

CIVIL SOCIETY AND CHEGA! - A PROGRAM FOR ACTION

"The extensive CAVR report is an encyclopedia of our history, both rich in teachings and suffering. We must utilise its great teachings to better understand today's crisis and to help prevent future crises".

Prime Minister (now President) Jose Ramos-Horta, July 2006

This program for action has been produced by the Post-CAVR Technical Secretariat (STP-CAVR) to assist local and international NGOs working in Timor-Leste to socialise the CAVR report '*Chega!*'. It is the third in a series of similar guides and should be read in association with them. The companion guides are:

- **Women and *Chega!*: Making Recommendations Reality**
- **Faith communities and *Chega!*: Making Recommendations Reality**

Additional guides are being prepared for members of the new Timor-Leste Parliament and the international community.

These guides are available in four languages from the CAVR website www.cavr-timor-leste.org or by email or hard copy from Jaimito C da Costa at the Post-CAVR Secretariat, ex Balide Comarca, Rua de Balide, Dili. Mobile 723 4916 jaimitodacosta@yahoo.com

1. NGOs and the CAVR

The Comissao de Acolhimento, Verdade e Reconciliacao (CAVR) was an independent, short-term statutory authority based on an act of parliament and tasked with a transitional justice mandate and powers. It was therefore not an NGO. It differed from NGOs in terms of its legal basis and mission and it was required to operate independently of all other bodies, including NGOs. It also differed from NGOs in that its mission was short-term and temporary. It concluded in December 2005.

NGOs, however, made an important contribution to CAVR and can rightly claim its establishment and work as one of their most important post-1999 achievements.

Representatives of key Timor-Leste NGOs and civil society groups were members of the working group that designed CAVR. NGOs were also represented in the panel that selected Commissioners. Most of the National Commissioners came from strong NGO backgrounds as did many CAVR national and international staff and many of these have returned to NGO life. NGOs also contributed to the CAVR process by supplying information, testifying at hearings, providing technical services, assisting with CAVR support projects for victims and attending hearings.

The CAVR report acknowledges the significant contribution of civil society to human rights and the independence of Timor-Leste. *Chega!* contains the most complete account yet of this extraordinary gift of solidarity to Timor-Leste by NGOs in many parts of the world, including Indonesia. (See *Chega!* full report, Chapter 7)

The excellent contribution made by NGOs to the liberation of Timor-Leste and to CAVR needs to continue. Long-term NGO solidarity is needed to ensure that CAVR's work is completed. NGO enthusiasm and commitment is vital to ensure, in the words

of President Ramos-Horta, that CAVR's 'great teachings' are adopted and 'future crises' are avoided.

2. NGOs and Post-CAVR

Following the dissolution of CAVR in December 2005, the Post-CAVR Technical Secretariat (STP-CAVR) was established under the Presidency of the Republic. The Secretariat's main tasks are to disseminate the CAVR report and to carry out other technical tasks such as completing CAVR's publishing program and caring for the CAVR archives. The Secretariat will continue until the Parliament and Government deal with *Chega!* and its recommendations.

The Secretariat has distributed *Chega!* and other CAVR materials to government and the community in all parts of Timor-Leste and in a number of countries abroad, including Indonesia. This work, however, is only a beginning. A more intensive program of socialisation is needed to help the community and nation benefit from the report. NGOs can make a vital contribution to this work by integrating *Chega!* into their programs of work and making use of CAVR resources and recommendations in their activities. This applies particularly to NGOs and organizations working to embed human rights, non-violence, accountability and the rule of law in Timor-Leste. *Advocats sans Frontieres* are a good example. They are using the CAVR video 'Dalan ba Dame' as part of their program to promote the rule of law in the districts.

Socialising Chega!

The Post-CAVR Secretariat will undertake a socialisation program July-December 2007 with the support of the World Bank. This program will have a more limited and intensive focus than the previous dissemination program. The program objectives are (a) to socialise *Chega!* to key organisations (women, faith communities, NGOs) in Dili and District capitals; and (b) to mobilise and support those organisations to socialise *Chega!* in their own organizations, networks and communities.

