

Post-conflict justice in Timor-Leste: a long and winding road for victims.¹

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Paul McCartney says his classic *The Long and Winding Road* is just a sad song while others claim it was inspired by a road along the rugged east coast of Scotland.

Either way it's an apt title for a paper on the experience of post-conflict justice for victims in Timor-Leste. Given the near universal consensus and indignant rhetoric about the enormity and number of the crimes committed in Timor-Leste 1974-1999, the road to justice for Timor-Leste's most vulnerable victims should have been a generally positive experience. Like the trip from Dili to Maubisse, however, it is proving steep, full of twists and turns, and at times stressful and lost in the thick fog of politics. Victims have every reason to feel doubly victimised and to lament with McCartney 'You left me standing here/A long, long time ago/Don't keep me waiting here/Lead me to your door'. However, the road has not yet run into a dead-end. To stay the distance, victim-survivors and their partner organisations are encouraged to take a long-term view, to take heart from victims movements in countries like Japan and to work more closely with Indonesians who are victims of the same agencies and policies as themselves.

The historic crimes committed in Timor-Leste are well-known and do not need to be repeated here.² In summary, CAVR concluded from its extensive inquiry that at the very least 100,000 civilians died as a result of the war, most in ghastly circumstances from starvation, and that many survivors suffered widespread and systematic crimes against humanity and war crimes over the 25 year period 1974-1999.

These violations have been the subject of four judicial or semi-judicial responses since 2000. What follows is a brief review of three of these responses from a participatory victims perspective, followed by a longer account of CAVR's more victim-friendly approach and a comment on the current state of play.

Ad hoc-ery in Jakarta

Indonesia established an Ad Hoc Human Rights Court for East Timor after the UN rejected the recommendation by its International Commission of Inquiry on East Timor that an international tribunal be established to address crimes in 1999. This court functioned in Jakarta 2002-2003. It tried 18 accused, mainly Indonesian officers, but resulted in only two convictions both East Timorese. The process was widely criticised as 'fundamentally flawed'³ due to a range of factors, but principally lack of political will on the part of Jakarta, and also, it should be said, countries like Australia.

The process was also far from victim-friendly. In his report, Professor David Cohen, Director of the Berkeley War Crimes Studies Center, observes that, despite the obvious relevance of their testimony, few victim-witnesses were produced during the

¹ Paper given to conference on Participatory Justice: achieving justice for victims at local, national and international settings. Manning Clark Centre, ANU, Canberra, 17-18 September 2012.

² . Those who wish to know more should consult the Timor-Leste CAVR truth commission report *Chega!* (www.cavr-timorleste.org).

³ David Cohen, *Intended to Fail: The Trials Before the Ad Hoc Human Rights Court in Jakarta*. p. 3. International Center for Transitional Justice, August 2003.

trials, that witness protection provisions were 'grossly inadequate'⁴ and that the 'massive presence'⁵ in the courtroom of Indonesian military, including top commanders in uniform and vocal, black-clad East Timorese militia, was intimidatory for all participants, judges and victim-witnesses alike. Almost in disbelief, Cohen reports incidents where victims had their names called over the airport PA system on arrival and were accommodated in a 'safe-house' with a sign identifying it as such on the door. As someone working in the human rights section of the UN in Dili at the time I know that it was difficult to find Timor-Leste victims willing to testify, often for reasons of fear or deep scepticism about the credibility of the process.

