

Unofficial Summary Record

of the

European launch of the English version of the *Chega!* report of the Timor-Leste Commission for Reception, Truth and Reconciliation (CAVR)

Nobel Peace Centre, Oslo, January 25th 2016

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The guests were welcomed to the launch by **Mr Mariano Aquirre, Director of the Norwegian Peacebuilding Resource Centre (NOREF)**, and **Bishop Gunnar Johan Stålsett**. They invited those present to celebrate the extraordinary work of the CAVR, which is a testimony to the resilience of the people of Timor-Leste.

In the opening session **His Royal Highness Crown Prince Haakon** stated that the *Chega!* report demonstrates the Timor-Leste process of reconciliation and transformation of society and the challenges that this process faces, and provides lessons for the world. The report is also a testimony to the fact that peace, development and human rights must complement one another. Prince Haakon then presented a short film of his visit to Timor-Leste as a UNDP Goodwill Ambassador. **Mr Tore Hattrem, State Secretary at the Norwegian Ministry of Foreign Affairs**, while commending the *Chega!* report as one of the most important of its kind, emphasised the need to make its contents widely known, because it describes the victims' need for understanding and the restoration of their dignity, and because it is designed to help build a new nation and prevent the repetition of grave human rights violations. **Mr José Ramos-Horta, Nobel Peace Prize Laureate and former Timor-Leste President, Prime Minister and Minister of Foreign Affairs**, while celebrating the report for honouring the victims and providing a collective, unanimously accepted path to healing, emphasised the obligation of Timorese leaders to construct a brighter future for their country together with Indonesia and with ongoing support from the international community. Those in power, he stressed, should have the courage to embrace those on the losing side.

The first session, entitled "Timor-Leste – from colony to independence", was chaired by **Mr Stig Traavik, Norwegian Ambassador to Indonesia, Timor-Leste and the Association of Southeast Asian Nations (ASEAN)**. **Mr Arnold Kohen, International Coordinator of Global Priorities**, provided an overview of Timor-Leste's history leading to independence. Under Portugal, repression, malnutrition and other problems were rife, but the Portuguese language was later used in the Timorese struggle against Indonesia. The Santa Cruz massacre of 1991 and two Nobel Peace Prizes in 1996 made it impossible for the international community to ignore East Timor. Kohen congratulated Timorese leaders for their success in moving the new nation forward despite the many difficulties it faces. **Bishop Carlos Filipe Ximenes Antonio Belo, Nobel Prize Laureate**, emphasised that the voice of the people of East Timor must be remembered and that more needs to be done for them. Justice for the crimes against humanity that were committed has not come, but must do so. He also stressed the need for justice for the poor. **Ms Maria Olandina Isabel Caeiro Alves, Commissioner of the Civil Service Commission**, first presented an overview of the various roles that women played in the struggle for independence, which resulted in suffering for many of them. However, through this

experience women learned survival and leadership skills, and patriotism. Timorese women have developed their capacity for leadership and now participate in regional and global development processes. **Mr Fidelis Manuel Leite Magalhães, former Presidential Chief of Staff**, spoke about the difficulties he faced in engaging youth in the nation-building process, e.g. often-pre-designed development programmes, the polarisation of young people along political party lines, weak government capacity to provide services, the suffering caused by the fear embedded in people's everyday lives, people's high expectations, the emphasis on rights over civic responsibilities, and a weak and resource-thin government in comparison to non-governmental sectors. He emphasised that the meaningful involvement of the youth is essential for building the nation and that multi-party democracy must be ensured.

The second session, "Truth, justice and reconciliation – towards a national consensus?" was chaired by **Bishop Stålsett**. He explained that the term "reception" in the CAVR's name is based on the principle of mutual assistance and underpinned by a national consensus on the need for transitional justice and reconciliation through dialogue. He stressed the importance of addressing the issue of impunity, pursuing formal justice and seeking timely reparations for victims. **Mr Pat Walsh, Advisor at Asia Justice and Rights (AJAR), and former Advisor to the CAVR and the Post-CAVR Technical Secretariat**, emphasised the CAVR's standpoint that truth and reconciliation cannot be achieved without justice, which was accepted by the leaders of Timor-Leste and the Commission of Truth and Friendship. The CAVR report is a human rights report and a widely agreed-on narrative of the experiences of civilian victims, which needs to be used for positive nation-building. The Indonesian people need to know of the conclusions contained in the report, and justice in two forms needs to be served: judicial due process for crimes against humanity and war crimes, and justice in the form of the provision of proper reparations to victims. **Ms Galuh Wandita, Director of AJAR and a former member of the CAVR Secretariat**, pointed out how in Indonesia the perpetrators of massive crimes against humanity have enjoyed impunity for over 17 years. She stated that the *Chega!* report has mainly affected the civil society sector. According to AJAR research, human rights violations continue to have a negative impact on women, including trauma, a cycle of discrimination and suffering, and limited access to services. Access to justice for past human rights violations was found to be better in Timor-Leste than in Indonesia or Myanmar. She then discussed the issue of "Stolen Children", i.e. children who were forcibly taken from East Timor to Indonesia during the latter's occupation, who continue to face problems over coming to terms with their identity. **Mr José Ramos-Horta** challenged the notion that countries that do not pursue accountability fail to achieve democracy and stability. He warned that the past should not be allowed to overshadow the future and suggested that Indonesia should be allowed to take care of justice in its own time. He concluded by saying that the *Chega!* report is a powerful treatise against future wars.

