interview by AJAR, 31 July 2018.

[27] Members of the International Advisory Board who attended the October 2018 meeting included: Galuh Wandita, Trudy Huskamp Peterson, Marisa Goncalves, Bishop Gunnar Stalsett, David Webster, Pat Walsh, and Akihisa Matsuno. Two members, Father Michael Lapsley and Janelle Saffin, were unable to attend.

CNC has also presented the report to members of the G7+, and developed ways to integrate Chega! into human rights trainings conducted with the Provedor's Office on Human Rights and Justice. It has developed a school-based project called 'the Chega! tour' using a mobile unit to carry information and exhibits on Chega! to communities and schools throughout Timor-Leste. CNC has also carried out innovative projects with high school students focusing on an inter-generational transmission of memory[28], and is now preparing a curriculum for high school students in collaboration with the Ministry of Education.

Working with AJAR[29] and the International Coalition of Sites of Conscience, CNC facilitated an international workshop for educators of history from high schools and universities in Guatemala, Cambodia, Kosovo, and Timor-Leste (June 2018), and a workshop to introduce university lecturers to a manual on Chega! (September 2018).

Some progress has also been made in the area of rehabilitation and healing, but more is urgently needed. Working with civil society, The CNC has conducted some assessments, established working groups, and taken steps to advance solidarity with victims. Key initiatives include the following:

- **Establishing the Solidarity Trust Fund Working Group:** This group is tasked to develop a policy for the establishment and management of a "Solidarity Trust Fund". A debate continues regarding the strategic value of focusing efforts on the establishment of a trust fund, something likely to take a long time, given the urgent need to assist ageing and vulnerable victims. CNC must consider other ways to meet victims' needs.
- **Establishing the Psychosocial Working Group:** This group focuses on the needs of those suffering from trauma related to the 1974–99 conflict. It is comprised of several stakeholders including representatives from the Ministry of Health, mental health services of Dili, Psychology Association of Timor-Leste, and civil society, such as ACbit[30]. CNC commissioned ACbit to conduct a study on the situation and needs of survivors in six municipalities. ACbit's report included recommendations that urged state institutions to make their services and benefits more readily available to victims.

[28]For example, projects such as the Intergenerational Transmission of Memory; Individual Memoirs; and One Community, One Story have been introduced into four high schools in Dili.

[29]The CNC has also partnered with AJAR to strengthen institutional development. For example, an internal evaluation facilitated by the director of AJAR Timor-Leste, led to the creation of a revised strategic plan setting out tangible targets.

[30]The following actors are also part of the Psychosocial Working Group: Pradet (Psychosocial Recovery and Development in East Timor), Klibur Domin, Fokupers (Forum on Women's Communication), Youth Communication Centre, National Rehabilitation Centre, and ALFELA (Legal Assistance for Women and Children).

- **Participation in the Stolen Children’s Working Group:** In collaboration with AJAR, HAK, Indonesia’s Human Rights Commission, the Timor-Leste’s Provedor’s Office, and other civil society groups, CNC has supported the reunification of disappeared children and their families. To gather more information on stolen children, CNC has drafted a form for the collection of information on disappeared children that has been presented to local leaders in Maliana, Bobonaro, and Oecusse Districts.
- **NVA Partnership:** In March 2019, CNC solidified its partnership with the National Victims’ Association (NVA) in an MoU that ensures the provision of operational funds, office space, and staff salaries to assist NVA in the registration of victims. CNC has also provided support for NVA’s memorialisation events in all 13 districts.



A reunion of Timor Leste's stolen children.

Recommendations: The Urgency to Renew a Victim-Centred Approach

CNC has surmounted many challenges during its inception years. The leadership of CNC has provided a strong vision for building this nascent institution, recruiting its team, and developing a five-year strategic plan. In its next phase, CNC needs to take immediate action to ensure assistance to victims who have been neglected for more than a decade. The hierarchy of priorities again needs to be underscored: victims and survivors are at the core of this institution; addressing their needs should be a priority for CNC.