A serious process in Timor-Leste

A second response to past crimes was the decision of the UN, as the Transitional Administration in East Timor, to establish a Special Panel for Serious Crimes and a Serious Crimes Unit to address crimes against humanity and war crimes committed in Timor-Leste in 1999. This hybrid system functioned 2000-2005. It was able to try only 87 of the 391 persons it indicted, all low-level perpetrators, because most of the accused were in Indonesia and Jakarta refused requests for extradition to Timor-Leste. Despite the hard work of many dedicated professionals, the process was also compromised by serious resource and capacity weaknesses, especially in its early stages, including inadequate protective arrangements for victims and witnesses. Concerned about its impact on relations with their giant neighbour, Timor-Leste's political leaders were also less than enthusiastic about the project. As a result, the four years of Serious Crimes trials did not hold to account those most responsible for the human rights violations committed in 1999, the so-called 'big fish', not to mention those responsible for the violence of the previous 23 years, or provide the sort of justice that the relatives of many hundreds of murder victims and victims of rapes and torture were entitled to expect of a UN sponsored judicial initiative. Writing in 2006, David Cohen concluded that *'The East Timor Tribunal represents a virtual textbook case of how **not** to create, manage and administer a 'hybrid' justice process'*.⁶ The International Bar Association was also critical. It stated: *'The East Timorese victims are the ones who suffer most from the failure of the SPSC. Cheap justice is a poor substitute for full justice. These trials should be remembered for failing to offer victims justice and will stand as a warning to those who accept that justice on a shoestring is a viable response to international crimes.'*⁷ And most recently, Amnesty International said in a statement to UN Secretary-General Ban Ki-Moon on the occasion of his visit to Timor-Leste: *'Despite its involvement in Timor-Leste since June 1999, the UN has failed to meet its commitments to ensure justice for victims'*.⁸

Though its situation is clearly very different to that of the UN, Timor-Leste has demonstrated that it has been at the very least ambivalent, if not hostile, to the UN serious crimes initiative. Several examples can be given:

- in 2004 Timor-Leste refused to refer the Serious Crimes indictment of General Wiranto to Interpol and, shortly after, President Xanana Gusmao underlined the point by engaging in a very public embrace of Wiranto in Bali;
- in 2009 the Government interfered in the legal system to release the indicted militia leader Maternus Bere back to Indonesia and, at the same time, President Jose Ramos-Horta called on the UN to disband its Serious Crimes Investigation

⁴ Ibid, p. 58

⁵ Ibid, p. 59

⁶ 'Justice on the Cheap' Revisited: The Failure of the Serious Crimes Trials in East Timor. East-West Studies Center, May 2006.

⁷ www.ibanet.org/committee/WCC_EastTimor.aspx

⁸ Donna Guest, Amnesty International Asia-Pacific Deputy Director, 14 August 2012.

- Team (SCIT) and discontinue investigation into outstanding cases from 1999;
- President Horta granted over 200 commutations or pardons during his five-year presidency, some of them relating to historic cases and as far as I know without consulting victims or their families, a practice criticised by a respected Timor-Leste NGO as 'irresponsible' and 'excessive';⁹
 - Timor-Leste's courts have conducted only a few trials on cases from 1999 since the end of the Serious Crimes Panels, though allowance must be made for the large backlog of cases confronting the developing system.

Victims and/or their relatives have good reason, therefore, to question whether the Timor-Leste authorities, and the Office of the Prosecutor-General in particular, will act on the remaining 300-400 case files that the SCIT has compiled with the cooperation, inter alia, of victims and will hand over at the conclusion of the UN mission later in 2012. A fortiori, one is forced to conclude that if these relatively recent professionally documented cases are shelved, or become the subject of amnesty proceedings, the prospects for an international tribunal let alone action on the extensive recommendations in the CAVR report on crimes committed before 1999 are bleak indeed.

Three additional points should be made before I move on to discuss the contribution of the two truth commissions to Timorese victims.

First, Timor-Leste's official ambivalence about historic crimes should not be interpreted to mean that its leaders have no sympathy for victims. As victims themselves they identify strongly with their fellow victims but believe, and have consistently stated since before independence, that the new Timor-Leste should be characterised by forgiveness and that the needs of victims are best addressed through social justice measures.