This work will also include lobbying the political parties and Parliamentarians to address the CAVR report as a priority in the new Parliament and working with the Education Department to utilise *Chega!* and CAVR materials in the national education curriculum. (See Recommendations 3.7.5 and 7.4.2).

Resources

The following resources are available from STP-CAVR:

- Socialisation Team available for briefing or training
- Website in 4 languages www.cavr-timorleste.org
- Executive Summary of *Chega!* in Tetum, Indonesian, Portuguese and English
- Full *Chega!* report on CDROM
- Full *Chega!* report in photocopy form (5 volumes) for consultation at the Post-CAVR library
- Brochure 'Introducing Chega!' in 3 languages.
- 'Dalan ba Dame' video with sub-titles and user's guide.
- 'Dalan ba Dame' audio version (5 part program in Tetum only)
- Public Hearing books on Massacres, Women and Famine (3 languages)
- The History of Timor-Leste in Posters (in process)
- NGOs are welcome to visit the Comarca (by appointment)
- NGOs are welcome to use the Comarca for meetings (by appointment).

3. NGOs and the CAVR recommendations

The CAVR report *Chega!* has 204 recommendations. These can all be found at the back of the *Chega!* Executive Summary. There are three comments to make:

- (a) The recommendations cover a wide range of issues and are not limited to justice. To name only some, they include, e.g. recommendations about the use of sport and music to promote community building and peace, about non-violence, an effective public service, investigative journalism, the use of CAVR materials in schools, and recommendations about repatriation of historical records;
- (b) Some, such as key recommendations relating to past injustice or the establishment of a CAVR follow-up institution, must wait on the deliberation of the Parliament and Government. Others are directed to the community and do not have to wait for the Parliament;
- (c) It is not necessary for NGOs to act on all the recommendations. NGOs should select those that are most relevant to their work and their capacities.

4. Recommendations for NGO action

The following are some of the many recommendations in *Chega!* that NGOs might consider integrating into their program of work. All references are to the Recommendations section in the *Chega!* Executive Summary. References are the same in all language editions. The recommendations that follow relate to the following nine issues:

- Dissemination of *Chega!*
- Implementation of *Chega!*
- Political parties
- Security agencies
- Justice
- Reparations
- Human rights
- Civil society
- Follow-on institution to CAVR.

4.1 Dissemination

Chega! contains the following recommendations to disseminate the CAVR report: 1.1; 1.2; 1.3; 2.2; 7.4.1; 7.4.3.

A recent survey by STP-CAVR revealed that staff of Dili based NGOs considered *Chega!* was important for Timor-Leste but that many had not read or discussed *Chega!* in their organizations. Two actions are suggested:

- Internal: Directors of NGOs make *Chega!* an activity in their organization, obtain copies if necessary, and give staff time during working hours both to read and discuss the report. The purpose of this discussion will be to share staff views about the report and to discuss how the NGO can include the report and other CAVR materials in its work. STP-CAVR are available to participate in this discussion. A good understanding of *Chega!* is essential if NGOs are to promote it in the community.
- External: NGOs can assist by informing others about *Chega!* through their networks, workshops, press releases, interviews, newsletters and other channels of communication. Some NGOs are planning to publish sections of *Chega!* and recommendations that are most relevant to their work. National and international NGOs with websites can provide links to the CAVR website: www.cavr-timorleste.org

4.2 Implementation of *Chega!*

Chega! recommends (13.1) that the National Parliament should take primary responsibility for monitoring implementation of *Chega!* This recommendation is based on the fact that CAVR operated on the basis of a regulation that was endorsed and amended by Parliament and that the Parliament itself, through an amendment to

Regulation 2001/10, required the President of the Republic to present the CAVR report to the Parliament. This was done on 28 November 2005.

Since the Parliament has not yet debated *Chega!*, it is suggested that candidates in the legislative election be asked to make a public commitment to addressing the CAVR report as a priority in the new Parliament, if they win a seat.

