

FLOWERS IN THE WALL
Truth and Reconciliation in Timor-Leste, Indonesia, and Melanesia
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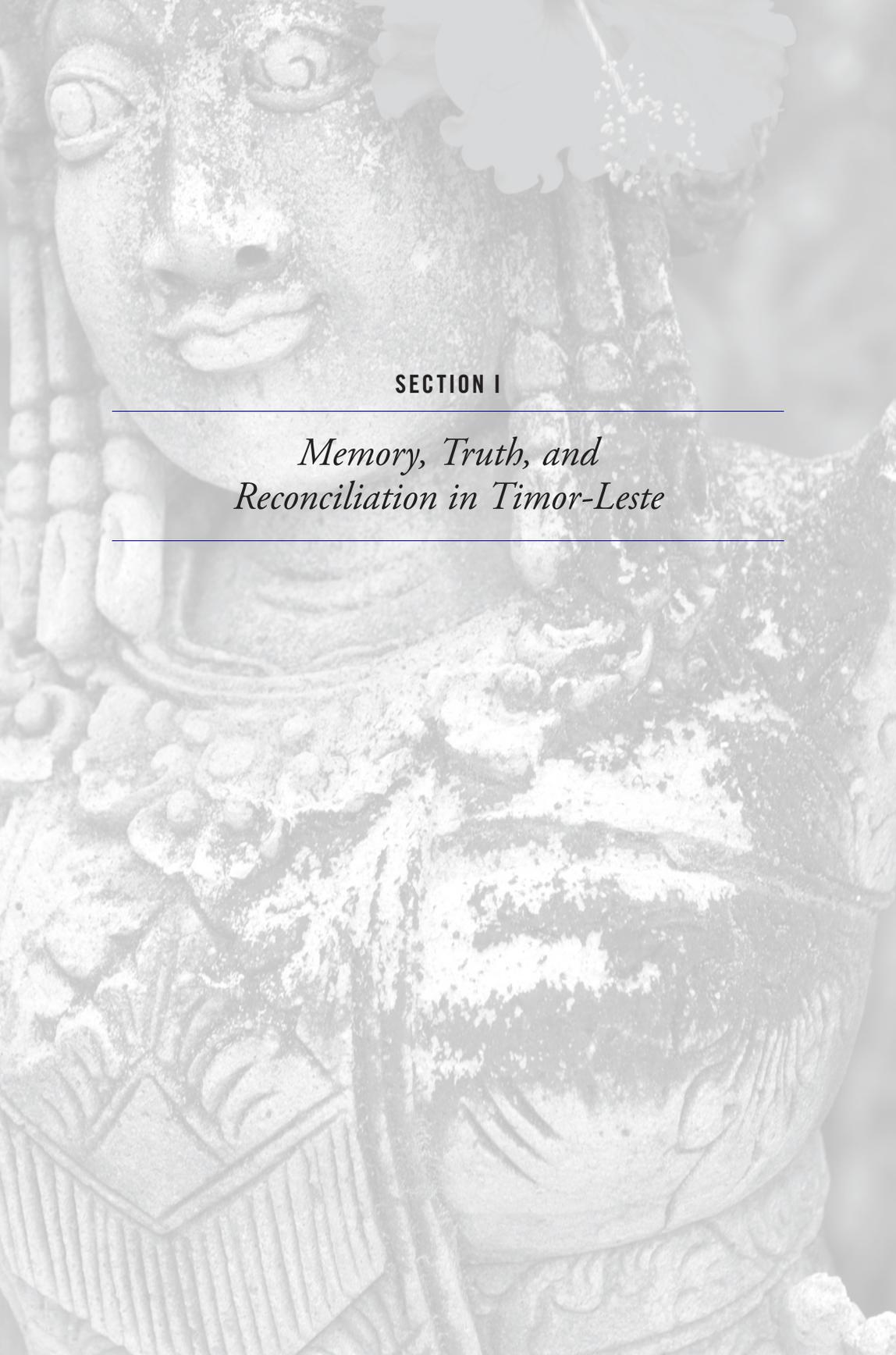
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SECTION I

*Memory, Truth, and
Reconciliation in Timor-Leste*

Memory, Truth, and Reconciliation in Timor-Leste

Mixed success, the note on which chapter 2 ends, characterizes most truth commissions. Our first case study, Timor-Leste (East Timor, in its English-language translation) held one of the world's more impressive commissions, but it has not lain to rest the legacies of mass atrocities under Indonesian rule.