- **Urgency to provide immediate support to vulnerable survivors:** The president of NVA has noted, “Victims exist because of the conflict; they are the owners of the conflict.”^[31] There is a growing sentiment that victims deserve greater attention, including access to material assistance. CNC should take immediate steps to work with various ministries and civil society to deliver services and support vulnerable survivors in accessing health care, income generation, agricultural extension, trauma healing, and other services to address their needs.
- **Urgency to document victims’ experiences and stories:** Documentation of the stories of ageing victims and survivors is an urgent priority.

[31]Eugenia Neves Da Costa, President of NVA, interview by AJAR, 31 July 2018.

Although CAVR has collected many testimonies, there are many who have not yet told their story. NVA urges CNC to document the history of the conflict from the victims' perspective, "We have had books about the history of the conflict, but it is all about praising the heroes, leaving out the victims' part." [32]

- **Affirm a gender-sensitive approach:** There is a need to include women, especially women survivors and women-led NGOs, in consultation and decision-making processes regarding CNC's programme across the board. For example, the draft document to develop the solidarity fund does not include a specific section on women victims, despite wide recognition of their special needs [33].
- **Become a powerful locomotive for change:** CNC has the potential to become a powerful voice for change. For example, NVA is advocating that CNC continue to bring Chega! before Parliament for discussion [34]. Educating the decision makers of the nation will help to consolidate lessons gathered by CAVR and CTF, and the political will needed to implement the recommendations.
- **Consolidate the relationship with its pioneer partner, ACbit:** CNC should continue to acknowledge and support ACbit's groundbreaking work that tackles violence against women and provides support to children born out of rape. The expertise and innovative work of ACbit in the field of gender justice is a useful resource for other societies in transition facing similar post-conflict legacies of violence against women.

Other Recommendations

To CNC

CNC has a broad mandate that covers education, development and preservation of archives, dissemination of information, support for commemorations and memorialisation, and more. Maximising the experiences, knowledge, and networks of its partners can only serve to strengthen CNC's work, particularly in terms of the urgent need to provide immediate support to Timor-Leste's most vulnerable victims.

- In cooperation with partners and in reference to CAVR's urgent reparations program, develop guidelines that identify the "most vulnerable victims", including children born out of rape, and submit this to the Timor-Leste Government for implementation of an emergency programme that responds to victims' most urgent needs including medical, psychosocial, housing, and economic needs. A component to evaluate impact should be integral to this programme.
- Together with civil society, develop a database of the stolen children and their family members that includes their urgent needs and develop ways to address those needs in a timely fashion.
- Continue to work with civil society and government agencies to rehabilitate the rights of victims of torture in Timor-Leste.

[32] Domingos Pinto De Araujo Moniz, Secretary of NVA, interview by AJAR, 30 July 2018.

[33] Manuela Leong Pereira, Director of ACbit, interview by AJAR, 1 August 2018.

[34] Eugenia Neves Da Costa, interview, 31 July 2018.

- Establish a strong victim-centred work ethic and culture within the institution by developing regular consultations with victims to seek input regarding CNC's budget, programmes, and advocacy strategies.
- Develop tools for the transparent and regular monitoring of the government's compliance with the CAVR and CTF recommendations, as well as promote compliance through regular channels of communication.

To the Timorese Government

- Continue to provide financial support to CNC and civil society organisations that are working to alleviate the suffering of victims and survivors.
- Collaborate effectively with CNC, including discussion and immediate implementation of its emergency programme for the most vulnerable victims.
- Develop a clear plan to implement the recommendations of the CAVR and CTF, reporting on such implementation to the public.



Survivors remember the 7 December 1975 invasion by Indonesian forces at the port in Dili.

To Civil Society

- Engage, support, and assist CNC to become a dynamic, effective, and community-driven follow-up institution.
- Monitor and advocate for prioritisation of immediate support and assistance to the most vulnerable victims and survivors.



CAVR hatudu duni katak, alunan mos
bele moris iha kabeira iha

CAVR has shown that flowers can grow
in a prison