NGOs can assist in obtaining this commitment in the following ways:

- writing to the leaders of political parties during and after the elections;
- asking their members and networks to raise the issue of *Chega!* during public meetings with candidates and with successful candidates after 30 June;
- issuing press statements;
- other.

4.3 Issue of current concern: political parties

Many Timorese associate politics with violence because of past experience. The CAVR report therefore contains recommendations to political parties to help change this perception so that it does not damage the process of democratisation. (See 9.1-9.8)

A key positive moment in Timor's recent political history was the CAVR public hearing on *Internal Political Conflict 1974-1976*, held in Dili 15-18 December 2003. At this hearing leaders of the historic parties addressed past violence and committed their parties to non-violence.

NGOs can borrow CDs of this Hearing from the Post-CAVR Secretariat. A report on the hearing can also be found in the CAVR Update December 03-January 04. This report is available from Post-CAVR in hard copy or from the CAVR website www.cavr-timorleste.org in English, Indonesian and Portuguese. A book on this important Hearing will be published later this year.

NGOs are urged to support the following specific recommendations:

9.1; 9.2: that all political parties include in their platform a public commitment to universal human rights and to respect the neutrality of security agencies. (NGOs could conduct a survey or research party platforms and speeches to check whether these commitments have been made and what, in practice, they mean).

9.3; 9.4: that all political parties avoid violence, state what disciplinary action they will take against members who advocate or use violence, and do not mobilise youth groups (martial arts groups) for political purposes. As untruths can provoke violence, NGOs should also advocate that parties are truthful about their opponents.

9.5: that the historical parties which are still active – Fretilin, Kota, and UDT – take concrete steps to address violations committed in their name in the past and to take practical steps to promote reconciliation with victims and their families.

4.4 Issue of current concern: neutrality of security agencies

Basing itself on Timor's past experience, the CAVR report strongly emphasises the need for a politically neutral police and military in Timor-Leste and the importance of democratic control of security policy and apparatus by the Parliament. It argues that there is no place in an independent, democratic Timor-Leste for either a politically active Falintil, as in 1975, or for the former Indonesian *dwi-fungsi* model. The Report also points out the dangers of allowing private or community-based security groups

to grow in numbers and influence (6.4) as happened during the Indonesian period (6.4).

NGOs concerned to promote these principles are referred to Recommendations 6.1 – 6.4 in the CAVR report. These 24 recommendations are intended to reinforce government policies in favour of a non-partisan professional security apparatus. They include:

- Parliamentary oversight of the Police and Military and other security agencies (6.1.2; 6.2.1; 6.3.1; 6.4.1);
- a proposal to educate the public about the role, limits and accountability of the police and armed forces (6.1.1);
- the need for measures to regulate private or community-based security groups (6.1.1).

4.5 Justice

NGOs are urged to read closely the introductions to Recommendations Section 7 (on Justice and Truth) and Section 10 (Reconciliation with Indonesia). These sections explain the reasons for CAVR's recommendations on justice. In summary, CAVR concluded that a formal judicial response was needed for past crimes because of:

- the widespread, systematic and gross nature of the crimes;
- the breaches of international law involved in these crimes;
- respect for the rights and dignity of victims;
- the need to contribute to the building a culture of accountability and rule of law, both in Timor-Leste and internationally.

CAVR also concluded that reconciliation and Timor-Leste's new relationship with Indonesia should be built on truth and justice.

CAVR's recommendations on justice include the following:

- prosecution of crimes by Indonesia (7.1.5);
- declassification and sharing of information by Indonesia on military operations that resulted in human rights violations (10.8-10.11);
- international support for a continuing Serious Crimes process (7.1.12);
- international sanctions on perpetrators (1.9);
- UN support for an International Tribunal if other measures fail (7.2.1);
- apology and reparations by Indonesia (10.16; 12.1-12.13) and by foreign governments (1.6-7) and corporations (1.8) that provided military assistance to Indonesia.