The Democratic Republic of Timor-Leste was declared in November 1975, and regained its independence in May 2002. Between those years lay a bloody military invasion by the armed forces of neighbouring Indonesia; twenty-four years of Indonesian rule that never quite succeeded in overcoming local aspirations; a referendum on continued Indonesian rule or independence in 1999, resulting in a strong pro-independence vote and a wave of violence against independence supporters; and finally, after much international pressure, Indonesian withdrawal followed by an interim United Nations administration. 20 May 2002 is marked as “restoration of independence day,” tying the emergence of the first independent country of the twenty-first century back to its original independence declaration. Here is an assertion that the Timorese nation is not a new state, not a creation of the UN, but a nation founded much earlier, and forged in resistance to foreign rule.

So issues of post-conflict reconstruction and transitional justice could never be plotted on a clean sheet of paper. Models from overseas could not simply be imported into newly free Timor-Leste. This is true of all post-conflict situations, of course: history's ghosts live on, and they haunt all efforts to reconcile post-conflict societies.

The sections of this book will move from historical background, to analysis of truth commission experiences, to personal accounts that draw out other lessons and other legacies. We begin with Timor-Leste because it offers the strongest truth and reconciliation model in the region, and because it grapples with key issues more visibly than many other places.

This section opens with a historical overview of Timor-Leste, noting the legacies of violence under Indonesian rule, the efforts to create a mechanism to hold the perpetrators accountable, and the compromises made by Timorese and international political leaders. Chapter 3 highlights the “legacies of violence” in the complex histories of Timor-Leste and the extent to which those legacies contributed to the Timorese experience of transitional

justice. As Indonesian soldiers left and an international peacekeeping force entered, and as Indonesian authorities gave way to United Nations administrators, calls abounded from inside Timor-Leste and beyond for an end to impunity. There was real consideration of creating a formal tribunal that would hold accountable the perpetrators of mass atrocities.

Instead of a tribunal or other form of “retributive justice,” however, Timor-Leste held a truth commission designed to reconcile Timorese with one another and to establish the facts about human rights violations committed on all sides, notably by Indonesia, its former colonial ruler. Global compassion and global will to enforce human rights norms was selective: there would in the end be no international tribunal for Timor-Leste, and indeed none anywhere after the pioneering international criminal tribunals for Rwanda and the former Yugoslavia. The Commission on Reception, Truth and Reconciliation (Comissão de Acolhimento, Verdade e Reconciliação, or CAVR), with a four-fold mandate to establish the truth about human rights violations; to help reconcile a divided society by receiving back Timorese who had perpetrated less serious crimes in 1999; to restore the dignity of victims; and to write a report that included findings on responsibility and recommendations to prevent any recurrence of this historical violence.

In this there were echoes of the pioneering South African truth and reconciliation model and clear links to the global truth and reconciliation industry, recounted in chapter 2. Yet the process was also driven very much by Timorese needs and Timorese politics. Chapter 4 offers a close examination of the CAVR experience—what the commission did, what was unique about it, and how its work has been carried forward in the years since it issued its five-volume report in 2005. The CAVR’s report had choice words for the many governments that for twenty-four years quietly or full-throatedly supported Indonesian rule over Timor-Leste, with all its attendant deaths and human rights violations. Chapter 4 amplifies this international note, drawing connections across borders that echo the border-crossing aspects of chapter 3.

