



The CAVR and CTF Recommendations

The *Commission for Reception, Truth and Reconciliation* (CAVR) and the *Commission for Truth and Friendship* (CTF) sought to learn from Timor-Leste's past conflict in order to prevent the recurrence of human rights violations.

Different Objectives and Mandates

The CAVR and CTF were two truth commissions with different approaches and mandates. The work of the two commissions should be seen as completing one another. The CAVR gave voice to the thousands of victims of Timor-Leste's conflict and made comprehensive recommendations to prevent the recurrence of human rights violations. The CTF obtained an admission of responsibility from Indonesia for crimes against humanity committed in Timor-Leste in 1999.

The CAVR had a mandate to 'establish the truth' regarding the human rights violations which occurred due to the 1974 -1999 conflict. The CAVR's objectives were to: identify practices and policies for reform to prevent the reoccurrence of human rights violations in Timor-Leste, help restore the dignity of victims, refer cases to the Office of the Prosecutor General and, promote reconciliation and reintegration of perpetrators of minor crimes with their communities. The CAVR worked from 2001 until 2005 when it presented its final report to the President of Timor-Leste. The report contained numerous findings about the nature

and causes of the conflict, and recommendations on how to sustain peace in Timor-Leste.

The CTF mandate was limited to looking at the events before and after the 1999 popular consultation. The CTF's objective was to promote reconciliation and friendship between Indonesia and Timor-Leste. It operated from 2004 until 2008 and, like the CAVR, made recommendations to both Timor-Leste and Indonesia on how to ensure the non-recurrence of violence.

It is easier to analyze the recommendations of the CAVR and the CTF if they are grouped according to the following themes: institutional reform, victim reparations, truth-seeking and documentation, justice and reconciliation, improving relations with Indonesia, education for non-violence and peace, and development and human rights.

With the passage of time, some of the CAVR and CTF recommendations have been implemented. However, the recommendations on documentation, reparations and justice have not, and there has not yet been a concentrated effort made to use the CAVR and CTF reports to teach principles of non-violence and human rights. This has led to

many victims who provided testimony to the commissions to feel disappointed and angry. Steps should be taken to implement those CAVR and CTF recommendations that will honour and rehabilitate these victims.

1. Institutional Reform

Human rights violations occurred on such a large scale in Timor-Leste partly because, during the Indonesian occupation, state institutions were under military control. There was no civilian oversight of the military or police and no independent judiciary or human rights institution that could monitor, report and bring human rights violators to account.

Both the CAVR and CTF recommended security sector reforms. They stressed that military and police personnel should be treated like other normal citizens if they break the law, and should be educated in human rights. The community should be educated about the limits of the police and military's authority so they can recognize abuse of power. The CAVR and CTF also stressed the importance of the police and military remaining politically neutral and having their respective roles clearly delineated.

The CAVR recommended that the Timorese military's role be limited to external security issues and that they train only with the military forces of countries who have a good human rights record. This is needed to prevent a situation similar to that during Indonesian occupation when a military, trained to use lethal force, was responsible for internal security and thus contributed to the brutality of human rights violations.

The CAVR and CTF both stated that it was vital to develop a strong, independent judiciary. The CAVR also stressed the importance of the separation of powers between the different pillars of state and the need for strong oversight of the government by civil society and an independent, well-resourced Ombudsman. The CAVR recommended that appointment and promotion within the Timor-Leste public service be based on merit, not political affiliation.

2. Victim Reparations

Today, many victims of human rights violations continue to suffer the physical and psychological effects of torture, sexual violence or the violent death of a close family member. The recommendations of both the CAVR and the CTF recognized the need to dignify and rehabilitate victims by providing both symbolic recognition to their suffering and material assistance to help them live a normal life. The CAVR recommended a national reparations program for the most vulnerable victims of the conflict. The CTF recommended certain reparatory measures for victims of torture, sexual violence and children affected by the conflict. Some forms of recommended reparations include:

- ◆ Efforts to locate and identify missing persons, including children taken to Indonesia during the conflict
- ◆ Rehabilitation programs to provide psychological and material support to survivors
- ◆ Priority access to health care, housing and economic opportunities for conflict victims
- ◆ An apology from the heads of state to victims of the political conflict
- ◆ A day of national remembrance for those who died as a result of the 1978-79 famine
- ◆ Memorials at massacres sites and detention centres in honour of the victims, and a registry of all persons who died or disappeared during the conflict
- ◆ Initiatives that prevent discrimination against victims of sexual violence

The CAVR and CTF recommended that efforts be made to search for persons missing due to the conflict.

3. Truth-seeking and Documentation

The CAVR and CTF both recognized that they were just part of a long process in documenting Timor-Leste's history. Both final reports recommend that further research be carried out into aspects of Timor-Leste's history and that a documentation program be established to preserve the CAVR and CTF archives, and collect other important documents related to the past conflict, including historical documents held in overseas archives.

The CAVR also recommended that the parliament create a law regulating public access to the national archives to

ensure historical documents are preserved and Timorese people have access to information about their history.

4. Justice and Reconciliation

The CAVR report recommended that the Serious Crimes Process be extended to include pre-1999 cases such as the Santa Cruz Massacre. It also stated that if Indonesia and Timor-Leste's efforts to achieve justice for serious crimes fails, the Security Council should consider the possibility of an international tribunal to try these cases. The CTF also called for the strengthening of institutions necessary to deliver justice – the police and courts. The CTF report did not rule out the possibility of further judicial proceedings.

For less serious crimes, both the CAVR and CTF recommended that the government establish a community-based mechanism for conflict prevention and resolution.

5. Improving Relations with Indonesia

Both the CAVR and CTF stated that reconciliation with Indonesia must be based upon the truth; the Government of Indonesia recognizing its responsibility for violations and apologizing to victims and their families. The two reports also recommended various measures to promote closer relationships between Indonesian and Timorese people, particularly people living either side of the West Timor and Timor-Leste land border. For example, the CTF recommended 'peace zones' on either side of the border and less stringent visa requirements for Timorese wishing to visit Indonesia.

6. Education for Non-violence and Peace

Both commissions envisaged that the findings of their reports would be used to teach non-violence, political science, human rights and history – helping to learn from the past in order to prevent the reoccurrence of armed conflict and human rights violations in the future.

The CAVR and CTF recommended that human rights



education be integrated into the national curriculum and be promoted through the church. The CAVR also recommended that the non-violent aspects of the Timor-Leste struggle for independence such as diplomatic efforts and student activism, be highlighted in order to show that political goals can be achieved without violence.

7. Development and Human Rights

The CAVR recommended that the Timor-Leste government adopt a human rights-based approach to development to ensure that the benefits of development are enjoyed equitably and benefit the most vulnerable communities. It also recommended that Timorese citizens' right to free speech, movement and association be respected and that the state promote greater popular participation in governance.



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