**RELIGIOUS DIMENSIONS OF THE TIMOR-LESTE RECONCILIATION PROCESS**
*CAVR was a secular process but it benefited from religious elements.*

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The Timor-Leste truth commission, CAVR (*Comissao de Acolhimento, Verdade e Reconciliacao*), was unique in several respects, including being the first of its kind in this region of the world. Its uniqueness also stems from the context in which it was designed and functioned and the concern on the part of its architects that it fitted Timor-Leste's circumstances. Timor-Leste is a religious society in which elements of Catholicism and animism, in terms of both ritual and belief systems, are widely followed and practiced. As CAVR was intended to be culturally appropriate to Timor-Leste so that communities could relate to and embrace its processes, it is therefore to be expected that it would include religious or spiritual dimensions. The CAVR report *Chega!* refers to these aspects and researchers are encouraged to consult it at *www.cavr-timorleste.org*. This short paper is an attempt to explicate these dimensions further.

## Two introductory comments

First, I should explain that I am using the term reconciliation here as it is defined in the regulation that established CAVR (UNTAET Regulation 2001/10). This is the official understanding in Timor-Leste of this otherwise much abused and misunderstood word.

The Regulation defines reconciliation as a process designed to repair relationships and receive back into the community a person responsible for less serious crimes on condition that this perpetrator makes a full disclosure of his/her crime, that this confession is acceptable to both the criminal justice system and victims, and that the offender shows genuine remorse and agrees to carry out a sanction or reconciliation act imposed by the CAVR.

Strictly speaking, therefore, the term only has validity in Timor-Leste in this restricted, specific, concrete and legal sense. As such it required an externally-facilitated, legally mandated process and is conditional. Therefore the term does not refer to the Catholic rite of reconciliation. Nor do one-off political or other symbolic gestures qualify as reconciliation, though the term is often used superficially to describe such acts. Such use, particularly in a post-conflict context where deeply offensive and divisive crimes are being addressed, devalues the term and can diminish victim support for the process on the grounds that it will favour the perpetrator, who is often more powerful, rather than the victim.

Second, in highlighting the religious dimensions of the reconciliation process used in Timor-Leste, I do not want to give the impression that this process was religious per se or had religious objectives. The process did not focus on facilitating reconciliation with a transcendent being (God), nor was it conducted by religious officials, whether indigenous or Christian, or used for proselytisation. The legislation makes no mention of a religious objective. The process was essentially secular – legally based and social in purpose – and was facilitated by CAVR, a politically and denominationally neutral body, not delegated to church or traditional community leaders, though they were involved.

Why was reconciliation needed in Timor-Leste and how was this done?

Timor-Leste is a half-island situated between northern Australia and Indonesia. It was a Portuguese colony until 1974 when regime change in Lisbon opened the way to the decolonisation of the remains of the Portuguese empire, including Timor-Leste. Unlike some other decolonisation processes in the region, Timor-Leste experienced considerable turmoil, including civil war in 1975 and 24 years of Indonesian military occupation 1975-1999. This turmoil included deep divisions, internal conflict and rivalries – ideological, political, social and economic, that fractured individual, family and communal relations and resulted in protracted violence, deaths, displacement and other widespread and systematic violations of human rights that caused deep trauma.

Following a UN-facilitated Popular Consultation on 30 August 1999, which resulted in a strong vote for independence from Indonesia, the Resistance movement decided to back the idea of a reconciliation commission as an essential step in the building of the new nation. The alternative was to do nothing and run the significant risk of aggrieved individuals and communities taking the law into their own hands and engaging in revenge and payback which would almost certainly have resulted in perpetuating a cycle of violence detrimental to the peace and stability of the new nation. The outcome was the establishment of the CAVR in 2001 with a mandate to establish the truth about human rights violations committed on all sides of the conflict 1974-1999, to facilitate community reconciliation between perpetrators of so-called less serious crimes and their victims and communities, to repair the dignity of victims, to prepare a report on its work and findings and to make recommendations designed to prevent a recurrence of this suffering.