The key forum for debate about recommendations on justice and other issues in the CAVR report will be the new Timor-Leste Parliament which is expected to commence on 15 September 2007.

4.6 Reparations

Many who suffered violations ask for, need and have a right to reparations. For this reason, the CAVR report devotes a large part of its recommendations to reparations (Section 12, 12.1-12.13) especially for the most vulnerable individual victims and communities.

According to CAVR, a sensitively designed, targeted and administered reparations program will significantly ease the anger, hurt and marginalisation felt by particular victims and/or their families. Reparations can take many forms, including individual, collective and symbolic measures.

In a similar spirit, though limited only to 1999, the former UN Secretary-General, Kofi Annan, proposed in July 2006 that the UN establish a solidarity fund to support

community restoration through individual, collective and reconciliatory measures. This proposal sits with the UNMIT Human Rights and Transitional Justice Unit.

NGOs who are in touch with victims and families of past violations have a special contribution to make on this issue.

4.7 Human rights

The CAVR report contains extensive recommendations on human rights and justice based on the widespread violations of human rights that occurred 1974-1999. (See Recommendations, Section 3 – 7). As these cover too many issues for most NGOs, the following division of work is suggested:

- *NGOs focussed on civil and political rights*
right to security of person (3.3);
national commitment to non-violence (3.4);
right to participation (3.5 and 3.6)
- *NGOs focussed on social, economic and cultural rights*
right to life, freedom from hunger, and adequate standard of living (3.2);
right to education and cultural self-determination (3.7);
right to health and a sustainable economy (3.8);
- *NGOs focussed on specific groups and institutions*
women (4.1). See also 'Women and Chega!: Making Recommendations Reality'.
children and youth (4.2);
judiciary (5.3);
public service (5.4);
provedor (5.5).

4.8 Promotion of civil society

Chega! strongly supports civil society. Recommendation 5.1 states: 'Outside government and political parties, civil society is the principal vehicle for the participation and contribution of citizens to nation-building. It is important that this sector enjoys an enabling environment as Timor-Leste continues to make the transition from opposition to constructive interaction between government and civil society'.

The following Recommendations suggest ways in which civil society can be acknowledged and strengthened:

1.14: Timor-Leste should honour the contribution of civil society to human rights and independence. NGOs might discuss how this could be done. Some possibilities are scholarships, annual conference, visitor program, annual award.

1.15: documentation of individual activist and organisational stories. Few if any national or international NGOs have written up their contribution to Timor-Leste's independence and development or provided their archival material to CAVR. An example of a recent initiative is *Negligent Neighbour* by Maire Leadbeater (2006), the story of the solidarity activity of New Zealand NGOs for Timor-Leste.

3.5.5: upholding the 4 freedoms that are basic to participation and civil society – freedom of movement, opinion, association and assembly.

3.6.3 and 3.6.4: lobbying to establish a Citizenship Day and annual award in recognition of community service.

5.1.1; 5.1.4 and 5.1.5: ensuring that support is given to civil society through training, financial assistance, opportunities to participate in conferences, and other ways.

5.1.2: NGOs modelling best practice. Is this happening? Do NGOs live up to the standards of transparency, accountability and good management they rightly expect of government?

5.1.3: participation through interaction with Government. Are there mechanisms and regular opportunities where Government and Non-Government bodies can meet and exchange views on policy and practice?

4.9 Follow-on institution to CAVR

NGOs are encouraged to support the CAVR recommendation that the Parliament establish a follow-on institution to CAVR (13.2). This organization would have a legal mandate and its terms of reference would include:

- facilitating reconciliation;
- conflict prevention;
- development of the ex-Balide Comarca as a national memorial centre for victims and human rights.

5. Advice to victims who contributed to CAVR

Sometimes victims and others who gave statements and evidence to CAVR do not know what use CAVR made of their contribution. NGOs can help by explaining to them that CAVR and the nation greatly valued the information they provided and made extensive use of it. Please give them the attachment at Appendix I.

6. Further information

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