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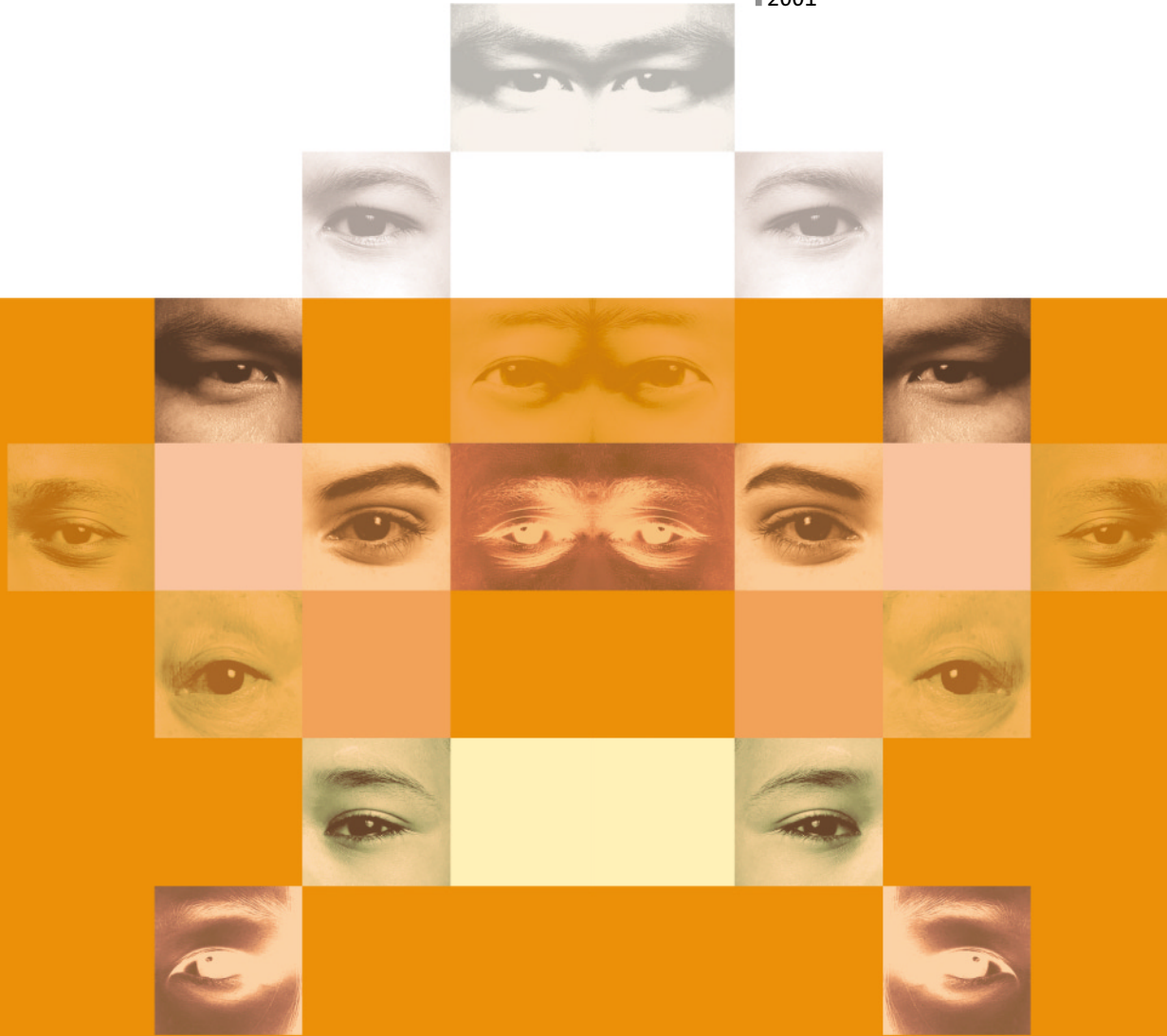
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Georg Evers  
**Human Rights  
in East Timor  
– The Difficult  
Road to Statehood**



The Human Rights Office aims to promote awareness of the human rights situation in Africa, Asia and Oceania. In pursuit of this objective we are actively involved in human rights networking and foster exchanges between **missio's** church partners in Africa, Asia and Oceania and church and political decision-makers in the Federal Republic of Germany. This Human Rights series comprises country-by-country studies, thematic studies and the proceedings of specialist conferences.

In the wake of the dramatic global political changes that have taken place since 11 September 2001 East Timor has largely disappeared from the headlines. This is actually a good sign, for it shows that East Timor and its 800,000 inhabitants are on the right path. This study, **East Timor – The Difficult Road to Statehood**, briefly describes the burden of almost 400 years of Portuguese colonialism, which ended with a short-lived episode of independence in 1975 followed by invasion and forcible occupation by Indonesia. The next twenty years of Indonesian occupation, which were characterised by exploitation and genocide of the indigenous population, ended with the referendum of August 1999, in which East Timor voted in favour of independence. The subsequent massacres and the campaign of destruction carried out by the militias and the Indonesian army in September 1999 left the country in ruins. The subsequent work of reconstruction, the massive support from the international community and the contribution of the Catholic Church are described in detail. The task of setting up new state organisational structures, the need to come to terms with the injustice of the past, the prosecution of the perpetrators and the unresolved refugee problem all weigh heavily upon the country as it moves down the difficult road to statehood. Without national reconciliation the process of reconstruction cannot succeed. The elections to the constituent assembly on 30 August 2001 and the installation of a transitional government constitute important steps along the road to national independence.

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## General information about East Timor<sup>1</sup>

<b>Name of country:</b>	East Timor or Timor Lorosae
<b>Area:</b>	14,952 sq. km., including the islands of Atauro and Jaco and the enclave of Oekusi in the western part of the 33,600 sq. km. island of Timor, the biggest of the small Sunda Islands
<b>Population:</b>	841,303 (49% female; 51% male) <sup>2</sup>
<b>Population growth rate:</b>	after 1980 < 3%, latterly between 2.4% and 2.6% <sup>3</sup>
<b>Life expectancy:</b>	57 years
<b>Illiteracy rate:</b>	over 50%
<b>Languages:</b>	Tetum (and many other tribal languages), Portuguese, Bahasa Indonesia
<b>Per capita income:</b>	US\$ 304 (according to UN estimates); the income of more than half the population is below the absolute poverty level of US\$ 1 per day.
<b>Type of government:</b>	United Nations Temporary Administration for East Timor up to 31 December 2001
<b>Supreme constitutional body:</b>	the Constituent Assembly elected on 30 August 2001
<b>Head of state:</b>	still to be decided at the time of writing. Most likely candidate: José "Xanana" Gusmao
<b>Prime Minister:</b>	Mari Alkatiri (since 20 September 2001)
<b>Religions:</b>	700,000 Catholics (84%); 25,000 Protestants; 80,000 Muslims; 3,000 Hindus; 1,500 Buddhists. The rest of the population are animists or followers of the traditional religion.
<b>Infrastructure problems:</b>	There is electricity in 472 villages (aldeias), 20% of the total. The figure before the destruction wreaked in 1999 was 29%. This means that on average there is electricity six days of the week for about 13 hours. Water is piped to houses in 168 villages (7%); there are public water taps in 595 villages and public pumps in 117 villages. The main agricultural crops are rice (38%), maize (36%) and cassava (22%).

## Introduction

In a way it is astonishing that a tiny island, essentially no more than a part of a modest-sized island in the extended archipelago around Indonesia and Australia, should be a focus of global public attention. The circumstances that led to this level of familiarity had a devastating and traumatic effect on the inhabitants of East Timor for many years. The attempted genocide of the population under Indonesian occupation had been going on for a long time before the media, and by definition the world public, sat up and took notice. It is thanks to the public relations work of a string of human rights organisations, church groups and charities that the human rights violations perpetrated against the helpless people of East Timor have ultimately been brought to the attention of the public.

One extremely important result of this lobbying was the joint award of the Nobel Peace Prize in 1996 to Bishop Carlos Felipe Ximenes Belo and the politician, José Ramos Horta. They had both been acting in very different situations as representatives and advocates of their people, championing the cultural and religious identity and political freedom of East Timor. One worked as the bishop and shepherd of his people in the capital, Dili, the other as a politician and lobbyist on international committees and in the press. Helped along by domestic political developments in Indonesia, the movement for the freedom and independence of East Timor subsequently gained considerably in importance.

At the time it was unclear whether the political future for East Timor would be as part of Indonesia with a guarantee of cultural and religious independence or whether complete political independence as an autonomous state was a realistic goal worth striving for. Given the uncertainties and the painful transition phase, it came as a surprise that the path to independence finally opened up.

The clear outcome of the referendum of 30 August 1999 in favour of independence provoked a wave of terror in September 1999, which only ended with the withdrawal of the Indonesian troops. They left behind a traumatised people and a country whose infrastructure was largely destroyed. For the first time ever the UN undertook the risk of administering a territory for a fixed period of time in order to facilitate the path to independence. This involved setting up the structures needed to guarantee internal security, the administration, and political and social institutions. At the time of writing, this process is drawing to a close.

This study traces East Timor's journey from colonial dependence through the period of Indonesian occupation up to the present day<sup>4</sup>. The aim is to clarify the factors that played a part in the development. Wide swathes of East

Timorese history are a catalogue of exploitation and human rights violations. Its problems in achieving nationhood today can only be understood and put into context in the light of this painful history.