Second, it should not be assumed that Timor-Leste's leaders are anti-justice in principle. At a conference on justice held in Dili in October 2010, Judge Phillip Rapoza triggered a sharp reaction from senior Timorese present, including the Prosecutor General Anna Pessoa, when he stated, in an otherwise complimentary address, that political intervention in the Maternus Bere case seriously undermined the institutional independence of the judiciary and rule of law in Timor-Leste.¹⁰ While not debating that point, the respondents were quick to dispute any implication that they were anti-justice and to ask the conference to take into account Timor-Leste's politico-economic situation and the need for more time.

Third, it could also be assumed from the above that Timor-Leste's victims are united and place high priority on conventional prosecutorial justice. Opinions on this issue range across the spectrum. As President, Jose Ramos-Horta said that victims did not raise issues of historic crimes with him during his many public meetings and claimed that this meant formal justice was not a concern in the community. It could also be argued that the justice issue did not rate in the three rounds of national elections held this year, despite attempts to highlight it by some candidates and NGOs and the fact that the Gusmao Government's minister for justice was the subject of court proceedings at the time. In his study of families of the missing in Timor-Leste, Simon

⁹ Judicial System Monitoring Program (JSMP), East Timor Law Journal, 15 June, 2012. See also Law and Justice in Timor-Leste: A Survey of Citizen Awareness and Attitudes Regarding Law and Justice, Asia Foundation, 2008. The survey suggests 'that most Timorese do not support impunity or pardons for serious crimes'. p. 17.

¹⁰ Achievements and Challenges of the Timor-Leste Justice System, paper to conference on Formal and Informal Justice in Timor-Leste, Dili, 21-23 October 2010, p. 30.

Robins of the University of York, found that only a small minority of families opted for prosecutions while the greatest number, over 60%, singled out economic support as their greatest need. Robins also found that '*There was limited knowledge of the trials in both Indonesia and in Dili...*'¹¹ At the other end of the spectrum, human rights NGOs and the newly established National Association of Victims of the Conflict 1974-1999 argue that victims want, need and have a right to justice but are often silent in the face of obvious official reluctance on the part of respected Timorese leaders.

Commission for Truth and Friendship

A third response to historic crimes was the high-level creation in 2005 of the Commission for Truth and Friendship (CTF), a bi-lateral process endorsed by the Presidents of Indonesia and Timor-Leste. Primarily the brain-child of Jose Ramos-Horta, the CTF was established by presidential fiat independent of parliament and without consultation of victims or civil society. It was not participatory in character and was perpetrator, not victim, focussed. Led by reputable Commissioners from both Indonesia and Timor-Leste, the Commission was tasked with establishing the 'conclusive truth' about human rights violations in 1999 (specifically the period immediately before and after the 30 August Popular Consultation) and institutional responsibility for these offences. It was also asked to recommend amnesty for perpetrators who cooperated fully in revealing the truth and to clear the names of those 'wrongly accused' of human rights violations. It was also charged with recommending ways of ensuring the non-recurrence of similar violence and promoting bi-lateral reconciliation and cooperation.

The CTF functioned mainly in Indonesia, visited Timor-Leste only once or twice, and took evidence from few Timorese victims. The UN declined to assist, due principally to the Commission's amnesty provisions, and the Commission was strongly criticised by civil society in both countries. To the surprise of its critics, however, the CTF declined to recommend amnesties and found that crimes against humanity were committed in 1999, primarily by the Indonesian military and its proxy militias¹². In addition some of its recommendations coincided with CAVR recommendations, including that victims should receive an apology and that measures specific to victims of sexual violence, torture, and disappearance be undertaken. Because of their obvious benefit to victims these proposals have been incorporated into legislation for the consideration of the Timor-Leste Parliament. It is also to be hoped that in time this outcome will be Indonesia's first step towards addressing the many crimes that preceded 1999.

