

Preface

Address* by Aniceto Guterres Lopes, Chair CAVR

Your Excellencies, President Kay Rala Xanana Gusmão; President of the National Parliament, Francisco Guterres Lú-Olo; Prime Minister, Dr Mari Alkatiri; President of the Court of Appeal, Dr Claudio Ximenes; Dr Sukehiro Hasegawa, Special Representative of the Secretary-General; Members of the Parliament; Ministers of the Government; Distinguished members of the Diplomatic Corps and donor community. Representatives of the Church, faith communities and NGOs, my Commissioner colleagues and staff of CAVR, dear friends.

Today is both the end of CAVR's operational mandate and the occasion on which the Commission fulfills its last obligation – the hand over of our Report to the President of the Republic. This Report has been written pursuant to Regulation 2001/10 which required that the Commission prepares and makes public a report of its activities, findings and recommendations regarding human rights violations committed in the context of the political conflicts during the 25 year period 1974-1999. As amended by the National Parliament, this Regulation also required the Commission to present this Report to the President of the Republic before being dissolved. This is why we are here today.

Five years have passed since the idea of the CAVR was conceived in 2000. During these years Timor-Leste has moved on in many ways and continues to look to the future. Why, then, when Timor-Leste is focused on the future, is a Report being presented that deals with the past?

The function of history

The simple answer to this question is that the Commission did what it was asked to do, namely to inquire into and report on our tragic recent past. Because the result of this labour is a Report that touches on many difficult issues and sensitivities, it is important to remind ourselves that the CAVR was officially commissioned to do this work. The Commission's tasks were defined in law, written into the Constitution, endorsed by the current Parliament on more than one occasion and were supported by the United Nations and the international community. My Commissioner colleagues and I were required under oath to tell the truth, without fear or favour, about violations committed on all sides during Timor-Leste's tumultuous passage to independence. This included telling the truth about the role of the international community. The Report you see before you is not the outcome of a private initiative or enthusiasm. It is the product of a process officially mandated by the State.

This begs the deeper question, however, as to why Timor-Leste chose to address its difficult past. As a resource-poor nation burdened with exceptional challenges, Timor-Leste could have done nothing or opted to forgive and forget. Instead our nation chose to pursue accountability for past human rights violations, to do this comprehensively for both serious and less serious crimes, unlike some countries emerging from conflict

* The Presentation of the CAVR Report to the President of the Republic / Salao Nobre, Palacio Lahane, 31 October 2005

which focused on only one or two issues, and to demonstrate the immense damage done to individuals and communities when power is used with impunity. The CAVR was established as part of this process. Like other transitional justice mechanisms in Latin America, Africa and Europe, our mission was to establish accountability in order to deepen and strengthen the prospects for peace, democracy, the rule of law and human rights in our new nation. Central to this was the recognition that victims not only had a right to justice and the truth but that justice, truth and mutual understanding are essential for the healing and reconciliation of individuals and the nation. Our mission was not motivated by revenge or a morbid or political preoccupation with the past. The CAVR was required to focus on the past for the sake of the future – both the future of Timor-Leste and the future of the international system which, the Report demonstrates, also has much to learn from the experience of Timor-Leste.

The decision of our leaders to address the past through the CAVR process was widely supported by the community. The evidence for this can be seen in the excellent cooperation extended to all of the Commission's activities by all levels of society. Thousands of East Timorese from all parts of the country gave personal statements to the CAVR and, despite the pain it often caused them, participated in and supported reconciliation events and hearings both at district and national levels. The Government, Parliament, political parties, key political figures, civil society and the Church also gave CAVR excellent cooperation at all times, both morally and practically. Such was the cooperation given to the Commission that at no point did the CAVR have to consider activating its inquiry-related search and seizure powers. Only one conclusion is possible: the people of Timor-Leste strongly identified with the CAVR principles and process as the best way to build a stable future free of the violence that marred our past.

The Report

Allow me to say a few words about some features of the Report.