## The struggle for independence

### The burden of colonial history

The Indonesian Archipelago has over 13,000 islands. Timor is the largest of the small Sunda Islands, 33,600 sq. km. in area, 480 km long and up to 100 km wide. The western part of Timor belonged to the Dutch colonial empire and passed to Indonesia on independence in 1946. East Timor, with an area of 18,889 sq. km., was a Portuguese colony until 1975. Ignoring international protests, Indonesia declared it the country's 27th province in 1976 and gave it the name of Timor Timur (Indonesian for East Timor). From 1586 to 1975 East Timor was a Portuguese colony, playing only a modest role in the great Portuguese colonial empire as a producer of coffee, coconut products and sandalwood. For most of the colonial period East Timor was controlled only indirectly by Portugal, because the influence of the Portuguese was limited for the most part to the coastal region. It was only after a major uprising was put down in 1912 that they managed to establish effective control over the interior.

East Timor never enjoyed any more than peripheral status in the Portuguese colonial empire. The administration was run rather haphazardly by a succession of frequently changing Portuguese governors, who complained about the constant shortage of administrative and military staff. During the Pacific War, Timor was invaded by the Japanese in early 1942. The Australian and Dutch-Indian Allied troops, who had arrived at the beginning of the war in December 1941 against the wishes of the Portuguese government, were driven into the hills. During the resistance struggle against Japanese occupation at least 60,000 people died in Portuguese Timor alone – a disproportionately high death toll. In the chaos of war the island's infrastructure was almost completely destroyed.

At the end of the Pacific War in 1945, Portugal granted Portuguese nationality to all the inhabitants of its part of the island, provided they were among the 'civilizados' (= the educated). But it ensured that the difference between the genuine Portuguese and the natives who acquired citizenship would be maintained. The right to vote was restricted to those whose names were entered on the electoral lists. This depended on compliance with specific criteria, such as

payment of a certain amount of tax, level of education and other requirements, which only 15% of people in Portugal were able to fulfil and less than 1% in the colonies.

While in Portugal itself there was still 78% illiteracy in 1910, 46% in 1960 and 30% in 1979, the level of education in East Timor was even lower. The illiteracy rate in the Portuguese colonies was put at 98% in the 1950s.

"The Portuguese government was only too happy to hand over responsibility for education and teaching to the missions. As a pillar of Portuguese society for hundreds of years, the Catholic Church took on the task of refining the customs of the barbaric peoples, civilising them and passing on Portuguese culture and Portuguese values to them."<sup>5</sup> The Portuguese colonial power often hypocritically presented the failure of its educational policy as constituting respect for the values, customs and living habits of the native population, claiming that it did not want to impose European values on them. What this meant de facto was that there were only a few so-called 'assimilados' (= the assimilated) who had the advantage of an adequate education and of fitting into the colonial system, while the vast majority of the population were left to their own devices.

M. Schlicher quotes the Catholic Bishop of Soibada: "The Timorese need only learn to read and write, and then we should give them a hoe and an axe"<sup>6</sup>. José Ramos Horta remembers his schooldays in the oldest mission school in Soibada, where the pupils were forbidden to use their ethnic language and were only supposed to speak Portuguese. At the time he considered this a painful alienation from the culture of his own people.<sup>7</sup> In the 1970s, when its rule in the rest of its colonies in Africa was disintegrating, Portugal gravely neglected this little island in the Far East. For the Salazar government (1932-1968), East Timor was a place to which political undesirables were banished. From 1951, East Timor had the status of an "overseas territory", which was changed in 1972 into an autonomous region of the Republic of Portugal. At that time the inhabitants of East Timor were given Portuguese nationality, but they were not to enjoy it for long. Political developments in Portugal following the so-called Carnation Revolution of 1974 and in its African colonies, Mozambique and Angola, led to the collapse of the Portuguese colonial empire. After the independence of the African colonies and the loss of Goa, the only remnants of Portugal's erstwhile colonial territories were Macao on the Chinese mainland and East Timor.

There was little interest in Portugal in trying to improve living conditions in the distant colony of East Timor, which represented more of a burden than a potential source of economic profit. This lack of political commitment from Portugal strengthened the independence efforts in East Timor in the 1970s. The Revolutionary Front of Independent East Timor (Frente Revolucionaria de Timor

Leste Independente), Fretilin for short, was the strongest group calling for independence. Fretilin's growing influence on domestic politics in East Timor was watched with deep concern by Indonesia on account of its close links with communism and command-economy socialism. In the local council elections of July 1975, Fretilin won a majority of 55%. With the prospect of civil war brewing between the feuding political parties and groupings in East Timor, the Portuguese army and colonial officials left the island in unseemly haste in 1974/75.

When civil war broke out in August 1975, the last Portuguese governor of East Timor, Lemos Pires, slipped quietly away from the island, thus bringing four hundred years of Portuguese colonial rule to an inglorious end. At that time East Timor was one of the poorest areas in the world with an adult illiteracy rate of over 95%, an infant mortality rate of 50% and a widespread incidence of malaria and tuberculosis<sup>8</sup>. The economy was completely given over to the monoculture of coffee and had long been in permanent deficit. On 28 November 1975, Fretilin declared the independence of the "Democratic Republic of East Timor" in the face of resistance from the other East Timorese political parties. The Indonesian government felt that now was the time to act. On the one hand, it saw in East Timor a foreign body in the midst of the unified Indonesian state. On the other hand, the ideological orientation of Fretilin presented a huge additional problem, since it was using socialist vocabulary and, as a communist-inspired liberation organisation, threatened the very foundations of Indonesia's political system.

On 7 December 1975, the Indonesians began their invasion of East Timor. The Indonesian army was quick to depose the Fretilin government of independent East Timor and inflict a military defeat on its few soldiers, who were forced to give up the towns and retreat into the impassable mountains. The subsequent resistance struggle against the Indonesian invaders lasted, with varying intensity, from December 1975 to the referendum of 30 August 1999, in which the population of East Timor voted by a large majority in favour of independence and a break with Indonesia. This was followed in September 1999 by a transition period marked by terrible violations of human rights, which ended with the withdrawal of the Indonesian army and administration in October 1999.

The Indonesian period in East Timor was marked by repeated military campaigns aimed at breaking the resistance of the population by the use of brute force. At no time during that period did Indonesia succeed in gaining a majority in favour of the integration of East Timor into the Indonesian state. The Indonesian army's battle against the Fretilin guerrilla fighters was eventually extended to the whole population, because it quickly became clear that, while Fretilin did not represent any kind of threat to the Indonesian army in military terms,

it could not be "finished off" because of the backing it enjoyed among the population at large. As a result, not only the active fighters and their direct supporters, but also the relatives of freedom fighters were put in prisons and camps, cruelly tortured and often killed. This resistance struggle, which was hopeless from a military point of view, caused an unusually high number of casualties among the civilian population.

In order to undermine the basis of the guerrilla movement, the Indonesian army thereafter systematically destroyed fields so as to stop food production, forcibly evacuated villages and accommodated a large proportion of the population in temporary camps. In 1978-79 there was serious famine, because even after the farmers returned from flight and internment they were prevented by the Indonesian army from planting their fields. These measures are deeply engraved in the memory of the East Timorese, since every family was directly affected in one way or another.

From the point of view of the Indonesian government, this act was perfectly consistent with the logic of Indonesia's political agenda. After the Pacific War, the Republic of Indonesia emerged from a successful battle for independence from the Dutch colonial empire. East Timor, as a Portuguese colony, was a relic of a historical epoch that was over – the struggle of the island peoples of the archipelago for their cultural and political independence – and Indonesia saw itself as the legitimate heir of that struggle. It was incomprehensible to the rulers of Indonesia that a tiny part of an island in the middle of the great Indonesian state should declare itself independent. In the Indonesian government's eyes, its action against East Timor was a way of rounding off the integration of the country by removing the last relic of colonialism. The Indonesian government presented its military invasion as a humanitarian rescue operation in the interests of the civilian population, who were under threat from the liberation movement.

In the 1980s, the results of the elections in East Timor, in which almost 100% of the population voted, saw a majority of over 90% in favour of President Suharto's ruling Golkar party. The Indonesian authorities used this statistic to declare to the world that the population of East Timor had voted in free democratic elections in favour of belonging to Indonesia. The Australian government, in particular, played an ignominious role in going along with this farce. In order to economically underpin its geographically privileged position, close to East Timor and the newly-discovered oil fields in the Timor Trench, Australia's policy was to close its eyes to the glaring human rights violations in East Timor and to lend public support to the policy of the Indonesian government. Australian politicians on official visits were only too eager to accept the official version put about by the Indonesian authorities that the Fretilin resistance no longer enjoyed

any support among the civilian population and that the most ardent wish of the majority was to go peacefully about their business under Indonesian rule. Other foreign politicians on official visits to East Timor were served the same sham of general acceptance of Indonesian rule over East Timor.

### **Exploitation and genocide**

The reality of Indonesia's 24-year occupation of East Timor bore absolutely no resemblance to this fake picture of peaceful integration. The fact is that the loss of life among the resistance fighters and, above all, in the civilian population in this period reached levels approaching genocide. In 1977, just two years after the occupation of East Timor, the then Indonesian Foreign Minister, Malik, admitted that up to that point between 50,000 and 80,000 people could have been killed in East Timor, i.e. 10% of the population. In 1980, there was talk of 150,000 victims caused by the pursuit of Indonesian policy objectives. Currently a death toll of 200,000 is cited for the period between 1975 and 1995. This means a third of East Timor's 1975 population died in the resistance struggle. In addition there were other measures such as forced resettlement, sterilisation of women, attacks on the culture by the imposition of a ban on the Portuguese language and the enforced use of Indonesian, starvation of the populace and so on.

The fact is that during the years of occupation in East Timor the Indonesian army not only fulfilled its task of combating resistance to the forced integration of the country into the Indonesian state, but also enriched itself on a personal scale by engaging in commercial enterprise<sup>9</sup>. Though it may be true that the Indonesian state never made money from the military adventure of occupying East Timor – on the contrary, it had to raise vast amounts every year – it is also true that the leading members of the occupying forces always earned plenty from the economic exploitation of the island. This is certainly the reason why it took so long to achieve a political solution to the “East Timor problem”. After the referendum against continued affiliation to Indonesia, the Indonesian army's plundering of the country before its final withdrawal in September 1999 emphasised yet again the attitude that East Timor was regarded as a kind of “personal property” that could be ruthlessly exploited.