I will structure the rest of this presentation by commenting on the religious dimensions of the four key words that make up the title of the CAVR mechanism, plus an addendum on victims whose situation was central to the vision of the Commission but are not referred to explicitly in the title of the institution.

**1. Commission**

In its section on the selection of the Commissioners tasked with administering the Commission, the CAVR regulation required gender balance but did not specify denominational balance, either indigenous or Christian. This is interesting in view of the deeply religious nature of Timorese society and the size of the Catholic Church and its influence and nationalist credentials following its dramatic growth during the period of the Indonesian occupation. Nevertheless, two of the seven Timorese Commissioners appointed to manage the institution were Christian clerics, one Catholic the other Protestant. One of these was appointed Vice-Chair of the CAVR but, unlike the South African Commission which was headed by Archbishop Desmond Tutu, the key position of Commission Chair was given to a Timorese lawyer with an acknowledged track record as a strong independent human rights advocate and experience in institutional management. This was a wise decision. It enhanced the independence, impartiality and focus of the institution and, given the sometimes difficult history of relationships between the Fretilin party and the Catholic hierarchy, Timor-Leste's two major institutions, it served to forestall possible conflict or charges of prejudice on the part of Fretilin whose widely acknowledged contribution to national liberation was tarnished with violations in the early years of the struggle.

The Commission incorporated religious practices in its day-to-day functions. Meetings of Commissioners, public hearings, special events and community reconciliation ceremonies typically opened and closed with prayer, sometimes led by a Church official. This should not be interpreted, however, as evidence of Church interference or control of the Commission.

Opening and closing prayers are normal practice in Timor-Leste at all levels of life, including Fretilin congresses.

Traditional animist practices are also a natural part of Timorese life. Timorese move easily between the modern and the traditional and are known, for example, to follow consultation with western trained doctors at their local clinic with a visit to a traditional healer to learn his diagnosis and to obtain locally produced remedies. Consistent with this practice, the Commission engaged a local elder to exorcise its national headquarters prior to the commencement of its work. As the building had previously served as a political prison, Timorese staff were concerned that it was still inhabited by 'evil' spirits which might cause problems particularly at night or if staff were working alone in the building. This traditional exorcism was an elaborate ritual which included examining the entrails of fowls, the cleansing of the building with a mixture of blood and coconut water, and the removal of spirits for reunion with their original owners. This exorcism, which was followed by a Catholic blessing, helped settle staff psychologically and to feel safe in the building.

**2. Acolhimento**

The second word in the title of the Commission is *acolhimento*. *Acolhimento* is Portuguese for 'favourable reception or acceptance' and was translated into English as 'reception' rendering CAVR in English as the Commission for Reception, Truth and Reconciliation. No other truth commission has used this word in such a prominent fashion and it is not elaborated in the CAVR regulation. It therefore requires some explanation.

The architects of the CAVR included *acolhimento* as a key word because they wanted to capture and highlight the spirit of the Commission as a mechanism designed to receive back or re-integrate the 22% of Timorese who voted against independence in 1999. Though the option to remain part of Indonesia was a completely legal and legitimate political option which the UN-administered process allowed for, there was nevertheless a deepening of political division as a result of the ballot due to the sense of loss and defeat on the part of the autonomy lobby. Led by Xanana Gusmao, a strong advocate of inclusion, the Resistance wanted to send a message that pro-Indonesia Timorese, including the many thousands who had gone to Indonesia, were welcome in the new Timor and would not be discriminated against. Xanana Gusmao famously embraced some of these leaders at the Timor-Leste border with Indonesia. This spirit of 'favourable acceptance' was also extended to those who had committed violent offences, the perpetrators of less serious crimes in 1999, to whom I referred earlier.