The Report is very long, over 2,000 pages. There are two main reasons for this. First, the CAVR's mandate covered 25 years of protracted conflict during which numerous violations of human rights were committed. In addition, many actors, both domestic and international, were involved making for a complex and dynamic mix of factors and events. Recording all of this has required many pages. Second, the Report is a compact with victims. It is based primarily on testimony from victims and is intended to contribute to healing through the restoration of their dignity. This also required space. The CAVR hopes that victims will see their experiences and suffering clearly reflected in the Report and know that what happened to them is valued in Timor-Leste and has been preserved for posterity. In addition to its Final Report, the CAVR is also publishing selected testimony in their own words by many victims to our seven national public hearings. The CAVR hopes that prioritising the interests and perspectives of victims and survivors in this way will contribute further to healing and a future free of violence.

Though a graphic medium for the voices of Timor-Leste's many victims, the Report is the result of impartial and painstaking inquiry and research. Our mandate required the CAVR to establish trends, patterns and factors. It also required the CAVR to establish accountability and to identify which persons, authorities, institutions and organisations were responsible for human rights violations. In carrying out these tasks, the CAVR has had no political agenda and has studiously avoided embellishment or the impulse to humiliate or take revenge. Human rights violations may have been utilised

in the past to mobilise political support and score points against an adversary. The CAVR's sole objective has been to record the truth so that the shocking consequences of violence recorded in this document will serve to deter its repetition in the future and end impunity. The result is not perfect and it was beyond the CAVR's capacity to investigate every case or to establish the definitive truth on all issues. We believe, however, that the Report gives the people of Timor-Leste the big picture of what happened over the 25 years in question and that it will help the community understand our history and the forces that shaped our destiny.

In contrast to its length, the title of the Report is just one word. This is the Portuguese word "Chega!" which roughly translates to "no more, stop, enough!" We feel that this single word, which is the title in all language versions, captures the essential message of the whole report in an arresting way. We believe it is also the essential message that victims want us all to hear and commit to, namely that the individual and collective nightmares described in this Report must never be permitted to recur.

In preparing this Report, the CAVR had both to work in several languages and present this Report in several languages. This was both an official and practical imperative that placed additional heavy demands on the Commission. I want to stress, however, that the CAVR was also deeply aware that the "Question of East Timor", as it was referred to by the United Nations, was an international question and that it is important to ensure that the Report is accessible to key stakeholders in their own languages. The Report will be available in Portuguese, Indonesian, English and at least partially in Tetum. We hope that in due course an institution will offer to translate the full text into Tetum. In this context I should make it clear that Commissioners formally approved the text of the Report in Indonesian. We verified the text in the other languages but it is the Indonesian version of the Report that should be consulted if there is any misinterpretation of the Report or confusion about what we wanted to say.

Archives

In the course of its inquiry, the CAVR has amassed much documentation for the period 1974-1999. The bulk of this evidence now almost fills two large rooms in the Comarca. I want to make four points about this collection. First, these records are unique and must be preserved with great care – they are the living testimony of victims and key actors from a period that witnessed both the painful birth of this nation and a shameful chapter in international politics. Second, they are a rich resource for further research, writing, and education. They will be a valuable resource for the Education Department in the development of curriculum and materials for the classroom and lecture theatre. As such I hope they will continue to attract continuing support to ensure their long term preservation, accessibility and use. Third, this collection must be further enriched through additional contributions. I take this opportunity to appeal to all East Timorese people who have material related to 1974-1999 in their possession, whether in Timor-Leste or abroad, to consider contributing their records, either originals or copies, to this central national depository. And fourthly, every care must be taken to ensure that access to the statements entrusted to the CAVR by victims is controlled and that the confidentiality of evidence and the rights and security of statement-givers are fully respected. The CAVR has made every effort, in collaboration with the Parliament and the Ministry of Justice, to ensure that this is guaranteed following its dissolution.

The future

This brings me to a final point in relation to the content of the Report. Much of the CAVR's work has been a good start but much remains to be done – in the areas of reconciliation, truth-seeking, healing and justice.

The CAVR believes that it has contributed to stabilising many local communities through its reconciliation programme. Nevertheless, many cases were not addressed and creative ways of using the CAVR's methodology need to be developed so that this unique process can be utilised to address conflict in the future. In the area of truth-seeking, the CAVR was not able to give definitive answers to many issues. It is hoped that, based on the evidence it has collected and the uncovering of new information through further research, the process of truth-seeking can continue. It also remains for this Report to be disseminated and its recommendations acted on. This is an item of unfinished business that is essential to the healing process, the deepening of a culture of human rights and rule of law, and the learning of lessons both nationally and internationally. For this to happen, an effective follow-up institution is essential. This body is also necessary to ensure the security, professional management, and development of the CAVR archives.