### **The referendum of 30 August 1999 and the subsequent massacres**

After more than thirty years of autocratic rule, President Suharto's regime came to an end through an accumulation of corruption cases and other indications

of domestic collapse that were compounded by the general economic crisis in Asia. On 21 May 1998, Suharto resigned and Habibie became the new president. He initiated a process of cautious democratisation that was reflected in the granting of greater freedom of the press, a reduction in the influence of the army and other minor steps towards reform. With regard to East Timor, Habibie first made an offer of limited autonomy, but this was declined by East Timor. Then Habibie made a U-turn and announced on 27 January 1999 that the Indonesian government was ready to hold a referendum in East Timor in which the population could freely decide the political future of the island. Having been postponed several times, the referendum was finally held on 30 August 1999 with 450,000 East Timorese taking part, i.e. 92% of the eligible voters. In the run-up to the referendum there were frequent obstructions of the ballot by the Indonesian authorities and the militias they maintained, who did their best to intimidate the population and induce them to vote in favour of Indonesia.

At this point it was already obvious that UNAMET, the United Nations Assistance Mission in East Timor, which had been there since 4 June 1999, was not in a position to prevent serious violence. The referendum of 30 August 1999 produced an overwhelming majority of 78% in favour of independence. The intimidation campaign by the Indonesian army and militias had failed to prevent the population of East Timor deciding by a large majority to reject Indonesian rule and opt for independence. Immediately after the referendum, the pro-Indonesian militias and the Indonesian army that supported them launched a campaign of retribution that caused widespread damage to the country's infrastructure.

The action taken in September 1999 by the Indonesian army and militias meant that more than 500,000 East Timorese, i.e. over 60% of the population, were forced to leave their homes and flee to West Timor or into the mountains and forests.<sup>10</sup> There were human rights violations such as murder, mass murder, torture, kidnapping, sexual abuse and violence against children, mass expulsions and looting on a grand scale. These crimes were organised and clearly targeted, being directed at everyone who stood for independence. They were aimed at political activists as well as at Church personnel, since they were assumed to be in favour of independence.

In the run-up to the referendum, on 11 March 1999, the commander-in-chief of the Indonesian forces in East Timor, Lafack Saburai, described “Operation Clear Up” (Operasi Sapu Jagad) as being aimed at eliminating the leaders, experts and supporters of the anti-integration policy. The organised violence began with the announcement of the referendum result on 4 September 1999 and lasted until the end of September, when the International Force East Timor (Interfet) succeeded in restoring security. “Operation Evacuation” (Operasi Wiradharma) by the

Indonesian army aimed to move the population of East Timor to West Timor and then disperse them all over the archipelago. This operation was headed by the Special Forces Command (Kopassus)<sup>11</sup> officers, Major-General Zakky Anwar Makrim and Adam Damiri.

It is still not possible to establish exactly how many civilians were murdered during the period of terror. It is generally assumed that there were over 1,000. These murders were targeted and usually involved unarmed victims. An unknown number of people were also injured in Cova Lima, Bobonaro, Ermera, Liquica and Dili. Nearly two hundred cases of torture, rape and kidnapping have been proved. More than 250,000 Timorese were deported, most of them to West Timor. Another 200,000 Timorese were forced to leave their homes and flee into the mountains. 80% of the housing stock of East Timor was destroyed by fire and looting. The destruction of schools, hospitals and other institutions was particularly significant.

The violence in East Timor before the referendum, and especially directly after it in September 1999, was not a spontaneous outburst by militias running amok, but was given logistical support by the Indonesian army and police. The militias, including the notorious Besi Merah Putih (Red and White Iron)<sup>12</sup>, had been trained and armed by the Indonesian army. The Governor, Abilio Soares, and militia leaders such as Joao Tavares and Enrico Guterres were on the side of the Indonesian army. It is, therefore, inconceivable that General Wiranto, Chief of the General Staff of the Indonesian Army at the time, knew nothing about this active support by the army.

### Eye-witness accounts of the violence

During my stay in East Timor in July 2001 I spoke to a number of people who were in the country in the “Black September” period from 4 to 24 September 1999 and were directly affected. Their common experience is of having been totally helpless and unsupported, since there was no authority, such as the police or the army, they could have turned to. The Indonesian army and police were on the side of the attackers, who were recruited from the ranks of the militias but obviously had the support of the Indonesian authorities. The body that was most trustworthy in the eyes of the populace was the Catholic Church, which had many presbyteries, schools and other institutions that were big enough to give initial shelter to many people seeking refuge.

It soon became apparent, however, that the militias were not going to respect such a concept as refuge in the Church. On the contrary, as the murder of several priests and nuns made clear, their rage was partly directed against

Church workers and they repeatedly threatened to “kill them all”. The constant threat and fear of death was deliberately exacerbated by the militias, who repeatedly aimed their guns at individual people and threatened to shoot them. This existential menace left many people traumatised. The last Indonesian soldiers left East Timor on 30 October 1999 after 24 years of brutal occupation, which were marked by torture, murder and the disappearance of thousands of people.

### The transition period under UN administration

After the withdrawal of the Indonesian administration, police and army, the United Nations officially assumed administrative sovereignty over East Timor. The United Nations Transitional Authority in East Timor (UNTAET) is endeavouring with a large staff of international aid workers and the help of local assistants to rebuild the largely devastated country and prepare it for independence. The head of UNTAET is currently Sergio Vieira de Mello from Brazil. The United Nations has 8,000 soldiers, 4,000 members of staff and 1,300 police officers of various nationalities on duty to maintain order and secure transition to an independent state<sup>13</sup>. This comprises a series of elections, the drafting of a constitution and the establishment of an indigenous government. The UN mandate is based on Resolution 1272, which was passed in October 1999 after the majority of East Timorese had voted on 30 August 1999 for separation from Indonesia. This is the first time in the history of the UN that the administration of an entire region has been taken over by a UN body. The government in East Timor, which was largely in the hands of Indonesians, had almost completely disintegrated in the turmoil after the referendum. UNTAET’s first task, therefore, was to restore security as the basic prerequisite for reconstruction. The second goal was to establish a credible and reasonably efficient administration. The third target – setting up democratic institutions – is also the most ambitious.

A cabinet was formed in which indigenous politicians were represented as well as representatives of the United Nations. There was also the All-Timorese National Council, which was a something like a temporary constituent assembly. The priority was to restore internal security and protect East Timor against possible infiltration by pro-Indonesian militias, who had taken refuge in West Timor and still had their weapons. With the help of UN soldiers and police a long-term solution to this problem was found relatively quickly. However, it will take very much longer to rebuild ruined houses and the country’s infrastructure.

The country is short of a trained workforce in almost all fields, e.g. public administration, the judiciary, the police and army, teachers for all types of

schools, IT experts, post office and transport workers. There are many other areas that have similar shortages of trained personnel. When the election to the constituent assembly took place, East Timor had 24 judges, 13 public prosecutors and 9 public defence lawyers, who had all been trained in Indonesian law in Indonesia. For the 13 districts of East Timor, a national party college has so far trained 1,073 officers, a third of whom are women. The small military defence force of East Timor consists of 600 men, most of whom were recruited from the guerrilla troops of the Armed Forces of National Liberation of East Timor (Falintil). This number is not enough to protect the external borders of the island state and the force will even have trouble securing the 150 km land border with West Timor. As for the oil and gas fields in the Timor Trench, which are so important to the country's existence, East Timor will find it hard to defend the area without help from abroad.

More and more people are coming to share the view of UNTAET leader, Sergio Vieira de Mello, that the United Nations' task of ensuring East Timor's transition to a new independent state cannot be completed by the time the mandate expires in January 2002. Plans are currently being worked out to enable the United Nations to stay in East Timor beyond this deadline and to provide continued support in the establishment of an independent state. The East Timor International Support Center (ETISC) has put forward a concrete proposal for a gradual transition to independence<sup>14</sup>.

A declaration published by ETISC in Dili on 24 April 2001 requested that the UNTAET mandate be extended beyond the period originally proposed and should continue up to 31 December 2001 to allow East Timor to make a gradual transition to full independence. After the elections of August 2001 an independent government of East Timorese nationals was due to be formed, while the United Nations was to maintain sovereignty over the island until the necessary conditions were met. The international associates of the United Nations in the various fields could gradually be replaced by indigenous specialists, who were under training during the transition period. ETISC anticipates that the transition process will necessitate the intervention of international committees and experts. If full independence were to be granted, it would then be extremely difficult to implement any necessary changes in a sovereign East Timor. The assumption is that only when the oil and gas reserves in the Timor Trench begin to be exploited some time in 2004 or 2005 will East Timor be in an economic position to afford recurrent expenditure and the development of its infrastructure without foreign financial aid. The extended presence of the United Nations might then be maintained by a governor specially appointed by the UN Secretary-General. As for the time limit, a six-month mandate could be implemented, which

could be extended according to developments in East Timor or terminated by the granting of full sovereignty.

## Issues that must be addressed

### The unresolved problem of expelled persons living in West Timor

During the turbulence following the referendum in August 1999, several hundred thousand East Timorese<sup>15</sup> fled from the violence of the militias and the Indonesian army. Others were forced by the Indonesian army to leave East Timor, most of them being deported to West Timor.<sup>16</sup> Following the withdrawal of the Indonesian troops and administration the majority of the refugees and expelled persons have returned to East Timor over the past two years. 181,000 are said to have gone home. This would mean that there are 70,000 to 100,000 still living in West Timor. Most of those who are unwilling or unable to return are Indonesian nationals who settled in East Timor from 1975 onwards under the resettlement policy<sup>17</sup>. Other refugees are members of the Indonesian armed forces, police or administration, who have a claim to salaries or pensions from the Indonesian state<sup>18</sup>, or members of pro-Indonesian militias, who know they face prosecution for the crimes they have committed.