A truth commission report cannot answer all questions or resolve all conflicts. It is words on paper, and can only live when people act on it. What is done, or not done, with a commission’s final report has repercussions all throughout post-conflict societies. Chapter 3 highlights a “failure of leadership” by the new elected governments of independent Timor-Leste.

Chapter 5 seeks the origins of this failure in the political methods of the independence struggle. Fighting a much stronger enemy requires secrecy, a clandestine approach, the use of *noms de guerre* and other underground strategies. But what happens when those methods continue after the triumph of the resistance struggle? How well does clandestinity serve independent Timor-Leste—and does it hamper prospects for truth, and for true reconciliation?

The same questions can be asked about economic development. Indonesian rule did not lead to a prosperous Timor-Leste, even though Indonesian governments often justified their rule by claiming it delivered development (*pembangunan*). The brief UN administration (1999–2002) also fell short in this department. Though it could point to some successes, there were also failures. Famously, the amount of money spent on bottled water for international consultants was more than the estimated cost of delivering safe drinking water to the entire country. Chapter 6 examines economic development strategies since 2002. It positions Timor-Leste in an interesting place between traditional development aid provided by Western governments and the increasingly important aid policies of China, the giant of eastern Asia. It asks whether development hopes are hampered by the legacies of conflict and the unhealed traumas of occupation.

Development also raises questions of the relations between government and the non-governmental organizations, many of them with international links and international funding, who must deliver many of the projects. During the occupation years, there was only one legal national Timorese institution outside the control of Indonesian authorities: the Catholic Church. During the occupation, Timorese accordingly embraced the church. From an elite institution linked to Portuguese colonial rule, the church became a Timorese institution embodying the hopes of the people. From a minority in 1975, church membership came to embrace the vast majority of the Timorese population. Chapter 7 describes the three-cornered relationship between church, state, and civil society, and examines how the church has navigated the transition to independence.

Church leaders were, unsurprisingly, central to reconciliation processes. Catholic doctrine treats reconciliation as a sacrament, absolving believers of sin through their sincere acts of repentance. Protestant teachings also place a high value on reconciliation. Members of both the Catholic Church and the much smaller Timorese Protestant Church informed

Timorese truth and reconciliation processes and served on the CAVR. In each case, they also drew on cross-border religious networks.

The church proved to be one institution pushing the government against any impulse to forget the occupation's human rights legacy as Timorese leaders forgave their Indonesian counterparts. There have also been voices in both parliament and civil society. Chapter 8 provides evidence of this in the form of a speech by one opposition politician that is one of the strongest statements of Timorese commitment to human rights. Respect for international human rights became central to Timorese resistance strategies during the occupation years, and independent Timor-Leste proudly ratified a huge basket of UN human rights covenants and treaties. Since regaining independence in 2002, it has held multi-round election campaigns (presidential first-round and run-off elections plus elections for the National Parliament) every five years. There have been two peaceful changes of government. Democratic forms are firmly in place. But sometimes government commitment to taking tough decisions informed by a commitment to human rights flags. When it does, Timorese advocates have hastened to call for a recommitment to the country's rights-respecting political culture.

While a human rights critique has come from political leaders, it has been most strongly grounded in civil society. One major reason that the truth commission report continues to be the subject of discussion and the charge of follow-up institutions is pressure from civil society. The commission's report is not the property of the government, rights advocates have insisted: it belongs to all the people of Timor-Leste. Both government and civil society have a role in "socializing" the report—disseminating its findings and advocating for its recommendations. The message has been carried most strongly by the NGO ACbit, an affiliate of the International Centre for Transitional Justice. Chapter 9 lets that group speak in its own voice, making the case that a truth commission is a "living document" that belongs to the nation, not a simple report to government to be filed and forgotten. It explains the concept of "socialization" in ongoing civil-society work for truth and reconciliation. And it speaks against impunity, against allowing perpetrators of mass atrocities to carry on as if they had no guilt.

It is with the problem of impunity that the next chapter opens: specifically with impunity for the Suai massacre, remembered in the circle of stones with which this book began.