Mr Dag Nylander, Special Envoy of the Norwegian Ministry of Foreign Affairs to the Colombia peace process, chaired the third session: "How transitional is 'transitional justice'?" He referred to two aspects of the term "transitional justice": (1) justice that encourages a society to move forward after a difficult period in its history; and (2) justice that takes time. **Ms Ana Pessoa Pinto, Senior Advisor to the President, former Prosecutor General and former Minister for State Administration**, expressed her view that criminal prosecution should not be the sole focus of transitional justice. Justice should promote, not disrupt unity. She presented the history of the struggle of Indonesia and Timor-Leste to criminally hold those responsible for human rights violations to

account, and questioned why so many different versions of justice need to be discussed. **Ms Priscilla Hayner, co-founder of the International Centre for Transitional Justice**, discussed the various ways in which the tools of transitional justice have been employed in different countries, both within and outside the context of transitional justice. On the issue of transitional justice as a way for a country to come to terms with a difficult past, she felt that the term “transitional justice” is problematic. It should rather be “comprehensive justice”, in that it should contain not just a criminal prosecution component, but also processes for institutional reform and the provision of reparations. The Timor-Leste Commission for Reception, Truth and Reconciliation was one of the five most successful commissions of its kind, due to the nature of its processes, comprehensiveness, seriousness, depth and the quality of its final report. However, what takes place after the commission has completed its work is as important as what the commission has done. **Mr Shin Umezu, Acting Chief of Asia and the Pacific Division, UN Department of Political Affairs**, reinforced that the UN considers transitional justice vital in contexts where past violations stand in the way of lasting peace. He then discussed how ASEAN has approached the issue, by focusing more on peace and reconciliation. Faced with the political reality of the situation in Timor-Leste, the 2006 *UN Secretary-General’s Report on Justice and Reconciliation in Timor-Leste* took a “practically feasible” approach, which appears to be a form of compromise. **Prof. Rodrigo Uprimmy, co-founder of the Bogotá-based Centre for Law, Justice and Society (Dejusticia)**, suggested that the overwhelming focus on criminal prosecution in transitional justice processes needs to be reviewed, and that we should allow country-specific solutions through victim-centred processes that pursue justice in a broader sense and combine the quest for peace with the provision of a reasonable degree of justice.

The final panel, entitled “Peacebuilding and nation-building: UN and bilateral perspectives: the case of Timor-Leste”, was chaired by **Mr Knut Østby, UN Resident Coordinator in Timor-Leste**. He stated that human suffering is an issue of common humanity and that the idea of Asian values can be problematic. **Mr Tamrat Samuel, Senior Advisor to the UN Department of Political Affairs**, discussed how the UN’s initial reluctance to become involved in East Timor in the 1990s changed to the extent that eventually it hosted the Popular Consultation based on the principle of impartiality in 1999. Despite challenges such as tough negotiations with Indonesia, the difficulty of crafting an acceptable agreement and a deteriorating security situation, the Popular Consultation was a success due to the resilience of the East Timorese people, the application of international law and the provision of international support. This experience provided a lesson for the UN, highlighting the importance of international support and the difficulties involved in supporting peoples’ right to self-determination. What became apparent was the need for the UN to have a clear objective, the importance of seeking common ground among all stakeholders, the need to draw up a clear agreement in order to avoid problems later and the necessity of sound planning. **Prof. Sukehiro Hasegawa, former Special Representative of the UN Secretary-General in Timor-Leste**, commended Timorese leaders for their success in leaving the past behind; prioritising national identity and unity over their own personal gain; integrating universal values into society, including human rights; inculcating a sense of what is right into society, and adopting a mindset that incorporates both Western and Eastern values. He also pointed out the need for national leaders to readapt their mindset towards achieving sustainable development. Nation-building and development require not only political stability, but also transparent and accountable governance. Government leaders need to exercise strong ethical and managerial leadership to prevent corruption, collusion and nepotism from becoming part of the nation’s “resource curse” stemming from its oil revenues. **Ms Rebecca Engel, former Director of the Center for International Conflict Resolution’s Timor-Leste Programme**

at Columbia University, pointed out how post-independence socioeconomic development saw the shift of tensions among people from conflict-related issues to interpersonal ones. She emphasised the importance of a collaborative approach across institutions, geographically focused and time-specific situation analysis and the design of mechanisms based on that analysis, and the involvement of civil society in nation-building. **Ambassador Traavik** described the multilateral and bilateral support that Norway has provided to Timor-Leste, including its support for human rights initiatives, its assistance with and advice on the management of the country's oil revenues, and its support for the furthering of religious tolerance.

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February 2nd 2016