In the refugee camps it was often former militia fighters who assumed command and harassed the refugees wishing to return home. After the attack on members of the United Nations High Commission for Refugees (UNHCR) in Atambua in September 2000, in which three aid workers were killed, the international authorities recalled their staff from the refugee camps in West Timor<sup>19</sup>. In June 2001, a ballot was held in West Timor and 268,407 expelled persons of East Timorese origin took part<sup>20</sup>. The surprising result was that only a very few voted to return to East Timor, while well over 90% decided to stay in Indonesia. Critical observers, such as Fr. Frank Brennan SJ of the Jesuit Refugee Service in Dili, who along with his assistants was the only foreign observer on the spot in West Timor after the UNHCR staff withdrew, have reported that there were many irregularities in the ballot. They said most of the refugees from East Timor were unaware of the consequences of the ballot. Many of them had understood it to mean that they were voting initially to stay in Indonesia because they had found relative safety in the refugee camps and knew nothing about the situation in East Timor or had been deliberately misinformed by members of the pro-Indonesian militias. The

predominant feeling among the refugees was that in view of the unclear situation in East Timor they should wait until the elections in August 2001<sup>21</sup> and review their decision then. Others spoke of being given financial bribes to vote in favour of staying in Indonesia. In September 2000, 30,000 to 50,000 people were reported to be waiting for repatriation to East Timor. By August 2001, 12,000 of them had gone back, so the number who really want to return must be 30,000 at the most.

## Structural problems of East Timor

### a) Diversity of races, languages and cultures

The relatively small population of barely 800,000 comprises a surprising ethnic, linguistic and cultural diversity, which makes it difficult to speak of a uniform national identity. In East Timor there are more than 40 different ethno-linguistic groups and it is not always clear whether they speak dialects or fully developed languages. Tetum is used as the main language in 97 of the tribal groups (sucos), who make up 19% of the population. It should be noted that this statistic includes every tribe (sucu), but not the number of people who belong to it. So the figure of 19% of the tribes using Tetum as their main language says nothing about the numerical proportion of the population who speak it. Alongside Tetum there is a related language, Tetum Teric, which is the main language in 25 tribes or 5% of the total. During the resistance period Tetum was the language regarded throughout the country as an expression of the demand for a separate identity and as a sign of resistance to the imposition of Bahasa Indonesia as the national and educational language. The Catholic Church supported Tetum because it was, and still is, the only indigenous language in use throughout the country in the liturgy. Other important indigenous languages are Mambae, spoken in 113 tribes or 22.7% of the total, and Macassae, spoken in 64 tribes or 12.9% of the total.

In the wake of the new policy of introducing Portuguese as the national language attempts have been made in every parish to celebrate at least one mass every Sunday in Portuguese. So far this has met with little success. It is clear from the figures how little acceptance there is of Portuguese and Bahasa Indonesia: just 1% of the population say that one of these is the main language in a tribe.

### b) Problems of health care

There are 218 health and medical care facilities. They comprise 27 mobile clinics, 66 medical care centres, 107 community health facilities without beds and 9 with beds. There are currently 9 hospitals. 50% of all health facilities are run by the state, 39% by non-governmental organisations (NGOs) and 8% by the Church. In rural areas, in particular, medical care for the population is thoroughly inadequate. There are virtually no registered doctors. Outpatient care is scanty. There is not a single psychiatric or psychosomatic clinic in the entire country. Since large sections of the population have suffered psychological as well as physical injury and trauma due to the events of recent years, this is a particularly grave deficiency.

There is a huge need for professional care and counselling for the many women who were victims of rape in September 1999. A modest start has been made with the Caritas psychosocial project in Dili, which has launched a trauma counselling and communication programme with the support of Caritas Australia. The health department of the provisional administration, again in cooperation with specialist centres in Australia, has begun a Psychosocial Recovery and Development programme, which provides counselling sessions for victims of public and domestic violence. Another initiative that deserves mention here is "East Timorese Women Against Violence and For Child Care", set up by local women in 1998, which takes care of women and children who have been victims of violence. A new problem is the arrival of AIDS, brought into the country by UN soldiers, which is beginning to spread because of the unaccustomed burgeoning of prostitution.

### c) Problems of education and child care

While East Timor was occupied by Indonesia, 75% of teachers were Indonesian, all of whom have now left the country. Hence there is an acute shortage of teachers in East Timor. Since February 2001, UNTAET has been paying the salaries of teachers who can prove they have completed their teacher training. Those in a position to do so are still well below the number of teachers required. Most Timorese teachers are only qualified to teach in primary school. Since many school buildings were destroyed during the unrest, it will be a long time before the old schools can be renovated and new ones built. For a transition period, teaching is being conducted in Tetum – mainly for primary schools – Indonesian and Portuguese in accordance with the language competence of the teachers or pupils. Portuguese is planned to become obligatory for all schools, however.

The Portuguese government is supporting this language programme by sending teachers, but they have trouble coping with the foreign culture. For a transition period of five years, however, Indonesian curricula and the corresponding textbooks in Bahasa Indonesia can still be used in East Timorese schools. At the beginning of 2001 there were 14 high schools with 5,200 pupils and 276 teachers and four trade and craft schools with 641 pupils and 116 teachers. There are also 52 junior high schools with 11,000 pupils and 500 teachers, 418 primary schools with 95,000 pupils and 3,900 teachers, and 13 kindergartens with 1,135 children and 57 teachers.

### **Prospects for economic development**

In the short time since Indonesia withdrew there has certainly been an economic upturn in East Timor, but the number of people who have an independent regular income is still only about 25,000 and the average income is no more than US\$ 300. The presence of several thousand international UNTAET staff has opened up new employment prospects for many East Timorese, but this cannot last. When independence is achieved, agriculture will be the main source of income, run by 45,000 small farmers concentrating on growing coffee. Tourism is eagerly awaited by many people as the solution for the future, but when it will actually start to generate a profit is not yet clear. The same goes for oil and gas from the Timor Trench. On 4 July 2001, Australia and East Timor signed an agreement in Dili on sharing the revenues from the oil and gas deposits in the Timor Straits. This agreement, which still has to be sorted out in detail, is to run for 20 years and will come into force in 2002 when East Timor becomes independent. The conditions of the treaty specify that East Timor is to receive 90% of the revenue and Australia 10%. The Australians came under international pressure to abandon claims to a higher share, which they would have been entitled to under previous treaties with Indonesia. According to the treaty signed with Indonesia on 6 September 1988, Australia and Indonesia would each have received 50% of the oil and gas revenues from the Timor Trench. Exploration has largely been concluded, but extraction is unlikely to start before 2004. From then on, for a period of 20 years, East Timor should receive 180 million US dollars per year for licences and taxes, which would finance much of the national budget and new building costs. This would be the biggest and probably the most secure form of national income. It is a massive sum, when one considers that the current annual budget of East Timor is 65 million US dollars. In comparison, the current annual budget for the various UNTAET institutions is 563 million US dollars.

### **How is the relationship with Indonesia likely to develop?**

Indonesia has officially accepted the detachment of East Timor from its association of states and has undertaken to respect the sovereignty of an independent East Timor.

In August 2001, in her first statement of government policy after taking office, President Megawati Sukarnoputri once again acknowledged the fact of East Timor's secession when addressing the Indonesian parliament. Both the political leaders of East Timor, José "Xanana" Gusmao and José Ramos Horta, immediately reacted positively and declared for their part that it was crucially important for East Timor to develop a good-neighbourly relationship with Indonesia in future. In view of the massacres and human rights violations that were committed by Indonesia during the occupation and especially in the transition period these gestures of willingness to consider reconciliation are of great significance<sup>23</sup>.

These are political declarations which may be helpful in building up a relationship of trust between the two unequal neighbours, but they cannot alter the facts of practical politics. And the facts mean that East Timor, as a small island state, will have great difficulty in holding its own against Indonesia, which is so overpowering in comparison. The Ombai Wetar Straits are going to be under the jurisdiction of East Timor from now on. This may mean that Australia can use the straits as a passage through the Molucca Sea into the Pacific for its merchant and defence navies. That raises security issues for Indonesia. Up to now, Indonesia has avoided disarming the pro-Indonesian militias who fled from East Timor and have now found refuge in West Timor. If they are not disarmed, there is the danger of the frustrated fighters invading East Timor. If East Timor were then to turn more to its neighbour Australia and enter a security pact, this would certainly encounter stiff opposition in Indonesia.

## **The role of the Catholic Church in East Timor<sup>22</sup>**

### **From privileged partner to advocate for humanity**

Throughout the almost four hundred years of the Portuguese colonial period (1586-1975) the Catholic Church in East Timor consistently proved to be a reliable partner of the colonial rulers and enjoyed a number of privileges. It was supported by an annual financial grant from the Portuguese state and did not have

to pay any taxes. The state also made building land available, usually free of charge, for churches and other facilities, such as schools and hospitals, and land was allocated for the maintenance of the Church in the form of coffee plantations. The travel costs of missionaries going to Timor and returning home on leave were also met by the Portuguese colonial government. In the concordat of 1940, which applied to all Portuguese missionary areas, the Catholic Church in East Timor was officially entrusted with the “education of the indigenous population”, which de facto gave the Catholic Church a monopoly over the education sector. Church architecture, the form of the liturgy and the devoutness of the people on the island were strongly influenced by the Portuguese model. Most priests, monks and nuns were foreigners, usually Portuguese or Italians. The number of indigenous vocations was fairly small. When the period of Portuguese colonial rule came to an end, the Church did not exactly feel called on a prophetic mission to take an active part in shaping the contours of the new age.