The CAVR

The fourth response to historic crimes was the Timor-Leste Commission for Reception, Truth and Reconciliation (CAVR).¹³ Based on a decision to prioritise national and community reconciliation taken in 2000 by the CNRT resistance umbrella organisation, the CAVR was signed into law in 2001¹⁴ during the UN transitional administration and functioned for four years 2002-2005. The Commission was led by seven Timor-Leste commissioners and tasked with four mandates: to establish the truth about human rights violations committed on all sides during the period 1974-1999; to facilitate community reconciliation for less serious crimes; to assist in restoring the human dignity of victims; and to report on its work, inquiry, findings and recommendations.

¹¹ Simon Robins, *An Assessment of the Needs of Families of the Missing in Timor-Leste*. University of York, February 2010, p. 99.

¹² See the CTF report *Per Memoriam Ad Spem* (through memory to hope)

¹³ *Comissao de Acolhimento, Verdade e Reconciliacao (CAVR)*. See www.cavr-timorleste.org

¹⁴ UNTAET Regulation 2001/10.

Listening to victims

The CAVR consciously set out to be participatory and victim friendly, if not victim-centred, across the range of its functions and throughout the duration of its existence. A positive bias towards victims, inspired by the spirit and letter of the regulation that required CAVR to assist with the restoration of the dignity of victims, informed both its peripheral and its core work.

Examples of this approach early on included

- participation of victims representatives in the committee that designed the CAVR;
- employment of victims in the pre-CAVR interim office;
- selection of the former colonial prison as the CAVR centre following representations by former inmates held there as political prisoners during the Indonesian occupation;
- contracting of a building company headed by a former political prisoner to rehabilitate the prison;
- employment of victims to build some of the furniture and to design and plant the garden in the new premises;
- consultation of victims during a national dialogue about the design of the Commission;
- inclusion of two victims associations on the Selection Panel for commissioners, namely the Association of Ex-Political Prisoners and the Association of Families of Disappeared Persons, as required by Article 4.3 of the Regulation¹⁵;
- consultation of victims by the Selection Panel in the course of its national consultation.

CAVR's first core task was to seek the truth regarding violations committed by all parties to the conflict during the mandate period 1974-1999. This process depended significantly on victim participation. Most if not all of the 8000 statements collected by CAVR were provided directly by victims who had experienced the violations they recounted. These statements form the basis of the large CAVR *Chega!* report where they are recorded in often graphic detail and underpin the report's findings on accountability and recommendations. This statement-taking was supplemented with many public hearings, conducted either locally or nationally, at which victims were given the opportunity to publically testify about their experience. CAVR conducted 8 national hearings, 52 sub-district hearings and 297 village level hearings (called Community Profile Workshops convened to discuss and record the impact of the conflict on communities). Consistent with its mandate¹⁶, CAVR prepared and supported victims, including female witnesses, for these hearings in the knowledge that they were sharing deeply personal and politically sensitive information in a public forum. These hearings, particularly the national hearings held in the capital and attended by high-level Timorese, were expressions of solemn and deeply moving respect and solidarity for victims. In addition to gathering evidence, the hearings were intended to assist the healing of victims by honouring their contribution both to liberation and, through their stories, to the building of a culture of human rights, non-violence and rule of law in the new nation. For the same reason, the statements, interviews, and public testimonies collected through the truth-seeking process have been archived and disseminated in multiple languages in video, print and other formats to help Timor-Leste's booming youth population to appreciate the sacrifices made on their behalf

¹⁵ At least three national commissioners had personally suffered serious individual violations of their human rights.

¹⁶ UNTAET Regulation 2001/10, art. 16.4: 'The Commission shall allow for special measures to be taken in hearings which involve testimonies from special groups of victims, such as women and children. Such hearings may allow for accompaniment of victims by relevant victim support workers'.

and to benefit from the lessons learned from this period. This is a significant value add to victim-testimony, though I suspect many victims are not aware of the continuing use that has been made of their experiences.

Balancing victims and perpetrators

CAVR's second core task was to facilitate community reconciliation for less serious crimes committed during the conflict. Known as the Community Reconciliation Process (CRP) this activity focussed on cases that occurred in 1999 and is generally acknowledged to have been the Commission's most innovative activity.

