

VICTORIA'S NEW TRUTH COMMISSION: THE EAST TIMOR EXPERIENCE

Pat Walsh, March 2021

Victoria's just announced Yoo-rrook commission on truth and justice for our First Peoples rightly looks to a similar model in Canada. It also had a clear Indigenous focus and addressed the impact of white settlement on traditional lands, cultures and communities and the genocidal assimilation that painfully split families. It also facilitated Indigenous survivors to share their stories with a view to sensitising the wider community about the country's neglected shared history, and recommended archiving and institutionalising this knowledge so that never again would Canada's First Peoples be maltreated. South Africa's commission offers lessons about process, but it emphasised personal accountability more and offered amnesty in return for full disclosure, a remit which appears to be outside the Yoo-rrook commission's terms of reference.

At the invitation of the preparatory body tasked with designing Canada's truth commission, I travelled to Vancouver in 2011 to join representatives of similar bodies from around the world to explain our respective experiences. The intention of the organisers was to create a commission specifically suited to Canada, not to carbon copy another commission, but they also wanted to hear lessons learned from other experiences. My job was to brief on East Timor's truth commission to which I had been an adviser.

Neighbouring East Timor's truth and reconciliation commission also benefitted from other experiences, including rejecting some elements of the South African model, but was made in and for East Timor and included ancient Timorese ritual and reconciliation practices. Known as CAVR after its Portuguese acronym, it was established immediately after independence from Indonesia and functioned 2002-2005. Its timing was determined by the pressing need to address the violent crimes committed during and after East Timor's act of self-determination in 1999. It was feared that leaving the bitter experience of mass displacement, intimidation, sexual violence and some 1500 murders (from that year alone) unaddressed would allow violent reprisals to erupt in the traumatised community and white-ant Timor's new found peace and stability. It was the first of its kind in this part of the world. Experts rate it as one of the most impressive of the forty or so commissions to date.

Though surprisingly little known in Australia, East Timor's commission involved Australia in a way other models did not. Australia co-financed the Commission; Australian experts testified to it and a number of Australians worked for it, garnering experience of potential use to Victoria's new body. Victoria's government, local councils, community and educational institutions around our state that are actively involved with East Timor would enthusiastically welcome any such engagement.

The victim-centred, Timorese-led Commission addressed broadly the same issues that face Victoria's commission, viz the violent impact of colonialism and its attendant denial of self-determination. Its report bulges with evidence of appropriation, dispossession, massacres, displacement, stolen children (taken to Indonesia), and attempts at cultural and geographical assimilation into Indonesia over nearly three decades.

Based on the evidence it received, the Commission pronounced these widespread and systematic violations crimes against humanity. It also found that Indonesia, the principal perpetrator, was aided and abetted in these crimes by sections of the international community, including Australia.

Australia's negative role in this off-shore colonial setting is instructive and worth highlighting as Victoria's commission engages with similar questions. East Timor's commission found that for most of the Indonesian occupation Australia sided with the coloniser, not the colonised. It also concluded that, until late in the piece, Australia paid only lip service to the East Timorese people's undisputed right to self-determination. In other words, Australia treated the East Timorese as inferior and subordinated their rights to political and economic interests considered to be more important. Australia could be said to have defaulted to an arrogant colonial reflex shaped by two centuries of colonialisation at home. That this outdated approach failed was largely due to the passion of the East Timorese, at great cost, to determine their own future, not to have an alien future determined by others imposed on them. Victoria's Indigenous peoples have long been driven by the same passion and are now seeing their dogged resistance pay off. As it eventually did in East Timor, Australia is coming around to an Indigenous point of view, with the Andrews government leading the way to its great credit.

More specifically, East Timor's commission undertook four principal tasks:

(1) To establish impartially the truth about human rights violations committed on all sides during the years 1974-1999. That is, the Commission focussed on the final chapter in the country's battle for self-determination, first from Portugal, then from Suharto's Indonesia. As this included a period of civil war in 1975, followed by related internal conflict within the Resistance during the incredibly harsh early years of the Indonesian occupation, the Commission also took evidence and made findings about violations perpetrated by Timorese.

(2) To facilitate reconciliation between East Timorese perpetrators of less serious crimes and their Timorese victims. That is, though the Commission was mandated to document the most serious crimes of murder, torture, rape etc, its reconciliation efforts were focussed on the Timorese community only (not Indonesia, the main perpetrator) and addressed only so-called less serious crimes (arson, looting, intimidation, displacement and the like). Serious crimes were dealt with in the conventional court system (albeit a transitional hybrid local/international tribunal). This distinction between crimes was made for practical reasons. Its purpose was to lessen the load on the embryonic court system while at the same time ensuring that all forms of violence were addressed and there was no excuse for payback or revenge that might derail or at least set back the nation-building of East Timor after some four hundred years of colonisation.

