

Resolution No. /2008 of 2008
**On the Implementation of the Recommendations of the Commission for Reception,
Truth and Reconciliation**

Remembering that between 25 April 1974 and 25 October 1999 the people of Timor-Leste suffered systematic violations of their fundamental human rights;

Recalling that on 13 July 2001, following extensive consultation with the people of Timor-Leste, the United Nations Transitional Administration East Timor created the Commission for Reception, Truth and Reconciliation (“CAVR”) under UNTAET Regulation 2001/10;

Recalling that the CAVR’s mandate included researching and reporting on human rights violations which occurred in the territory of Timor-Leste between 25 April 1974 and 25 October 1999, and making recommendations designed to prevent future human rights violations and to respond to the needs of victims of human rights violations;

Recalling that section 162 of the RDTL Constitution required the CAVR to discharge the functions conferred on it by UNTAET Regulation 2001/10 and provided that the CAVR’s competencies, mandate and objectives be redefined by the Parliament whenever necessary;

Recalling that under sub-section 21.3 of UNTAET Regulation 2001/10 of 13 July 2001 the final report of the CAVR is to be published in the Official Gazette;

Recalling that on 31 October 2005 the CAVR submitted its final report, including its recommendations, to the President of the Republic pursuant to section 21.1 of UNTAET Regulation 2001/10 as amended by section 5 of Law No. 7 of 1 July 2003;

Recalling that on 28 November 2005 the President of the Republic transmitted a copy of the CAVR’s final report to the National Parliament, as required by sub-article 2.2 of Law No. 11 of 29 July 2005;

Recalling also that on 20 January 2006 the President of the Republic transmitted a copy of the CAVR’s final report to the Secretary-General of the United Nations, pursuant to sub-article 2.3 of Law No. 11 of 29 July 2005;

And recalling the establishment by the President of the Republic of RDTL of a Post-CAVR Technical Secretariat (“STP-CAVR”) under Presidential Dispatch No. 20 of 20 December 2005;

But noting that to date there has been no systematic consideration by the organs of sovereignty of the CAVR’s final report and recommendations;

And taking into account that under section 92 of the RDTL Constitution “*[t]he National Parliament is the organ of sovereignty ... that represents all Timorese citizens and is vested with legislative supervisory and political decision making powers*”;

Considering that the CAVR’s final report itself recommends that “*[t]he National Parliament supports the recommendations in [the CAVR’s final report], takes primary responsibility for overseeing and monitoring their implementation and delegates this task to an appropriate Parliamentary Committee*”;

Also considering Timor-Leste's commitment under international law and the RDTL Constitution, articles 9 and 23, to promote universal respect for, and observance of, internationally recognized human rights and fundamental freedoms;

Recognizing that taking lessons from practices against violations of human rights, learning from the human rights violations committed in the struggle for independence, providing justice for them, reconciling the Timorese society and providing support and reparations for the victims are essential for the future of Timor-Leste and for building an independent democratic country;

Recalling that under article 160 of the RDTL Constitution serious crimes committed between 25 April 1974 and 25 October 1999 shall be liable to criminal proceedings in a national or international court, and that under article 163(1) of the RDTL Constitution the transitional judicial organization created to deal with those crimes shall remain operational for the time necessary to conclude those cases;

Pursuant to section 92 of the Constitution, the National Parliament resolves as follows:

1. The National Parliament of the Democratic Republic of Timor-Leste formally receives the final report of the CAVR, entitled *Chega!*, and acknowledges its findings. The National Parliament recognizes the important work and enormous achievements of the CAVR and emphasizes the importance of learning from its findings and implementing its recommendations.
2. The National Parliament acknowledges the suffering of the victims of the conflicts which occurred in the territory of Timor-Leste between 25 April 1974 and 25 October 1999 and recognizes that many victims continue to suffer and remain in need of assistance.
3. The National Parliament will lead and oversee the process of implementing the CAVR's recommendations, and will give particular priority to advancing the implementation of recommendations concerning:
 - (1) the establishment of a new institution whose responsibilities may include ongoing dissemination of the CAVR report, custody of the CAVR archives, and memorialization and education programs, assistance in the implementation of the CAVR's recommendations and regular reporting to the National Parliament on the implementation of those recommendations;
 - (2) the creation of a national reparations scheme for victims of the conflicts which occurred in the territory of Timor-Leste between 1974 and 1999;
 - (3) the ongoing dissemination of the CAVR's final report, including through its inclusion in the official school curricula.
4. All Government Ministries and other state institutions bearing constitutional responsibility for the areas involved in the CAVR's recommendations (including but not limited to the STP-CAVR, the Office of the President of the Republic, the F-FDTL, the PNTL, the PDHJ, and the Prosecutor-General's Office) are called-upon to cooperate under the leadership of the National Parliament in order to achieve the implementation of the CAVR's recommendations.
5. The National Parliament also calls on non-state institutions in Timor-Leste, including the Catholic Church, media, political parties, non-government organizations, universities and private schools, to support and participate in the implementation of the CAVR's recommendations.

6. The National Parliament recommends to the Office of the Prosecutor-General that efforts should be taken in order to fulfill the requirements of article 160 of the Constitution which requires that crimes against humanity, genocide and war crimes committed between 25 April 1974 and 25 October 1999 are liable to criminal proceedings in a national or international court, including by:
 - (a) cooperating with the Serious Crimes Investigation Team within the United Nations Integrated Mission in East Timor to investigate crimes committed in 1999;
 - (b) issuing indictments for crimes committed in 1999 with the assistance of the Serious Crimes Investigation Team;
 - (c) beginning investigations and prosecutions into the most serious crimes found by the CAVR to have occurred between 1974 and 1998; and
 - (d) reporting on an annual basis to the National Parliament regarding progress in these investigations and prosecutions.

7. In partial compliance with UNTAET Regulation 2001/10 subsection 21.3 the CAVR's Executive Summary is published as an annex to this resolution, in Portuguese and Tetum.

The MPs from Committee A,