So it was somewhat surprising that the Church was able to play such a crucial role in the political upheavals of the 1970s. The events, and the particular turn the de-colonisation process took because of the Indonesian invasion of East Timor, forced the Catholic Church almost against its will to take a stand and support people, to move beyond its direct pastoral duties and become active in an area that had to be called ‘political’ despite the Church authorities’ assertions to the contrary. For in the political upheavals and the military repression that followed the Indonesian invasion of East Timor the Catholic Church proved to be the only defender of the rights of the population as a whole.

When Indonesian rule began on the island in 1975, the Catholic Church of East Timor initially lost the privileged status it had enjoyed during the Portuguese colonial period. On the one hand this was a loss, but it also meant an increase in credibility, since protection by the colonial power had always been a handicap to the Church in its prophetic witness. While the Church structures also suffered in the new unregulated circumstances, they proved to all intents and purposes to be the only workable form of organisation following the collapse of the old structures. In the dark days of the civil war and the subsequent struggle of the Fretilin guerrillas, the Church authorities also regularly provided material help to people threatened with starvation. In the sorry story of countless human rights violations by the Indonesian army and police, the Catholic Church proved to be an advocate for humanity, an admonisher, a critical observer and source of protection. The Indonesian soldiers’ and officials’ cruelty and contempt for humanity dashed all hopes that the population of East Timor might come to terms with being part of Indonesia.

Since every citizen of Indonesia has to belong to one of the five religions recognised by the state – Islam, Catholicism, Protestantism, Hinduism and Buddhism – the followers of traditional religions had to make up their minds which one they would join. They saw Islam predominantly as the religion of the Indonesian armed forces and police, so it was hardly going to be a first choice for most of them. The primary consideration that brought the East Timorese into the Church was not an awareness of the truth and superiority of the Catholic faith. It was the realisation that the Catholic Church provided the only counterbalance to Indonesian oppression; it advocated the preservation of the cultural and religious characteristics of the East Timorese and was also capable of representing their case to the international public. Subsequently there was a great wave of conversions, in which the number of Catholics grew from 30% of the East Timorese population at the beginning of the Indonesian occupation to 85% today.

Since the regulation in Indonesia, according to the Pancasila philosophy, was that the state only recognised religions that believe in God, the traditional religions of East Timor became de facto illegitimate. The great majority of followers of traditional religions opted for the Catholic Church. In addition to their aversion to Islam as the religion of the oppressors, there was the fact that many Catholic customs and rituals bore a certain affinity to traditional religious practice in East Timor. During their instruction of candidates for baptism, the catechism trainers used this fact to ease the transition into the new religion for the members of the old traditional religions. The new era in East Timor largely destroyed the foundations of the old religious, cultural and moral order or changed them to such an extent that they provided little guidance for people in search of a new orientation. The great wave of conversions from the sectors of the population that had previously lived in traditional animistic religious ways does not imply the end of the rituals, customs and ideas that were bound up with them. The American ethnologist, Elisabeth Traube, who first carried out extensive field studies in various East Timor villages in 1974, before the Indonesian invasion, and recently revisited the same villages, found that the old national animist-style piety was still very much alive. Even if rural farmers have converted to Catholicism, this does not mean they are free from the idea that evil spirits exist and must be placated by particular rituals. When there are important events in people’s private life, at harvest time and the start of building a house, certain rituals are still observed and performed more or less openly.

### **The Church's contribution to the liberation struggle**

In 1983, Catholic Bishop Costa Lopes was declared “unwelcome” on the insistence of the Indonesian government and army and relieved of his office as the Apostolic Administrator of the Diocese of Dili. His successor was a very young priest, Carlos Ximenes Belo SMB, who had just completed his training as a professor of theology in Rome and had lived in Portugal and Italy for a total of 13 years. He had only come back to East Timor in 1981 and been appointed to do youth work in his Order, the Salesians of Don Bosco. It was hard at first for the Catholic Church and its members to understand why this young priest had been appointed, for although he did well at youth work he seemed otherwise to be very inexperienced.

The young Administrator had only been ordained as a priest three years before he became a bishop and in the short time since then he had hardly had the opportunity to gain the experience that would ostensibly qualify him for the difficult office of sole bishop in East Timor. As a member of the Salesian Order and having received his entire education at Salesian schools and universities, he had seldom come into contact with the diocesan clergy and was unfamiliar with the administrative tasks of a diocese. At first nobody could see why the Vatican had appointed the new Administrator. Carlos Felipe Ximenes Belo was certainly not the diocesan clergy's ideal candidate. Indeed, at the time of his appointment he was a completely unknown quantity to the Catholics of East Timor.

But it soon became apparent that the new Bishop was very able and willing to stand up for the rights of his countrymen against the Indonesian authorities. Bishop Belo supported the letter of the clergy of East Timor in 1985, which voiced vehement criticism of the Indonesian occupation. The letter speaks of the danger that there could be a “slow ethnic, cultural and religious extermination”. In later pastoral letters, Bishop Belo repeatedly criticised the deplorable policies of the Indonesian military government, for example on birth control, where he detected the beginnings of a forced sterilisation programme. Bishop Belo was consequently subjected to increasingly intensive surveillance and monitoring by the Indonesian security apparatus. His critical stance on Indonesian attempts at integration also damaged his relationship with the Indonesian Bishops' Conference, in which he had guest status. They not only disagreed with his criticisms but actually supported the withdrawal of Portuguese priests from East Timor so as to ease the island's integration into the Indonesian federation.

The Indonesian bishops saw themselves as champions of the Catholic minority in overwhelmingly Moslem Indonesia and they were more concerned with demonstrating their own national and patriotic convictions to Islamic critics than with supporting their fellow-believers in East Timor. Being a minority of 3.6% of the population, the Catholic Church in Indonesia avoided making clear pro-

phetic statements and thereby arousing the displeasure of the Moslem majority and jeopardising its own position. The Indonesian Catholic Church had always regarded itself as a force that supported the state and was proud of the role that Catholics had played in the struggle for independence and the establishment of the nation. The East Timorese Catholics' resistance to integration into the Indonesian state was, therefore, difficult to understand.

It was this contradiction that constantly prevented the Indonesian Catholic Church from adopting a clear-cut stance on human rights violations. It was only in the final years of the occupation that Indonesian Catholics developed a better understanding of the negative attitude of the Catholics in East Timor. More information was filtering through about what was really happening, the interest of the general public was focussing more closely on East Timor and the Suharto regime was increasingly forfeiting credibility and backing among the population because of corruption scandals. This led to the Indonesian Bishops' Conference speaking out against human rights violations in East Timor in a pastoral letter in September 1995. They protested about repeated violence against civilians and demanded that the Indonesian government change its immigration policy. The intensified immigration of Moslems into East Timor was causing problems and arousing the opposition of the East Timorese, who felt they were being marginalized in their own territory.

### **The Catholic Church in the transition period to independence**

In commenting on the role of the Catholic Church in an independent East Timor, Bishop Carlos Filipe Ximenes Belo of Dili and Bishop Basilio do Nascimento of Baucau<sup>24</sup> have both made it clear that the Church would prefer to withdraw as far as possible from everyday politics. In the transition period both bishops frequently exhorted the politicians to look to the interests of the country and to restrain their party political ambitions so as not to jeopardise the common good. Both bishops were actively involved in establishing reconciliation and understanding between the hostile factions in the country. Bishop Belo<sup>25</sup>, in particular, repeatedly stressed that genuine reconciliation could not imply refraining from the legal investigation and punishment of criminal offences. He insisted that the precondition for genuine peace and harmonious co-existence among the tribal groups must be an honest discussion of past injustices. Both Catholic bishops have appealed to as many as possible of the refugees in West Timor to come back to East Timor.

In its co-operation with the many NGOs in East Timor the Catholic Church is evidently trying not to act too forcefully as a project organiser and to limit

direct co-operation to the church organisations it worked with before. Looking to the future, a clarification of the political situation of the Church in East Timor is in the offing. At present both dioceses, Dili and Baucau, are “Apostolic Administrations” in terms of ecclesiastical law, meaning they are directly subordinate to the Pope and are not, in a narrow sense, independent dioceses. The planned establishment of a third diocese in the near future will give East Timor the required number of three dioceses entitling it to ecclesiastical independence as a Church province.

In the past, Bishop Belo and Bishop Nascimento had visitor status at the Indonesian Bishops’ Conference. This stopped after the events of September 1999. East Timor is not a member of the Federation of Asiatic Bishops’ Conferences (FABC) either. An application for the status of “associate membership” a few years ago was turned down on account of the unclear political situation at the time. It is to be expected that once East Timor is a separate Church province it can then become a full member of the FABC. That would end the current isolation of the Catholic Church of East Timor in the Asia-Pacific region and constitute another important step along the path to normalisation.

## The stony path to democracy

### Election of the Constituent Assembly on 30 August 2001

On 30 August 2001, the second anniversary of the referendum in which the vast majority of the population of East Timor had voted for independence and against remaining part of the Indonesian federation, elections took place to the Constituent Assembly. 421,018 residents of East Timor were eligible to vote and 382,968 of them (91%) did so. The voters, half of whom are illiterate, were called upon to elect directly the 88 members of this body, whose task will be to draft the constitution of the new state of East Timor. A remarkably large number of 16 political groupings and parties participated in the ballot<sup>26</sup>. The first free democratic elections passed off peacefully. Fears that armed pro-Indonesian militias from the refugee camps in West Timor might try to advance into East Timor and disrupt the elections proved unfounded. In East Timor, the various polling stations in the capital, Dili, remained peaceful, as did those in Liquica and Baucau where there had been serious violence two years earlier. As a result the elections were able to take place without any major disturbances. This, at least, is the unanimous opinion of the many international observers. Complaints that

there had been irregularities in the polls, because some people had voted twice, ballot boxes had not been sealed in the prescribed manner and Fretilin had intimidated the voters came solely from the camp of the Timorese Democratic Union and its leader, Joao Carrascalao. The independent election commission of the United Nations dismissed these complaints, however.