What is also interesting about the term *acolhimento* or Reception in the context of this presentation is that it was intended to evoke the Gospel parable of the Prodigal Son (Luke 15, 11-32), an allegory which is well-known in majority Catholic Timor-Leste. Though not meant to serve as a how-to blueprint for reconciliation, the parable was exactly the paradigm Timor needed, an inspirational challenge to offenders (represented by the Prodigal Son) to admit their failings and ask to be received back into the community, and an equally inspirational challenge to replace understandable but small-minded revenge (portrayed by the elder brother) with the magnanimity of spirit displayed by the father. The parable is also reminiscent of Timor in that the celebration it describes to mark the reception of the wayward son mirrored many of the joyful celebrations held in Timor following the successful conclusion of a CAVR community reconciliation, including the killing of an animal for a feast and the music and dancing described in the parable.

The president of Timor-Leste, Jose Ramos-Horta, and Prime Minister Xanana Gusmao have both placed a strong emphasis on the need for Timorese to forgive those who offended them. In the documentary on his diplomatic career *The Diplomat,* Jose Ramos-Horta is filmed viewing the destruction of Dili in 1999. He angrily comments: *'There has to be a war crimes tribunal. There will be 100s of them lining up to be tried'*, but later on the ground he is recorded telling the Timor-Leste guerrilla army: *'We shouldn't hate them (the Indonesian military). We must forgive them, stretch out our hand and offer our hearts to them. If we do this East Timor will be a better place'.* In more recent times he has pardoned Joni Marques, the Timorese militia commander responsible for the gruesome murder of religious personnel near Lospalos in 1999, justifying the pardon in the name of building a culture of forgiveness. The President was also party to a recent controversial decision to release back to Indonesia without trial the militia commander Maternus Bere, who has been indicted for the murder of Church personnel amongst many other innocent people in 1999 in Suai.

One has to ask are President Horta's actions more in the spirit of the Prodigal Son than the demands of those who call for justice? I am not aware that the President has used this specific parable to justify his policy although, particularly since he was shot and nearly died in early 2008, he has frequently identified with the Christ figure, including the Good Shepherd who cares for the lost sheep. For many, however, the analogy is tantamount to blasphemy. For them the President's actions have nothing to do with religion and everything to do with East Timor's dependency on Indonesia's goodwill (or at least the need to accommodate the sensitivities of some in the upper ranks of the still powerful Indonesian military).

It might be observed, however, that whatever his motivation, the President's magnanimity appeared to put the Church on the spot. Given that its personnel were direct victims, it could easily have found itself identified with the angry elder son who protests the father's prodigality. In response, however, the church elected to hold its tongue on the specific cases in question but to maintain the classical in-principle Catholic position. It used other contexts to state that justice is essential for lasting forgiveness and that the suggestion that one must chose either one or the other, theology or the law, is a false dichotomy. A clear statement of this policy was provided by the Vatican Ambassador to Timor-Leste in an address to leaders including President Horta in June 2008: *'We cannot forget justice. For Christians forgiveness is not impunity. Forgiveness requires justice…. Justice cannot be separated from love, fraternity and solidarity, factors that promote reconciliation. That is why in the world today justice and reconciliation go hand in hand. There will be no true and lasting peace without justice'.*

This was also the position of CAVR. As a transitional justice initiative it saw no conflict between its advocacy of both justice and reconciliation. In view of the Timor-Leste state's discomfit with some of the CAVR recommendations on justice, it could be asked if these recommendations are consistent with CAVR's stress on *acolhimento*. I think they are. In this regard it is useful to make two additional points about the Parable of the Prodigal Son.

One is that the prodigal son is not guilty of human rights abuses. He had a wild time and was irresponsible but there is no suggestion that he killed, tortured, raped and detained on a widespread and systematic scale or that he engaged in the forced displacement, disappearance and death by famine of tens of thousands of innocent civilians. Second, the Parable premises forgiveness on give and take. The father's forgiveness is a response to the younger son's initiative and his acknowledgement that he has done wrong and regrets his offence. Two Indonesian Presidents, Gus Dur and more recently Susilo Bambang Yudyoyono have made

general apologies to the Timorese people. But no individual Indonesian military has admitted wrong, expressed remorse and asked his victims for forgiveness.