(3) To restore the dignity of victims. This was done by listening to victims in public and local hearings, taking the statements of some 8000 witnesses, administering a selected and urgent reparations program, conducting special healing workshops for the most vulnerable, including women victims of rape, operating within the Commission a victims' unit overseen by a Timorese commissioner, documenting victims' stories in the final report and archiving them for future use by researchers and educationists.

(4) To publish a final report that covered the Commission's work, evidence, findings and recommendations. This report is called *Chega!*, Portuguese for 'no more, enough'.

Commissioners felt that *chega!* (with a punctuation mark for emphasis) was the one word that captured the single, most compelling and urgent message that victims wanted Timorese and the world to hear. As its work included investigating the role of the international community in East Timor's fate and found that crimes against humanity had been committed, the Commission had the report translated into four languages to ensure it reached the widest possible readership: Tetum (in part), Portuguese, Indonesian, and English. I do not know if the Yoo-rrook Commission will investigate international factors and colonial mindsets that contributed to Indigenous injustice in Victoria (e.g. British colonialism, repression in Scotland, Ireland and other sources of emigration to Aboriginal Australia, religion, imperialism, racism etc).

In retrospect, I believe East Timor's Commission needed more time to complete its ambitious and sensitive mandate. Three and half years was not enough. Though it was given two short extensions, the Commission had to cut short its work to meet donor and parliamentary deadlines. More time would have allowed it particularly to complete the publishing and distribution of its report and, possibly, though without compromising its independence, to consult further with decision-makers about some of its principal recommendations. As it happened, the Commission's recommendations on justice and reparations that impinged on East Timor's relationship with Indonesia, its powerful, still smarting, neighbour, shocked the country's leaders. They denounced those sections of the report and, in the process, absolved the UN, the international community and Indonesia of responsibility to respond to the report. In reporting this, I am not implying that the Andrews government would react in this way to the Yoo-rrook report but, as with Australia's shameful record on self-determination in East Timor, it is at least a cautionary tale to be kept in mind.

As Marcia Langton puts it, the Yoo-rrook commission will be 'a significant step forward in educating the broader community about Indigenous history'. This assumes, I think rightly, that the wider community is now more or less ready for the truth and will listen closely in the spirit of *dadirri* as recommended by Senior Australian of the Year, Miriam-Rose Ungunmerr. East Timor's experience is that survivors are happy to know that their bitter experiences will contribute to their country's future and the building of the culture of respect, human rights, non-violence and accountability whose absence allowed their suffering to occur in the first place. But, having told their stories, disadvantaged survivors in particular also want to see bread and butter redress in the form of practical, often financial, assistance. They tend to judge the Commission's effectiveness from that point of view.

Two other challenges are worth mentioning.

One relates to reaching East Timor's post-independence youth, very many of whom have been born since East Timor's vote for independence in 1999. Incorporating the truth in the curriculum and having it taught creatively in the church and schools have posed their own problems.

The second relates to reaching the wider community in Indonesia, the source of the criminal violence suffered by East Timor. Reminiscent of previous generations of Australians who were taught nothing but heroics about our past, most Indonesians know little or nothing

about their country's embarrassing, failed East Timor chapter. At a practical level, the two countries enjoy a good and peaceful relationship, but denial is not healthy, either for Indonesia's own growth, its Indigenous West Papuans, or the health of its long-term relationship with its erstwhile colony.

To address this and other challenges, East Timor has recently established a centre of memory. Called *Centro Nasional Chega!*, this independent but government funded official body, has been tasked with facilitating the implementation of most of CAVR's recommendations. Achieving this initiative took a decade of advocacy and persuasion. Its national brief includes solidarity with victims, memorialisation and education about the past. The centre is based in a former site of conscience, a prison used by both Portugal and Indonesia to detain political prisoners and repress aspirations for decolonisation. It is a rare example of the sort of follow up to truth commissions that the UN believes should be planned for from the beginning as a central long-term feature of any commission's work.

Pat Walsh AM comes from Victoria's Western District and lives in Melbourne. He was an adviser to East Timor's truth commission and advises its successor centre of memory. www.patwalsh.net Copies of A Plain Guide to the CAVR report are available from the author padiwalsh@gmail.com. The guide includes a CD of the full report in English.