Some 220 hearings were successfully conducted throughout Timor-Leste resulting in the re-integration of some 1400 deponents or perpetrators into their communities. The panel charged with facilitating a CRP was required by law to hear from both the deponent(s) and the victims of the deponents acts.¹⁷ This meant that victims attended these hearings and were free to challenge and question statements made by deponents. Victims were also consulted about the 'act of reconciliation' or punishment that the Panel decided the deponent should undertake. Generally speaking, these sanctions were relatively lenient and, on completion of these obligations, deponents were given immunity from future civil or criminal liability for the acts in question. Although this extinguished the rights of victims to take further legal action relative to that offence, evaluations conducted by CAVR at the time concluded that victims generally felt the process had made a major contribution to reconciliation. *'Whatever their reservations', states the CAVR report, 'most victims were ready to forgive deponents... (and) usually said that because deponents were willing to participate in the CRP, they in turn were willing to forgive'*.¹⁸ In many ways the success of the process was also due to an expectation that the 'big fish', those responsible for the serious crimes of killing, raping and torture and who had command responsibility for the 'small fish', would face justice. When this expectation was not met, victims, and especially those who had also suffered serious crimes, felt let down and, though satisfied with the CRP outcome, that full reconciliation was compromised and less than complete.

While generally satisfied with the CRP process and its contribution to enduring peace in many communities, CAVR concluded that the process could have been more victim-friendly. In a review of the CRP conducted in 2005 during the writing of its final report, CAVR acknowledged that some victims experienced pressure to reconcile for the sake of the common good and peace in their communities and that the CRP generally delivered only token reparations. As many calls were being made at the time for the process to be continued, the CAVR recommended that:

- any future CRP should recognise the right of victims to a say in what 'acts of reconciliation' perpetrators should carry out so that these acts were more directly beneficial to victims, and
- that victims should be given a stronger place in the formal decision-making structure of the CRP.¹⁹

This assessment is generally shared by researchers.²⁰ In addition to the amendments

¹⁷ Ibid, art. 27.1

¹⁸ Chega!, Section 9, par.121

¹⁹ Ibid, par. 132-133.

²⁰ See Lia Kent, *Unfulfilled Expectations: Community Views on the Reconciliation Process in East Timor*, JSMP, Dili, 2004. Galuh Wandita et al, *Learning to Engender Reparations in Timor-Leste: Reaching Out to Female Victims*. Simon Robins, *An Assessment of the Needs of Families of the Missing in Timor-Leste*, University of York, 2010. Patrick Burgess, *A new approach to restorative justice – East Timor's Reconciliation Processes*, in Roht-Arriaza et al

suggested above, Dr Lia Kent also recommends in her study, inter alia, that the CAVR practice of granting deponents immunity from future legal action should be reviewed and that victims should be given a bigger say regarding which criminal cases should be eligible for a reconciliation process, particularly vis-à-vis crimes that caused personal injury. Kent also suggests that CAVR sacrificed quality for quantity. I question this in view of the acknowledged contribution made by CAVR in the critical area of peace-building so soon after extraordinary violence and upheaval. I agree, however, that there was a tension between quality and quantity. CAVR was definitely under pressure from a number of directions to deliver reconciliation in local communities and, as the word *acolhimento* (reception) in the commission's title suggests, to encourage Timorese to accept each other and forgive after years of division and conflict²¹. First and foremost, this pressure derived from the legacy of violence and bitterness that threatened the stability and unity of the fledgling nation. It was feared that if measures were not taken early on a vicious cycle of payback and revenge could wreck efforts to build the new Timor-Leste. This pressure was compounded by other factors. These included time limits imposed on the Commission, the slow start to the Commission's field work (due to a formidable range of organisational and logistical challenges, including staff recruitment, training, funding, the remoteness of locations etc), pressure from donors (the sole source of CAVR's funding) concerned that their risky investment in the new nation's development not be compromised by a spiral of violence, and pressure from communities and deponents for more CRPs once the process was better understood and accepted. It is understood that cases involving some 3000 deponents were left unaddressed when the Commission was dissolved by the Parliament and recommendations by CAVR that the CRP process be extended were ignored.

