

## Chega! and the current crisis

### *Talk to the East Timor Crisis Reflection Network*

*Pat Walsh, Dili, 6 November 2006*

1. Thank you very much for the invitation to speak and sincere congratulations to the East Timor Crisis Network for your initiative. You are one of the important symbols of hope and optimism for the future that are now emerging in Timor-Leste.
2. *Chega!*, the CAVR final report, does not directly address the current crisis. Its terms of reference were 1974-1999. Nor is the Post-CAVR Secretariat for which I work mandated to deal with current problems. Nevertheless, although about the past, *Chega!* is profoundly relevant to both the present and the future of Timor-Leste and therefore so is the work of the Post-CAVR Secretariat through its dissemination and other programs. The contemporary importance of *Chega!* is now recognised widely both in Timor-Leste and internationally. In his inauguration speech on 10 July, Prime Minister Ramos-Horta described *Chega!* as “*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*”. Internationally, the Brussels-based International Crisis Group in its recent report on Timor-Leste urged the Government to adopt and implement the recommendations in the CAVR report because they are “*detailed and practical and provide useful guidelines for policy changes*”. The UN Secretary-General, Kofi Annan, has made a similar point.
3. Before stating what *Chega!* does say that is relevant to our current problems, let me mention two things that it does NOT say.

The first point is that you will not find anything in the report about an East-West division. CAVR was operational for four years, we talked to people from all sides and in all parts of Timor-Leste and took thousands of statements at all levels of society. But at no time in that period did anyone talk to us about an East-West problem. One can conclude then that this division was not an issue during the 25 year period 1974-1999 and that, therefore, it is either a new issue or a pre-1974 issue in new terms.

Second, *Chega!* does not support the claim that parts of Timor suffered more than others. It is clear from *Chega!* that all Timorese, whether from the East or the West, suffered violence – albeit in different ways at different times. Violations were indiscriminate and not related to the ethnic identity of victims or where they were born. According to *Chega!* districts with the highest number of killings 1974-1999 were Ermera, Baucau, Lautem and Manufahi. Ermera had the most reported killings. Districts with the highest number of non-fatal violations (detention, torture, sexual violence, forced displacement and social-economic violations) were Dili, Ermera, Manufahi, Viqueque and Lautem. Violations followed the movement of the occupying army. They occurred first at the front of house where the snake entered,

then moved to the back parts of the house only to re-occur at the front of the house as the snake departed.

4. I now want to list 5 issues on which *Chega!* is particularly relevant to our current problems. These are (1) urban young men (2) violence (3) accountability (4) human rights and (5) reconciliation/transitional justice. Following that I will make some general suggestions on how the Report's recommendations on these issues could be implemented.

#### 4.1 *Urban young men*

*Chega!* identifies urban young men, amongst others, as a vulnerable group who “*should be a high priority for future support*”. (ES 41) Most of CAVR's recommendations on children and youth are intended to promote and uphold their rights in the future. These recommendations include addressing the culture of violence, values education, promotion of sport and cultural development, sex education, and affirmative action for disadvantaged youth. The Report could have said more about the economic rights of youth in recognition of the fact that extreme poverty is often the basis of violence. Young men flocked to Dili like a magnet following the arrival of the UN and international community in 1999 leaving the familiar environment of their villages. Many, however, failed in their search for work and, in the absence of traditional controls, formed gangs and got involved in violence and crime. Some were involved in riots in 2000, again in 2002 and again this year. As *Chega!* states, and we all know, “*ensuring a future for our growing youth population is one of Timor-Leste's main challenges*”. (ES 171).

#### 4.2 *Violence*

In essence *Chega!* is a report on violence in Timor-Leste and what to do about it. The report records in detail the systematic violence that occurred 1974-1999: killings, detention, torture, sexual violence, forced displacement, famine etc. In particular it describes violence committed by the state security apparatus – the military and police – and stresses that this occurs when these agencies are allowed to operate without adequate legal and other controls or become politicised and the instruments of one or other interest group. *Chega!* also describes violence by Timorese against Timorese, most notably in 1975, 1976-77, and 1999. Given this terrible experience and its devastating consequences for nearly every family in Timor-Leste, CAVR envisions Timor-Leste being a world leader in the practice of non-violence and directs many of its recommendations towards realising this goal. These recommendations include the importance of a politically neutral professional security apparatus, the dangers of a proliferation of community-based security groups and networks, the responsibilities of political parties to be zero-tolerant of violence, denial of amnesty to perpetrators of sexual violence, upgrading the Office for the Promotion of Equality, and the systematic promotion of non-violence through education.

#### 4.3 *Accountability*

Many ask if the recent violence is due to a failure to bring to justice perpetrators of past crimes. In my view, they are not directly related as cause and effect. But it is arguable that a culture of impunity still exists in Timor-Leste, namely the belief that one can offend and get away with it because the system is weak and has not prosecuted many past crimes. CAVR adopted the principle of individual accountability and consequently named names of those it judged should at least be investigated further. CAVR did not allow that policies, poverty or other factors excuse the individual from responsibility or that the institution only can be blamed.. This principle of individual accountability is fundamental to the advancement of the rule of law in Timor-Leste and formed the basis of the recent UN Commission of Inquiry report.

#### 4.4 *Human rights*

A key objective of the CAVR report is the promotion of human rights in Timor-Leste. Timorese know better than most people the enormous suffering that occurs when human rights are not upheld. That is why the Report is called *Chega!* – enough, stop, no more! The Report includes many recommendations aimed at building and sustaining a culture of human rights.

#### 4.5 *Reconciliation*

As is well known, CAVR facilitated community reconciliation for ‘less serious crimes’. The Report recommends that this process – which was a hybrid of adat and modern practice – be studied for possible incorporation into the judicial system in Timor-Leste. It may be asked: could this process be used now in relation to the recent crimes in Dili. The UN Commission of Inquiry report focuses on the actions of key leaders and actors and says little about the many hundreds of crimes committed at the community level in Dili. People expect justice and the campaign against impunity and for accountability requires justice. One must ask, however, whether our judicial system has the capacity to deal with these many crimes formally or whether a transitional justice option should be considered similar to, but more demanding than, that facilitated by CAVR in relation to the ‘less serious crimes’ committed in 1999.

5. My final point relates to the implementation of the recommendations in the CAVR report. At seminars organised by the Post-CAVR Secretariat in 8 districts, many in the community have called for the implementation of the Report. I have three suggestions:
  - The Parliament of Timor-Leste should immediately schedule *Chega!* for debate in the coming period and decide how it will respond to the Report.
  - *Chega!* should be included in the three current reconciliation initiatives being supported by European donors: the Simu Malu program, the National Dialogue, and the Club of Madrid initiative.

- Workshops on *Chega!* should be held with the Police, Military, Provedor, Civil Service, faith communities, the Education Department and educators, NGOs etc to discuss ways of implementing those parts of the Report that are most relevant to their respective areas of competence.

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