**3. Truth**

CAVR went to extraordinary lengths to establish and report the truth, impartially and objectively, about the 25 year period 1974-1999. This involved a range of methodogies, the de-briefing of nearly 10,000 people (either victims or key actors), numerous public hearings, research, statistical work, the production of multi-media products and publications in multiple languages and a widespread dissemination program. Truth telling was also integral to the community reconciliation process. Bearing in mind that amnesty comes from a Greek word meaning *'to forget'*, the emphasis on establishing and nurturing the truth also explains to some extent public resistance in Timor-Leste to various high level attempts to introduce amnesty provisions for past crimes.

Was there a religious dimension to this challenging endeavour?

There was no explicit spiritual or religious basis to this work, except in the sense that the CAVR was conducted with the same commitment and desire to establish the truth that lies, or should lie, at the heart of all theology or religious searching.

However, at the centre of this truth-seeking process were two concepts that are central to religious faith and practice, viz human rights and remembrance. CAVR strongly believed that the truth would serve human rights and the dignity of each individual involved, whether victim or perpetrator. Establishing the truth would satisfy the individual's right to know. This in turn would contribute to personal healing, mutual understanding and the renewal of relationships. The truth would also enhance respect for human rights by demonstrating the terrible consequences when impunity is unchecked and, it was hoped, reduce violence and strengthen the rule of law, both of which are essential to the protection of human rights.

The idea that each human being has inalienable rights is most commonly sourced to the Universal Declaration of Human Rights formulated in response to World War II in which both Europe and Asia experienced horrifying excesses. In fact, the idea has a much longer history, is profoundly religious in origin and is common to the world religions. Confucius emphasised 'true humanity', Buddha 'right action', the three prophetic faiths – Judaism, Islam and Christianity - have in common the 'golden rule' of respect for human dignity and its corollary of non-violence. In Timor-Leste, the three Bishops who led the Catholic Church during the Indonesian occupation all upheld the principle that human life and human rights are sacred. One of them Carlos Felipe Belo was given the Nobel Peace Prize in 1996 for this commitment and for advocating the fundamental right of the people to be consulted about their political status. In a sense then, CAVR's work for the truth was profoundly religious because it upheld the revolutionary idea that each human being is made in the image of God and that the violation of a human being is tantamount to sacrilege. CAVR also found that the destruction of church property in Timor-Leste amounted to war crimes.

Remembrance is central to the promotion and protection of human rights. If the truth is not passed on or the story is corrupted or appropriated for political gain, victims can feel hurt and violations recur. As Milan Kundera, the author of *The Unbearable Lightness of Being*, puts it: *'The struggle against power is the struggle of memory against forgetting'*. Remembrance is also central to religion. All religions commemorate key events in the lives of their founders and outstanding adherents, recall and celebrate past events ritually (as for example the

Christian eucharist *'do this in memory of me'*), and engage deeply in the study, teaching and transmission of their central tenets so they are not forgotten.

Given their strong oral traditions, Timorese have excellent memories and invest significant time and resources in personal memorialisation and public commemorations as the recent celebration of All Souls day and the 18th anniversary of the Santa Cruz massacre demonstrated. CAVR added value to this strong tradition by going to great lengths to record Timorese memories on paper, film and audiotape and by storing this in a central archive for further development, access and use. The perception that Timor-Leste has chosen to forgive and forget is not correct. Thousands of Timorese, including political leaders, contributed to the record documented by CAVR. With official support this will be incorporated into the education curriculum and transmitted to future generations of Timorese.