In the refugee camps in West Timor, members of the pro-Indonesian militias, who had been living there for two years, hoisted red-and-white Indonesian flags as a sign of protest and declared the election day a “day of mourning for East Timor”. Enrico Guterres, the former leader of the notorious Aitarak militia, gave an interview in Jakarta, where he is living under house arrest (although he still has not been sentenced for his actions), and declared that the elections in East Timor had not been free at all, but had been prescribed for the people by the United Nations. He said the result of the elections would not be an independent East Timor but a United Nations reservation, in which the inhabitants would have a status similar to that of the Australian aborigines. This did not worry him personally, however, since he had Indonesian citizenship.

Up to 31 January 2002, the end of the United Nations mandate, East Timor will remain under the rule of UNTAET, which on a date as yet unspecified will grant independence and appoint the first government. On 8 July 2001, the 16 parties taking part in the election signed a pact of National Unity pledging to avoid violence and conduct a peaceful election campaign.

On 25 August, a few days before the election to the Constituent Assembly, the former independence movement leader, José “Xanana” Gusmao<sup>27</sup>, who was not standing for one of the 88 seats on the committee, announced his willingness to stand for the office of first president of an independent East Timor. This declaration came at the end of a long period of “coaxing”, since José Xanana Gusmao had resigned from the interim parliament in April in annoyance and revulsion at the unseemly party bickering of the various political groupings and had categorically declared that he was no longer available for the office of president. Nobody in the general population or the political class had ever actually believed this renunciation. After all, his resistance struggle with the Falantil guerrilla organisation, his trial and the long period he had spent in prison had made Xanana Gusmao the outstanding political figure in East Timor. Having announced his withdrawal as a potential candidate, José Xanana Gusmao made repeated political comments about current events and issues in the country<sup>28</sup> and did everything he could to ensure that his name would not be forgotten. The whole manoeuvre ultimately served the sole purpose of enhancing his own prospects and it now appears more of a response to “the will of the people” and less of an expression of personal political ambition.

## Installation of a transitional government

As was generally expected, the Revolutionary Front for an Independent East Timor, better known by the acronym Fretilin, won with a clear majority of 57.37% of the vote. With 55 of the 88 seats, Fretilin will be the strongest grouping in the Constituent Assembly. However, it fell well short of the two-thirds majority that would have given it considerable leeway in the shaping of the constitution. The second strongest party, with 8.72% and seven seats, is the Democratic Party, closely followed by the Social Democratic Party, which won 8.18% and six seats, and the Social Democratic Alliance, which also won six seats. By contrast, the Conservative Timorese Democratic Party, which had fought against Fretilin in 1975 in the short phase of provisional independence before the Indonesian invasion, won just two seats. The Constituent Assembly started work on 17 September and is the de facto parliament during the transition phase.

At the inaugural session, Francisco Guterres, leader of Fretilin, was voted Speaker. On 20 September 2001, Sergio Vieira de Mello, leader of the United Nations Mission in East Timor, appointed Mari Alkatiri prime minister of the second transitional government, which will lead the country to independence next year. Alkatiri, who was previously general secretary of the Fretilin Party, is head of a government that will consist of ten ministers, seven deputy ministers and three secretaries of state. Sergio Vieira de Mello introduced the new cabinet as “the first truly representative and freely-elected government in the history of East Timor”. The foreign minister is still José Ramos Horta, an office he held in the first provisional government, and he will also be deputy prime minister. José Xanana Gusmao will not be a member of the new government. He has turned down the offer of a post as head of a planning commission on development issues in the new government. He will however be on a non-governmental advisory committee that is to mediate between the government and the people on development issues.

## The great challenge: achieving peace and reconciliation between ethnic groups

It will take a long time for the wounds of the recent past to heal, because the memories of the destruction, expulsions, injuries and murders inflicted on the civilian population in the transition period after the referendum of August 1999 are still raw. It is currently a top priority for East Timor to come to grips with these experiences of human rights violations in both psychological and legal terms<sup>29</sup>. Although it is true that the instigators were the Indonesian army, officials and individuals, it was the militias consisting essentially of East Timorese that were responsible for most of the unimaginable cruelty. When it became clear that the

Indonesian side had lost, many of them left East Timor and fled for the most part to West Timor. Quite a lot of them would like to return home and, indeed, many have already done so. This raises the problem of reconciliation, which sits uneasily with the demand for legal measures to deal with the atrocities.

Individuals like Bishop Belo urge people over and over again to find ways of bringing about reconciliation. Historically, East Timor used to be famous for head-hunting. There were often battles between the various tribal groups and heads were cut off dead bodies. At that time there were many customs designed to restore peace and achieve reconciliation, which was regarded as being complete when the former enemies exchanged the heads they had collected. A similar symbolic ceremony needs to be completed or developed now to demonstrate visibly that reconciliation has been achieved<sup>30</sup>. There are several initiatives to establish reconciliation between the tribal groups of East Timor.

On the initiative of USAID (the United States Agency for International Development) at least 300 East Timorese refugees, who are now resident in West Timor but used to live in border areas between East and West, met in Haekesak in August 2001 for a dialogue with West Timorese. They referred to the fact that they all belonged to the same clan in an attempt to reach agreement about how they might live peacefully together in future. These relationships of kinship must have existed from time immemorial, certainly long before the arrival of the Portuguese and the Dutch, i.e. before the island was divided into East and West. At this meeting many of those present stressed that peaceful co-existence of the various tribes ought to be achieved on the basis of traditional concepts of family ties and respect for ancestors. They realised there was a danger that politicians returning from exile might rely too heavily on elements of foreign cultures and thus threaten the islanders' cultural identity.

Genuinely coming to terms with the traumas caused by the appalling events and crimes of the Indonesian occupation period will be a long drawn-out process. Mere legal punishment of the crimes will not be enough, however important it may be as a precondition for a new start. In conjunction with such punishment it will be necessary to carry out programmes of reconciliation for the various groups in the population. The Justice and Peace Commission of the Diocese of Dili is conducting an integrated programme for various groups in Dili and the surrounding villages, dealing with non-violent conflict resolution strategies, coping with bereavement, rage and anger, and also looking at theological aspects of reconciliation. For the whole country there is a National Truth and Reconciliation Committee, inspired by the South African model, which is collecting reports on violence, forcible expulsion, rape, murder and looting, kidnapping and disappearance of individuals – in short, all the human rights violations of the past few years.

A long-term task will be education in the field of human rights. It is crucially important that the social, economic, political and religious aspects of human rights are specifically related to the cultural and religious traditions and social customs of East Timor. The development of a separate East Timorese national identity will depend on whether people succeed in developing an independent identity as citizens of an independent state in the interaction between long-standing traditions and the wealth of new ideas.

### **Legal steps against those responsible**

In the immediate aftermath of the withdrawal of the Indonesian administration and army there was international public consensus that those responsible for human rights violations should be prosecuted. There were many calls for the setting up of an international tribunal to ensure that the Indonesian army and administrative officials would have to answer for themselves in a properly constituted court. A tribunal of this kind has never been set up, not least because of the lack of any insistence on the part of the United States. The USA claimed it would be too heavy a burden for the young democracy of Indonesia if the country's senior military officers were to appear before an international court. The argument advanced was that this might easily lead to a military coup in Indonesia. The Indonesian government had always vehemently opposed an international trial and promised to take the necessary legal steps at the national level to ensure that all those responsible for human rights violations would be justly punished.

This promise was originally made by President Abdurrahman Wahid and repeated by his successor, Megawati Sukarnoputri, but neither of them has redeemed it. Abdurrahman Wahid issued a presidential decree in 1999 setting up an "ad hoc human rights tribunal on East Timor". This stated that the period for the prosecution of human rights violations was to commence after 30 August 1999, the day of the referendum. After she was elected president, Megawati Sukarnoputri extended this period, ordering crimes committed between April and September 1999 to be prosecuted and punished, but simultaneously deciding that this should only apply in three of the 13 districts of East Timor. This measure is regarded more as a purely superficial response to international criticism than a real attempt to clear up the crimes and bring those responsible for them to justice.

The crimes covered by the presidential decree would be those committed by the pro-Indonesian militias, while the crimes of the senior Indonesian army officers and administration officials would continue to go unpunished. These would include the deportation of approximately 200,000 East Timorese in September

1999 as well as the activities of the Indonesian army in early 1999, when it was recruiting, training and arming the militias in East Timor.

It was not until nearly two years after the withdrawal of the Indonesians that a court set up by UNTAET began its work. A first trial of 50 people accused of crimes against humanity, murder, rape and expulsion opened in Dili under the chairmanship of State Prosecutor-General Mohamed Othman<sup>31</sup> from Tanzania, supported by 13 lawyers and 20 police investigators. The start of the trial in East Timor was made difficult by the fact that there was absolutely no infrastructure left for the international judges to fall back on. All the government buildings in Dili had been destroyed by the Indonesians before they withdrew, there had never been any indigenous judges and all records had been destroyed. In the run-up to the trials specialists in forensic medicine, pathologists and other experts exhumed about 300 graves and identified 260 victims. The first 12 sentences have been passed with prison terms of between seven and fifteen years being imposed.

Other cases are still outstanding, in which "crimes of the Indonesian armed forces" and "crimes of indigenous militias" that took place before the referendum of August 1999 need to be dealt with. These include the murders in Los Palos and Liquica, the destruction of the houses of Bishop Carlos Filipe Belo and a politician, Manuel Carrascalao, mass burnings in churches and rapes all over the country. The aim of the operations in the run-up to the referendum was to intimidate the electorate into voting in favour of Indonesia. When the result turned out to be a rejection of Indonesia, this triggered revenge attacks against the East Timorese to punish them for their anti-Indonesia vote; virtually the whole country was reduced to rubble and ashes and more than 200,000 East Timorese were expelled.