Appreciation

After being very high-profile in all parts of the country and through our nationally broadcast public hearings, the CAVR has been low-profile for over 12 months. Some may have wondered if we had gone to sleep on the job! The reality is that we have been fully engaged in fulfilling the second of our mandates over the past months – truth-seeking — and this has proven extremely taxing, difficult and time-consuming.

Therefore I want to begin this list of appreciations by acknowledging the understanding and support we have had from the National Parliament, particularly by granting us extra time on three occasions to complete our work. Thank you President Francisco Guterres Lú-Olo and all your Parliamentary colleagues.

The experts say that one of the conditions for a successful truth commission is a certain level of official support or acquiescence. That condition was certainly met in the CAVR's case. As Commissioners from the relatively youthful post-1975 generation, we can now confess that we felt considerable trepidation having to address issues in which revered older leaders were key actors. We need not have worried and owe a profound debt of thanks to our political leaders whose understanding and support meant a lot to us.

Mr President, you have long been a champion of reconciliation, and the CAVR's approach owes much to the inclusive ethos that is a hallmark of your leadership. We have deeply appreciated your support on the many occasions that we have sought your advice. Thank you also for sharing your knowledge with the Commission, for giving public testimony and assisting with fund-raising. We are also indebted to you, Mr Prime Minister. You gave unambiguous public support to the CAVR from the beginning, totally respected the independence of the Commission, and on top of your numerous duties found time to assist with fund-raising, to be interviewed and to give public testimony. The same can be said for your Senior Minister and Minister for Foreign Affairs and Cooperation, Dr José Ramos-Horta, who in addition to other assistance, used his access to international fora to speak on behalf of the CAVR.

Because of their support, which was widely shared by the political parties, the faith community, the Catholic Bishops and civil society, the CAVR was able to focus on its sensitive work free of controversy and distraction.

We also wish to thank the President of the Court of Appeal, Dr Claudio Ximenes, and the Prosecutor General, Dr Longuinhos Monteiro, for their personal and institutional support. Both institutions were key components in the success of the CAVR Community Reconciliation Process.

The CAVR also enjoyed generous support from the international community, particularly in the form of financial grants and human resources. Because of Timor-Leste's economic situation, all funding for the CAVR had to be found externally. Over 25 governments and funding agencies responded to our appeals and provided the funds necessary to rehabilitate and run six offices, place nearly 300 staff in the field, provide the transport, equipment and resources needed for our work and to provide expert advisors to the Commission in several areas. The names and contributions of these donors can be found in the Report. On behalf of all my colleagues at the CAVR I wish to thank each of them most sincerely both for recognising that peace-building is the basis of sustainable development and for their unstinting practical and moral support over five years.

Last but not least, I wish to thank my six National and 28 Regional Commissioner colleagues and all our wonderful staff for their contribution. Over 500 people – including Commissioners, national and international staff and short-term volunteers – have worked at or for the CAVR since 2001. The CAVR was an ambitious magnum opus and adventure into the unknown for all of us. More than once it threatened to overwhelm us emotionally and organisationally. It has been particularly intense and demanding over the past 12 months. I know that working at the CAVR has been a unique and deeply meaningful experience for all my colleagues, Commissioners and staff alike. Nevertheless, Timor-Leste owes each of them an immense debt for the contribution they have made to peace, unity and human rights in our new nation.

Conclusion

Before I present our Report, I have only one thing to say by way of conclusion. It is that the deepest wish of all at the CAVR is that the Report will be received in the spirit in which it was written – with openness, honesty, a deep compassion for those who have suffered the most, an almost fanatical commitment to non-violence, and a determination never, ever to let any of what is in this Report happen again to our beautiful country and people.

On behalf of my Commissioner colleagues and all the CAVR staff, it is now my great honour and privilege to hand over the CAVR Report to your Excellency Mr President.