

Transitional Justice Fact Sheet: Timor-Leste

Background

A coup in Portugal in April 1974 followed by a civil war in Timor-Leste brought an end to Portuguese colonial rule in Timor-Leste by 1975. On 28 November 1975, Fretilin, one of three major political factions that had been involved in the war, declared Timor-Leste an independent nation. On 7 December 1975, the Indonesian armed forces launched a wide-scale invasion of the territory that Indonesia then occupied for the next 24 years. Timorese resisted the Indonesian occupation, marked by various human rights violations, through a clandestine network, a military organization, actively lobbying the UN, and building international solidarity that recognized Timor-Leste's right to self-determination.

After the fall of Indonesia's President Suharto in 1998, a referendum was held in Timor-Leste on 30 August 1999 with 78.5% of the vote for independence over special autonomy within Indonesia. This led to violent attacks by Indonesian armed forces and the Timorese militia they had trained on independence supporters, where up to 1200 victims were killed, and many more tortured. Indonesia's exit was followed by a period of UN administration with the formal independence of Timor recognized in 2002. The outbreak of an internal conflict in 2006 saw the return of international troops. Some senior politicians and security sector leaders are suspected of being responsible.

One major transitional justice achievements in Timor-Leste was the establishment of the Commission for Reception, Truth and Reconciliation (CAVR). It collected 7824 statements from across Timor-Leste. The CAVR's final report, *Chega!*, has 204 recommendations that include fulfillment of reparations for victims of human rights violations and institutional reform. The main recommendation was establishment of a special independent institution to implement the recommendations of the *Chega!* report. With ongoing advocacy by key civil society actors, Timor-Leste's former Prime Minister established Centro Nacional *Chega!* (CNC) in December 2016. Currently, CNC is taking a significant role in dissemination of the *Chega!* report, developing educational curricula, marking historical sites, conducting commemoration events, and developing policy to support victims of past human rights violations.

Transitional Justice Initiatives

<p>TRUTH</p>	<p>Official</p> <ul style="list-style-type: none"> • 1999: International reports were rapidly produced in the immediate aftermath of the 1999 violence. However, these reports were all limited in scope to the events of 1999. • 2000: Civil society and the National Congress for Timorese Reconstruction (CNRT) propose the creation of a national reconciliation commission. • 2001: The UN Transitional Administration (UNTAET) established the Commission for Reception, Truth and Reconciliation (CAVR). CAVR was mandated to establish the truth regarding human rights violations committed from 25 April 1974 to 25 October 1999. • 2005: CAVR's final report, <i>Chega!</i> includes a recommendation to establish a special institution to implement the <i>Chega!</i> recommendations. • March 2005: Indonesia and Timor-Leste establish the bilateral Commission for Truth and Friendship (CTF). The CTF's mandate is to reveal the truth about human rights violations before and after the 1999 Popular Consultation in Timor-Leste. • 2006: Political violence breaks out in East Timor including between police and military institutions. The Foreign Minister requests the UN to establish an Independent Special Commission of Inquiry (Col). The Col identified institutional failings that led to the violence, named the individuals responsible, and recommended reparations for victims. • 15 July 2008: The CTF submitted its final report, <i>Per Memoriam Ad Spem</i>, to the Governments of Indonesia and Timor-Leste. The report's two major findings were that gross human rights violations had been committed in the form of crimes against humanity and institutional responsibility. Crimes against humanity included murder, torture, rape and other forms of sexual violence, forced displacement and deportation, and illegal detention. Findings for institutional responsibility included institutional support of, acquiescence with, and direct and indirect participation in violations that were systematic, occurred repeatedly over a period of time, and followed organised patterns. Members of the Indonesian military, police, and civilian officials supported the militia in significant ways that contributed to perpetration of the crimes.
<p>JUSTICE</p>	<p>Official</p> <ul style="list-style-type: none"> • Mid2000-: UNTAET, the UN Transitional Administration in East Timor, establishes the Serious Crimes Unit (SCU). • 2001: In Indonesia, an Ad Hoc Human Rights Court is established with partial jurisdiction over the events of 1999. Investigations by the Attorney General's office lead to the indictments of 18 people. However, all were later overturned on appeal. • 2004: The Special Panels for Serious Crimes (SPSC), established by UNTAET in 2000, issues a warrant for the arrest of former Indonesian military commander General (Ret.) Wiranto. • By mid2005-: The SCU ended its work with indictments issued against 391 individuals. Trials were then conducted by the SPSC in Dili with 84 persons convicted and only three acquitted. Of those indicted, hundreds have remained at large outside the jurisdiction of Timor-Leste in Indonesia that has failed to cooperate in their apprehension. Of particular note, the SCU issues very few indictments for gender crimes. • June 2005: While a large number of investigations remain incomplete in the SCU, a UN Commission of Experts reports on the progress of serious crimes prosecutions in Timor-Leste. It recommends that prosecutions by hybrid court continue in Timor-Leste and Indonesia, and, if this did not occur, an international criminal mechanism was to be established. More than 12 years later these recommendations have still not been implemented.