There is proof that these were not "spontaneous" reactions of out-of-control militias and insubordinate soldiers. In the run-up to the referendum the Indonesian army had already drawn up detailed plans for individual measures. The extent to which these plans were known to the USA and Australia is a matter for contention, but it is beyond dispute that the Indonesian army leaders must have known about them, especially General Wiranto, commander-in-chief of the armed forces. In any case it is not those who were really responsible at the highest levels of the military command who are being put on trial in East Timor, since they are in Indonesia and beyond the jurisdiction of the court. So far the only people to have been prosecuted are members of the indigenous militias who were trained, armed and commanded by Indonesia and did the dirty work. In the trial of the so-called Alpha Team, a group of ten militia fighters under the command of Joni Marques, the court heard about murders of priests, torture, kidnapping

and expulsion of entire village communities. Even if the militias were the actual perpetrators, it emerged during the trial that Indonesian soldiers, officers, policemen and especially members of special units like Kopassus were also involved.

Despite their promise to ensure the safety and protection of the populace, the Indonesian army made no move to restrain the violence, but actually lent direct support by supplying weapons or at least allowed the atrocities to proceed by turning a blind eye. The court chaired by State Prosecutor-General Othman cannot directly condemn the senior Indonesian military officers who were responsible. But in the trials of the lower ranks the actions of those people not present before the court will be placed on record and indictments and arrest warrants will be prepared that will stand up in any international court. As long as they stay in Indonesia, guilty army officers will probably continue to evade their responsibility. But if they travel abroad they will have to expect to be arrested and brought before an international court. Pressure on the Indonesian government to take action against these people will grow with every sentence passed in Dili. It is up to the international community to exert pressure on Jakarta so that the human rights violations perpetrated in East Timor are punished. The Church and other groups have repeatedly demanded that those responsible for the human rights violations in East Timor be brought to justice. Reconciliation and internal peace can only be achieved in East Timor when this happens.

There has been controversy in East Timor in the past few months about whether prosecution of those responsible for the massacres before and immediately after the referendum is necessary and advisable for genuine reconciliation. The front lines are somewhat surprising in that José Xanana Gusmao, who spent many years in prison in Indonesia, is in favour of a more or less general amnesty, whereas Nobel Peace Prize winner, Bishop Carlos Belo, is insisting that former members of the militias, Indonesian soldiers and policemen and, above all, the generals who gave the orders should be brought to justice. He argues that in September 1999 alone at least 3,000 people were killed, countless women raped and over 500,000 people forced to leave their homes. He feels these crimes should be punished and the people responsible for them brought before a court. Bishop Belo is supported by many Timorese in recommending that the best option would be an international tribunal to deal with the crimes committed against the people of East Timor and also against the whole international community. Indonesia vehemently opposes an international tribunal and it is unlikely that one could be set up if José Xanana Gusmao, who is expected to be the first president of independent East Timor, does not support the idea or does so only half-heartedly.

### **Portuguese as the national language**

The language issue will raise much more serious problems. For exiles coming home from Portugal or Portuguese-speaking countries it may seem natural or obvious to suggest Portuguese as the national language for independent East Timor. But for the majority of the population this is totally implausible. After all, since the Indonesian invasion in 1975 the official teaching language in primary and secondary schools and right up to university level has been Bahasa Indonesia. This means that all East Timorese under the age of 30 have only ever had Indonesian – or Tetum in primary school – as their medium of education. The number of East Timorese given the opportunity of a university education has never been very high. But it is a fact that the great majority of East Timorese graduates received their education at Indonesian universities and some students are still matriculated there. During the struggle for independence East Timorese students in Jakarta and other Indonesian towns had a significant role to play. Even after the referendum there were still many East Timorese pupils with scholarships being educated at various schools on Java, usually church institutions. There are fears now that these children and young people might be ideologically influenced in Indonesia into becoming subversive elements and stirring up trouble when they return to the new state of East Timor. Besides, an Indonesian-medium education will not be particularly helpful in future in a country that is to have Portuguese as its national language.

It is only a small but influential minority that has a real command of the Portuguese language. Introducing Portuguese as the national language will isolate East Timor in the Indonesian archipelago and also from neighbours such as Australia and further afield. It remains to be seen whether Portuguese can be successfully integrated as the language of East Timor. The likelihood is that Tetum will dominate in everyday life and Indonesian and English will become the means of communication for trade and higher education, i.e. for international contacts. UNTAET is currently using four languages: Tetum, Bahasa Indonesia, Portuguese and English.

### **The dollar as the national currency**

It is characteristic of the transitional situation in East Timor at the beginning of its nationhood that it has chosen Portuguese as its national language and the US dollar as the national currency. On the currency question, UNTAET saw itself obliged in August 2001 to announce the imposition of fines on any businessmen and traders who ignored the instruction to conduct all transactions in dollars and continued to deal in Indonesian rupiahs, Portuguese escudos or Austra-

lian dollars. There is a shortage of coins to give change on transactions of less than a dollar. In trade with neighbouring Indonesian islands it is more convenient to use Indonesian rupiahs. Even so, it may be possible in a relatively short time to accustom the people of East Timor to having the dollar as the national currency.

## **Demands – Summary of action points**

### **Legal proceedings against those responsible for human rights violations**

There must be an investigation into what happened and the perpetrators must be charged. Pressure should be brought to bear on Indonesia to have army officers responsible for human rights violations brought to trial in an international court. The Indonesian government should be obliged to pay the costs of refugees going home and reparations for the damage inflicted. Furthermore, there should be prosecution of human rights violations by Indonesia that were committed throughout the entire period of East Timor's occupation by Indonesia.

### **Encouraging individual initiative and the withdrawal of offers of aid**

A multitude of international organisations, charities and church aid organisations<sup>32</sup> have been involved in helping the suffering population of East Timor in the wake of the devastating events of September 1999. Two years on, there is a need for a critical appraisal. In some sectors of the population, a mentality has evolved of relying almost exclusively on the aid and distribution programmes of the international organisations and making absolutely no attempt to change their own general and personal circumstances. Food distribution programmes have a particularly negative effect. They are too generalised, do not reach the most needy people, create dependence and do not encourage any individual initiative.

### **Making preparations for the “post-UNTAET period”**

The previous demand for the support of personal initiatives of necessity refers primarily to the period after UNTAET leaves, which is scheduled for the end of January 2002 when the United Nations mandate expires. Up till then there must be targeted efforts in the area of education for citizenship. The basic concepts of a democratic society, such as diversity of opinion, acceptance of electoral and majority decisions and many others need to be communicated.

## Footnotes

- 1 Source: Poverty Assessment Timor Loro Sa'e. Internal Working Document 16 June 2001: Development Indicators for East Timor. Initial Results from the Sucos by the East Timor Transitional Administration (ETTA), the Asian Development Bank, World Bank, the United Nations Development Programme (UNDP).
- 2 Additional statistical information (Note: suco = tribal society; aldeia = village) The population of 841,303 (49% female, 51% male) is distributed among 498 sucos, living in 2,336 aldeias. Average number of inhabitants per aldeia: 360. Number of families: 180,283; families still expelled or fugitive: 18,391 (as at July 2001). Number of houses rendered uninhabitable by the violence: 67,498. Of these, 53% have now been repaired or at least made habitable again. The number of schools is 923, only 14% less than before the violence of 1999. Of these, 71 are primary schools, 11 are junior high schools, 3 are senior high schools and 15 other schools. The number of teachers is 5,789, of whom 1,633 are female and 4,156 male. 237,551 children go to school, i.e. 79% of school-age children. 718 of the schools (78%) are state schools, while 173 (19%) are run by the Church. The number of private schools is 26 (3%). Due to the violence after the referendum in September 1999, the population of East Timor is cited as being approx. 100,000 lower at 750,000; the difference comprises refugees who left the country against their will and members of the pro-Indonesian militias who moved to Indonesia for fear of prosecution and reprisals.
- 3 <http://sipa.columbia.edu/ICRP/etrtchap4.pdf>
- 4 The manuscript was completed at the end of September 2001.
- 5 cf. M. Schlicher, op.cit. 299.
- 6 "The Timorese need only to read and write, and then we should give them a hoe and an axe". cf. M. Schlicher, op.cit. 301.
- 7 In this context one may wonder about the meaning of the decision to make Portuguese the national language in an independent East Timor.
- 8 When one considers that 79% of the Portuguese population were illiterate in 1906, the lack of commitment to education on the part of the Portuguese colonial rulers seems rather less deserving of criticism. cf. M. Schlicher, op.cit. 35.
- 9 The commercial interests of the Indonesian army in East Timor at that time are succinctly described by M. Schlicher: "Individual sections of the Indonesian armed forces are actively involved in the economic process of their country with countless companies and groups of enterprises. The term commonly used to describe these economic structures is 'military economy' and shows the extent to which the armed forces have come to dominate this area. Denok is an enterprise of the Strategic Reserve (KOSTRAD) and was brought into being and led by one of the most economically powerful men in Indonesia: Benny Murdani. He was a member of President Suharto's inner circle and as commander-in-chief of the armed forces was involved in the planning and implementation of Indonesia's invasion of East Timor and the 'integration process' that followed." cf. M. Schlicher, op.cit. 200.
- 10 cf. James Dunn's detailed report, Crimes against Humanity in East Timor. January to October 1999, Their Nature and Causes. James Dunn was invited by Chief Public Prosecutor Mohamed Othman to investigate human rights violations in East Timor in 1999.
- 11 On "Kopassus" (Special unit of the Indonesian army) cf. e.g.: <http://www.fas.org/irp/world/indonesia/kopassus.htm>
- 12 The colours red and white represent the national flag of Indonesia and the militias' support for the integration of East Timor into the Indonesian state.
- 13 The international composition is achieved according to a UN key that provides for particular contingents from particular countries. This means, however, that there is no definite requirement profile for their dispatch. The multi-coloured composition, especially of the police who all serve in their own national uniforms, provides a vivid picture, which is all very well for parades but not for everyday duty. Linguistic qualifications also vary considerably.
- 14 The East Timor International Support Center (ETISC) was set up in 1997 during the Indonesian occupation of East Timor to support the independence struggle of the Timorese by co-ordinating various groups in Europe, North America and throughout the world. It was based in Davao (Philippines) and Darwin (Australia). Nobel Peace Prize winner Ramos Horta is President of ETISC.
- 15 Exact figures were never available due to the chaotic situation in East Timor in September 1999. It is estimated that between 250,000 and 300,000 went to West Timor.
- 16 When I was in Dili in July 2001, I had the opportunity to talk to some of the people who were taken from Dili to West Timor at that time and had since been able to return home.
- 17 60,000 Indonesians are said to have settled in East Timor in the course of the Indonesian occupation (1975-1999) under the Indonesian government's resettlement policy. Almost all of them left the country again after the referendum of 30 August 1999.
- 18 A figure is cited of 20,000 people in the camps in West Timor whose families are receiving a pension or salary from the Indonesian government. These people do not want to return to East Timor or will only do so if they receive a guarantee that their claim to pensions or salaries from the Indonesian government will still be valid in East Timor.
- 19 On 21 May 2001, six people convicted of taking part in these murders were sentenced in Jakarta to surprisingly mild prison terms of 10 to 20 months. This verdict raised vociferous protests from the United Nations and from the Catholic Church in West and East Timor.
- 20 Some people made the point that the number of people calling themselves refugees from East Timor was disproportionately large. It seems as if the opportunity to enjoy the material benefits of international refugee aid tempted many ineligible people to register as refugees.