In retrospect I believe the conventional wisdom that transitional justice measures must be short-term should be reviewed and that Timor-Leste and its victims would have been served better if CAVR had been allowed significantly more time to implement its big and challenging agenda, though in a down-sized and organisationally modified form.²²

Assisting to restore the dignity of victims

CAVR's third core task was to assist in restoring the dignity of victims. Unlike other principal tasks, this requirement was not specifically detailed in the CAVR regulation. In hindsight it is arguable it should have been spelled out, including guidelines for an enabling mechanism. In practice, however, the Commission chose to treat this mandate not as a separate task but as a cross-cutting principle that should inform its ethos and be integrated in practical ways into all its activities. In this the Commission was guided by the definition of victim provided in the Regulation²³ and a set of principles governing the treatment of persons²⁴ and victim/witness protection²⁵. These required commissioners and staff to treat victims equally and compassionately and to

Transitional Justice in the Twenty-First Century. Piers Pigou, The Community Reconciliation Process of the Commission for Reception, Truth and Reconciliation. UNDP, 2004.

²¹ *Acolhimento* was also a reference to the Gospel parable of the prodigal son.

²² Regulation 2001/10 art. 2.3-2.4 allowed CAVR two and a half years. This was extended by the Parliament to 39 months (October 2005) but in fact there was no rush because, seven years on, the Parliament has not dealt with the report and this time could have been used to pursue CAVR's core work.

²³ "Victim" means a person who, individually or as part of a collective, has suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of his or her rights as a result of acts or omissions over which the Commission has jurisdiction to consider and includes the relatives or dependents of persons who have individually suffered harm". UNTAET Regulation 2001/10, Section 1 (n).

²⁴ Ibid. Section 35.

²⁵ Ibid. Section 36.

respect their privacy, safety, choice of language, and right to information.

Some examples of how this was done across a range of Commission activities have already been provided. In addition, CAVR established an Acolhimento and Victims Support Division. The structure and work of this division is detailed in the *Chega!* report.²⁶ Its impressive range of activities included outreach to refugees in West Timor, statement collecting from them, and the monitoring of those who returned. The division was also responsible for the organisation and support of the local and national public hearings referred to above in which victims featured prominently. In addition, the division followed up statement-taking from victims by running 6 healing workshops for those victims found to be urgently in need. These workshops enabled CAVR to engage more deeply with victims and to assist their recovery by facilitating sharing and solidarity with other survivors, including dancing, singing and prayer, and referring some for professional care. This division also managed an Urgent Reparations Scheme for victims with pressing needs resulting from the violation they had suffered. This scheme was modest and short-term. It provided some 700 victims with confidential grants of US\$200 each and, in addition to the group counselling referred to above, offered other support in the form of referrals, equipment, and back-up by appropriate local organisations. The workability and practical benefits of the scheme for seriously disadvantaged victims convinced the Commission that a full reparations scheme could and should be implemented by the state in Timor-Leste and this informed the long recommendation on reparations to be found in the CAVR final report.

The Chega! report

The fourth and final task required of CAVR was the preparation of a final report. The CAVR Commissioners entitled this 3500 page magnum opus *Chega!* (Portuguese for *enough, no more, stop*) out of respect for Timor-Leste's victims whose single most earnest wish, they felt, was that neither they nor their children should ever again suffer violence like that experienced 1974-1999. The evidence documented in the report, its findings on violations and accountability and its recommendations draw heavily on the experience, testimony and aspirations of victims. Systematic efforts have also been made to present and disseminate the report in shorter, simpler formats - including through the production of a mobile exhibition, comic book and regular radio broadcasts - to ensure its accessibility by victims and local communities. Other material based more directly on victim testimony to national public hearings has also been produced in multiple languages and disseminated.