It should be emphasised that, in emphasing the truth and memorialisation, it was not CAVR's intention to teach hatred or to seek revenge by other means. The goal is entirely positive: to remember the past to learn from it so that lessons learned work positively for the present and the future. For that reason the CAVR recommendations include proposals directed specifically to the faith communities to use their influence and play a creative role in nurturing positive remembrance in the community. The recommendations do not make reference to traditional *uma lulik* or sacred houses, which are being restored in post-independence Timor-Leste, but their role as respected keepers and transmitters of community memory should not be overlooked.

**4. Victim support**

Section 3 of the CAVR regulation provided that the Commission was to 'help restore the dignity of the victims of human rights violations'. Because of its commitment to human rights and reconciliation, CAVR adopted a victim-centred, victim-friendly approach to all its work. This approach was integrated into the truth-seeking, reconciliation and reporting functions of the Commission. It was also addressed discretely by providing programs specifically designed to acknowledge and assist the most vulnerable victims. This included group counselling, referrals and a reparations program. In recognition of the need to heal the spirit, these programs also included prayer and liturgy.

As with CAVR's truth seeking mandate, there was no specific religious rationale for these activities. It is obvious, however, that they are consistent with the central tenets of many of the world's religions which emphasise the wholistic nature of salvation and call on their adherents to demonstrate practical compassion especially to the most vulnerable typically described as widows and orphans.

**5. Reconciliation**

As mentioned previously, CAVR was mandated in law to facilitate community reconciliation. This was a voluntary, public process typically conducted at the village level and overseen by CAVR and a panel of respected representative community leaders. Only perpetrators of so-called less serious crimes were permitted to participate and to do so on condition that they told the truth, expressed genuine remorse, undertook not to re-offend and to carry out a sanction or act of reconciliation. Its objective was to rebuild severed or strained relationships and to short-circuit the possibility of a spiral of payback revenge.

Though legally based, this process included clear cultural and religious elements. Prior to the commencement of CAVR, communities told field researchers (a) that in addition to victims

and communities, village chiefs, spiritual leaders and other figures who enjoyed the respect of the community should be involved in any reconciliation procedure, (b) that any mechanism adopted should incorporate traditional *lisan* or *adat* dispute resolution procedures, and (c) that the fact that the vast majority of Timorese belonged to the Catholic church should be recognised and incorporated into the design of the process, particularly their acceptance of the Catholic practice of confession and absolution.

The reconciliation process described above is clearly analogous to what is called 'confession' or the rite of reconciliation in the Catholic tradition. This enhanced its familiarity and status and contributed to its success. It is not known to me, however, whether perpetrators or others involved considered that the violations of human rights and social order at the centre of the process were also sins or offences against God and whether Catholic perpetrators felt they should confess privately to their pastor in order to obtain divine forgiveness.

Though ceremonies varied from place to place depending on the strength of local customs, the process typically included a significant traditional cultural or *lisan* element and ritual. This added colourfully to the ceremony, the sense of ownership and participation, and differentiated it markedly from the detached, dry, legalistic processes of the courtroom. In most hearings, the *biti boot*, or big mat, was a centrepiece in recognition of its place in traditional conflict resolution practice. This woven mat was ceremonially carried in at the commencement of the ceremony and unfolded on the floor or ground. At the climax of the process, if things had proceeded to everyone's satisfaction, the perpetrator or perpetrators would be invited to join traditional community leaders and to sit on the mat as a sign of their forgiveness and reception back into the community they had offended. This strong redemptive or restorative feature was often supplemented with an overt spiritual dimension. This included the welcoming of good spirits and exorcism of evil spirits and the invocation of ancestors who were believed to be witnesses and guarantors of the process. It appears that in this sense the perpetrators and other participants believed that the violence was more than a violation of human rights and also involved an offence to the cosmic order and supernatural world and that this interference needed to be addressed in the interests of sustainable peace.

*Source: At the Scene of the Crime, pp. 267-282. Pat Walsh (2011)*