- 21 The refugees in West Timor were excluded from taking part in the referendum on 30 August 2001 because they had been unable to fulfil the condition of registration, which stipulated that they should return to East Timor by 20 June 2001.
- 22 "The outsider is constantly amazed by the ethnic, cultural and linguistic diversity on Timor. In the course of various migrations in the South-East Asian archipelago many threads seem to have run together on Timor: alongside Malay and Melanesian influences there are Papua-dominated groups and even elements of Australian aboriginals"; cf. M. Schlicher, Portugal in East Timor, a critical investigation of Portuguese colonial history in East Timor 1850-1912, Hamburg 1996, p. 5.
- 23 This attitude of willingness to bring about reconciliation is certainly not undisputed. This became clear at a meeting in Jakarta in April 2001 between a delegation from East Timor, led by José Xanana Gusmao, and members of the Indonesian government, when they discussed a critical appraisal of human rights violations by the Indonesian side in East Timor. Paolo Sibilant, leader of the notorious special unit, Kopassus, which was entrusted with special duties in the area of espionage, fighting terrorism and other secret activities, admitted on this occasion that there had been excesses among the Indonesian troops stationed on East Timor. José Xanana Gusmao declared himself satisfied with this statement, saying this was all in the past now and that the priority was to look to the future. Victims such as Domingos Suntan Guterres, who had been tortured by Indonesian soldiers, criticised Xanana Gusmao for his comments and also for having embraced Parowan.
- 24 In 1997 the Vatican divided the Diocese of Dili, until then the only one, and created the Diocese of Baucau. Basilio do Nascimento was named its first bishop.
- 25 The conditions for reconciliation were outlined by Bishop Belo in a sermon in Sydney on 24 February 1999, a good six months before the wave of violence broke in East Timor in September 1999. He said: "You don't achieve reconciliation just by shaking hands and saying a few nice words. Reconciliation certainly doesn't include forgetting the past. Reconciliation definitely means more than that. It's a tough and difficult task. Reconciliation is crucial if societies that have been torn apart by politics and terror want to recover so that they can become places where human dignity is respected. There can never be enough reports on the crimes that were committed in my country, East Timor, to enable justice to be done to the many victims. I would like to concentrate on the future and put forward a few ideas that are important for the work of achieving a just peace through a process of reconciliation. Nelson Mandela said: 'To make peace with your enemy you have to co-operate with your enemy and then that enemy will become your partner.' What did he mean by that? Quite simply, if we whose lives have been broken by violence and fear are to make a new start we have to talk to the persecutors. The people who committed crimes must admit to what they've done so that the burden of shame, fear and anger can be lifted from their victims. This can only happen as a mutual process on the basis of equality and dignity for all those affected. A life lived in fear and daily exposure to violence creates victims who are crippled and helpless and at the mercy of the past. It is important, therefore, to break the cycle of violence and create new living conditions in which victims can become survivors. But that presumes social and individual reconciliation. One of the first preconditions for reconciliation is that people tell the truth. The truth about events that may have happened hundreds of years ago is alive among us. If this truth is not recognised or if it is falsified by political processes, then agreement about the events becomes very difficult. If governments claim that certain events never happened, even though the victims bear witness before our very eyes that they did happen, then governments lose their credibility and their authority. We hear many fine words about striving for national unity, co-operation and harmony, yet in the same breath military units are ordered to shoot at civilians. Any government that uses violence can only survive by violence. Violence breeds counter-violence and the criminals live in fear that they may become victims themselves. People who live in enmity because of violence and discrimination can only achieve peaceful inter-personal relations again if they acknowledge the truth of what has happened. Only then can they make joint plans for the future. But if the truth is not acknowledged and the memory of it stays alive, relations will remain tense. In the period when we belonged to Indonesia we were forced to live under a regime that falsified facts and language every day. For the truth to be spoken openly it will be necessary for peace to reign and for there to be no more use of violence by the government before people will be ready to co-operate. The most urgent task is, therefore, to set up a new government in East Timor. Our fear is that more violence may erupt before we can really start this process."
- 26 The most important of these parties are the:
  - Revolutionary Front for an Independent East Timor [Fretilin], which proclaimed independence in 1975 and was at the forefront of the resistance struggle against Indonesia. Mari Alkatari and Francisco Guterres are the leaders of Fretilin;
  - Social Democratic Party [PDS] under the leadership of former Governor, Mario Vegas Carrascalao;
  - Timorese Democratic Union [UDT] under Joao Carrascalao, brother of Mario Vegas Carrascalao, a party that was already fighting with Fretilin for political power in 1975;
  - another Social Democratic Party is the ASDT under Francisco Xavier do Amoral;
  - Workers' Party [Trabalhista];
  - Pro-Referendum Apodeti, a party that originally stood for integration with Indonesia;
  - Democratic Party [PD], a newly-founded group under Fernando Araujo from the student movement, Renetil, who spent six and a half years in the same prison in Jakarta as José Xanana Gusmao;
  - Timorese Socialist Party [PST] a newly-founded group under Avelino Coelho da Silva, which is anti-Fretilin and anti-UN;
  - Nationalist Timor Leste Party [PNT] under Abilio de Araujo, which allegedly has links with the Indonesian army.

- 27 José Xanana Gusmao, born 20 June 1946, had four years of schooling at the Jesuit School in Dare, served for three years in the Portuguese army and was then employed for a few years in the colonial administration. Married his first wife, Emilia, in 1969, with whom he has two children. She now lives in Australia with the children. José Xanana Gusmao's second marriage is to an Australian, Kirsty Sword, with whom he has a son (one year old in 2001). In 1974, Gusmao won the East Timor Poetry Prize for his poem "Mauberédias". After the Indonesian invasion he led Fretilin's armed resistance for 13 years. He was imprisoned in 1992 and sentenced to twenty years, of which he served seven.
- 28 In a speech to the National Congress of Timorese Resistance (CNRT) on 12 February 2001, José Xanana Gusmao aired some fundamental thoughts on the subject of "reconciliation, tolerance, human rights and elections". He started with a summary of the recent history of East Timor and emphasised that the people of East Timor are "peace-loving people". This could be seen from the fact that during the Portuguese colonial period there had been no substantial military presence and, apart from the final phase, no political police. During the Japanese occupation the people of East Timor had shown that they could put up resistance and survive injustice. The period of occupation by Indonesia from 1975 onwards, however, had brought great changes. In face of the arbitrary use of power by the Indonesian army the other facet of the East Timorese character had emerged, showing that they, too, could respond aggressively to violence. Indonesian rule had had a corrupting effect because it had been built on treachery and collaboration for low motives. Indonesia had deliberately and systematically tried to undermine the resistance movement and had "bought" traitors and informers. The Indonesians had succeeded in installing a "culture of violence". To do this they had targeted the young people, who had been particularly susceptible in East Timor due to the shortage of employment opportunities, and many young people had fallen into bad ways with gambling and drugs. Other young people had turned to violence and were willing recruits for the pro-Indonesian militias, who offered them weapons training and stable membership of a group.
- 29 In London in December 2000, in a letter to UN Secretary-General, Kofi Annan, the Commissioner for Human Rights, Mary Robinson, and other UN organisations, 44 Christian organisations in long-standing partnership with the Christian churches in East Timor issued a warning that justice is the prerequisite for any kind of reconciliation. They renewed the demand that an international court should punish the perpetrators of human rights violations in East Timor. They also demanded the safe return of refugees to East Timor.
- 30 cf. M. Schlicher, *op.cit.* 94-97.
- 31 Othman has international experience in human rights proceedings; from 1996 to 2000 he was the prosecutor in a series of trials in Rwanda dealing with human rights violations that occurred in the Rwandan civil war.
- 32 At the beginning of 2001, there were 127 non-governmental organisations registered in East Timor; they are listed in the national NGO Register.