REPARATION

- **2006:** The UN Security Council establishes UNMIT (UN Integrated Mission in Timor-Leste), including the Serious Crimes Investigation Team (SCIT) that is tasked with completing investigations of the SCU.
- **2012:** The SCIT ends its work, transferring all proposed indictments and incomplete serious crimes investigations to the Prosecutor General's office.
- **October 2014:** The Timorese Parliament fires almost all foreign judicial actors, including judges, creating a further impediment to prosecution of serious crimes.
- **2017:** An agreement is reached with Portugal to seek international judicial assistance. Nevertheless, the previous international judges have not returned to their previous functions as judges and prosecutors, but only serve to monitor judicial proceedings. This arrangement still does not comply with Timorese criminal procedural law that requires two international judges for adjudicating serious crimes trials.

Official

Various reparative measures have been recommended by CAVR and CTF. Also, despite limited resources, during its operation the CAVR established a small urgent reparations scheme in 2003. Faced by an overwhelming number of victims, the CAVR's "urgent reparations" scheme served only about 700 victims considered to have the greatest degree of continuing vulnerability. While CTF recommendations were less comprehensive than those of the CAVR, they included the establishment of a centre to conduct ongoing work, including documentation and psycho-social programs for victims, as well as a commission for disappeared persons.

To date, no overarching reparations program has been established for any of the victims of the conflict from 1975 to 1999. However, it is noteworthy that a number of programs have been established in Timor-Leste for the benefit of other groups, in particular veterans of the resistance.

Civil Society Attempts towards Reparation

2009: A group of civil society and victims' representatives produce draft laws for reparations and a "Memory Institute".

Despite the government's lack of political will to provide reparations for victims, civil society organizations initiate "alternative reparations" by helping vulnerable victims to access social services and government programs such as health treatment, subsidies for widows, the building of small houses, food, etc. These efforts can improve victims' conditions through government services even without the government acknowledging that they are victims.

A civil society organisation that conducts participatory research with survivors supports six centres in four municipalities where women survivors can share stories, conduct business, and support each other. Other local organisations provide critical counseling, training, and financial support to other vulnerable women across the country.

**INSTITUTION-
AL REFORM**

Official

Institutional reform that began with the establishment of progressive constitution that guarantees democracy and human rights was not consistently implemented due to the intervention of veteran leaders. Despite CAVR's findings regarding crimes committed during the civil war and within the resistance, no systematic program has been established in Timor-Leste to screen security institutions for the persons responsible for those crimes. After the 2006 crisis revealed problems in both police and military institutions, greater attention was given to the security sector. However, efforts to vet and reform the security sector have remained limited. On a more positive note, the government with the support of key civil society leaders have initiated some long-term judicial and educational reforms that continue to develop.