Road blocks

Despite the Herculean effort outlined above, however, victims have good reason to feel disgruntled that the process they contributed to and expected much from has been stalled mid-way. As the *Chega!* report which is their voice has not been discussed in the Timor-Leste Parliament since it was given to the Parliament at its request seven years ago, victims can rightly say they have not been listened to and are being ignored. More importantly practical measures recommended by both truth commissions for the benefit of victims are also casualties of what must seem to victims like official indifference. Work on these measures started in the Parliament in 2008 and included proposals to establish a reparations program for victims and an institute of memory that, inter alia, would coordinate a program for the missing, an issue very close to the hearts of many Timorese. However, the related legislative initiatives have now lapsed because they were not finalised by the old Parliament and it remains uncertain whether the recently installed new Parliament will re-visit the

²⁶ See *Chega!* Part 1: Introduction; Part 10: Acolhimento and Victim Support.

issue.²⁷

The way forward is impeded by three road blocks.

The first is that since full self-government in 2002, Timor-Leste has increasingly taken a perpetrator-friendly approach to historic crimes. The evidence for this is compelling and has been referred to earlier in this paper. As a consequence, the Timor-Leste authorities are extremely cautious to act on any initiative that they link with historic justice, particularly as it relates to Indonesia, and this political reflex seriously prejudices the CAVR report and its recommendations. As a result, while they value the report as an educative tool, they prefer to focus policy and programs on pressing contemporary challenges and needs, not the colonial past.

Second, the veterans lobby and its representatives in Parliament are prioritising their interests over those of civilian victims and this lobby is being given priority attention by the Parliament and government.

Third, the reparations proposal is problematic. Rightly or wrongly, it is widely perceived by decision-makers as a Pandora's box that will create more problems than it solves and reluctance to adopt it in its current form is blocking the memory institute proposal to which it is linked. Proposals that the Parliament enact the Institute of Memory and postpone consideration of a reparations law until the pros and cons are better understood, do not seem to have been heeded. If the interests of victims, many of whom are getting older, are to be addressed the reparations proposal may need to be revised and re-presented in developmental, socio-economic terms rather than in the more officially uncomfortable terms of international law and perpetrator responsibility. As mentioned, the survey by Simon Robins already referred to found that over 60% of the families of the missing said their most pressing need is economic support. A significant number also asked for some form of tangible recognition of the sacrifices made, including memorials, and to know the fate of their missing loved ones so that where possible reburial could be undertaken. These findings relate to only one category of victims families, but are almost certainly representative of the views of most victims for whom the daily reality of grinding poverty and family pressures are a heavy burden. They support the case for both the proposed memory institute and for a livelihood/quality of life approach to reparations, by that or another name.

To conclude on a more upbeat note, it is important to observe that victims are not being totally forgotten in Timor-Leste. Preoccupation with the lack of progress in the Parliament of Timor-Leste should not obscure the fact that a number of creative extra-parliamentary measures are being undertaken on behalf of the victims of historic crimes by other agencies. These include the establishment of a National Victims Association, advocacy and action by local NGOs on victims issues, on-going documentation and research on political prisoners by the Living Memory project, and work on behalf of the missing in the form of exhumations by the International Forensic Team and policy work by the International Red Cross.

The highway to justice in Timor-Leste is challenging indeed but, in the best Timorese

²⁷ It should be noted here that the two initiatives put to the Parliament do not incorporate CAVR's recommendations on formal justice. Addressing these recommendations is a matter for the Timor-Leste justice system, particularly the General Prosecutor and will depend substantially on continuing political change in Indonesia and engagement with its own human rights past of which Timor-Leste is just one manifestation.

tradition, this is not stopping intrepid travellers from going around the road blocks and making up to victims for continuing official inaction.

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