

Lives still haunted by 25 years of violence; East Timor: can the past be laid to rest?

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A recent discovery of the remains of at least five people, shot in the back of the head, on the edge of the airport at Dili, capital of East Timor, has brought the Indonesian occupation and its brutality back into all local minds. Despite all the pledges for a new beginning, the nation cannot escape the memories of 1975-99.

The man with the flowing white beard and still handsome face steps out of a battered taxi. He looks like he has seen a ghost. Keeping his eyes on the ground, he moves forward one step at a time towards his bungalow, surrounded by immaculately tended gardens, on the outskirts of Dili. As he nears his front door steps, he notices my feet and raises his head slowly. Our eyes meet, he attempts a smile, but he does not see me.

"My father, Manuel, was a fearless man, a leading advocate of independence," Cris Carrascalao had told me the previous day. Carrascalao, a youth worker, is in her late twenties, but seems older. We were sitting in a secluded area of the Turismo, one of the oldest hotels in Dili, on the sweeping waterfront. Across the bay, the mountainous island of Atauro was unreachable and beautiful in the early evening light. Carrascalao talked easily, but was distracted and said she didn't like being out late. A fight broke out in front of the Turismo. We both jumped.

"On 17 April 1999, my father said goodbye to me and my teenage brother Manuelito and drove into Dili. Near the airport, he got word that our house had been surrounded by militiamen. He tried to get back but couldn't," she said. Earlier that day the pro-Jakarta militia leader Eurico Guterres, who headed the Aitarak (thorn militia) which terrorised Dili, and surrounding areas before, during and after East Timor's 1999 bloody independence vote, had assembled thousands of militia members. Television footage shows Guterres, one of the youngest and most flamboyant of the gang leaders cultivated by the Indonesian military, standing in front of a large crowd, urging his men to kill East Timorese activists, including the Carrascalao family. The crowd then moved off in vehicles led by Guterres.

Scores of refugees, who had fled the Indonesian terror campaign that was intended to derail a referendum on independence, had taken shelter inside the Carrascalao house. "There were 150 refugees in our back yard," Cris Carrascalao said. "The militia came and just started to kill. Out of 150, only 45 lived. I survived by pure luck, not even a scratch. My brother was the first to be killed. They chopped his body into pieces. Many of those killed in our home were taken away, their bodies never found. A lot of these people were farmers, just trying to support themselves. They weren't into politics. We had a massacre in our house but no one has been brought to justice. My father has had stroke after stroke. He is broken."

Violence across the country

Hardly a family in East Timor was untouched by the Indonesian invasion in 1975 (1). In the occupation, a third of the nation may have died from bombing, starvation and systematic killing. Most of the population were deliberately displaced and there is widespread evidence of rape, torture and human rights violations. As a percentage of the population, the number of killings is comparable to Cambodia under Pol Pot and to Rwanda.

After the country voted overwhelmingly for independence in 1999, Indonesian-backed militias and soldiers repeated the violent events. A thousand people are believed to have been murdered all over the country. Before peace was restored, three-quarters of the buildings had been destroyed. Despite special courts being set up in East Timor and Indonesia, and several reports detailing evidence of the abuses, most key suspects have never faced trial. The uncertainty with which relatives of missing victims of atrocities have to live has generated much suffering and anger (2).

This August, shortly after the world's first bilateral Truth Commission presented its final report about the events of 1999 to East Timor and Indonesia, Jose Ramos-Horta, East Timor's president, defended his decision to pardon a notorious Timorese militia leader, Joni Marquez, after overturning a 33-year prison sentence. Nine years ago Marquez was the leader of Tim Alpha, a brutal pro-Indonesian militia. In one notorious incident, he ordered that a church delegation, including priests and nuns, delivering humanitarian aid, be hacked to death.

Sixteen men have so far been released as a result of Jose Ramos-Horta's pardons. Four, all members of Tim Alpha, were guilty of crimes against humanity. "It's no justice," said Adorito da Costa Freitas, the nephew of a victim. "I can understand that the president forgives him for what he did – but I still feel it's not fair. It's bad that someone who was sentenced for 33 years now lives free and very close to us" (3).

Ramos-Horta this year survived an assassination attempt in Dili in February, called by Timorese the "2/11" attacks. He has argued that East Timor should deal with its tragic past through forgiveness. "As president, I make a lonely decision on the pardons following my conscience because I know we Timorese have to answer for a lot ourselves," he said to ABC in Sydney (28 July 2008). "A vengeful path would lead us nowhere."

But human rights organisations have criticised the decision to pardon Marques and others. "Clearly, it's not a good message with regard to impunity and accountability for serious crimes," said Louis Gentile, country representative of the UN High Commissioner for Human Rights. Timotio de Deus, head of the local Judicial System Monitoring Programme, agrees. "Giving freedom to known perpetrators of human rights violations may bring into question East Timor's international human rights commitments. However laudable in spirit, attempts to move on from the country's legacy of violence must not outweigh the rule of law."

Year of reform

Xanana Gusmao, East Timor's charismatic prime minister and resistance leader from 1978 until his capture in 1992, has said that after the violence that rocked Dili in 2006, East Timor turned a corner and that 2008 is its "year of reform". A third of the internally displaced have now returned to their districts or transitional shelters. The remaining camps are scheduled to close by next January. Corruption, said Gusmao, is high on the political agenda. He has promised a new anti-corruption law and commission and a reform of the army and police.

"We succeeded after 11 February, we succeeded to put together the army and the police," claimed Gusmao. "They fight each other, they kill each other. That climate incentivises the young to kill each other, to burn houses, to make violence as their life. Now we succeed with a joint operation by the two forces and the people are now more tolerant, we don't see violence in the streets as before. We know we are a new nation. We could learn from our

mistakes and we are in the era of reform. We are going to reform all police, we are going to reform our army, we are going to reform our society, our public service, everything" (4).

Tim Budge, country director of the development agency Plan Timor-Leste, said that 2008 had seen a "significant trend" towards stability – "it happened after 2/11 and the attacks on Ramos-Horta and Xanana Gusmao. Once it was clear that Ramos-Horta would pull through, there was a shift in the general feeling of the country. There's been a developing sense of people wanting stability and of IDPs (internally displaced people) choosing to return home."

Budge says that it's impossible to know how long this will last but "Timorese will need to have a sense of progress and (feel) that there's help and hope for them". Huge poverty, escalating rice prices and alarming rates of unemployment – in Dili, more than 50% of young people are jobless – are enormous challenges and make things difficult to predict. "People have high standards for their politicians," says Budge. "If there's a chance of corruption, it could all change."

A recently released UN report (5) describes East Timor as being at a human rights crossroads, able either to choose to build on progress or turn back towards a more violent past. The report cites widespread human rights abuses by the police and defence forces between 11 February and 8 May 2008 when the country was under a state of siege; 58 allegations, from beatings to death threats, were reported.

"A lot of effort and resources are being invested in the rebuilding of both the police and the military," said Pat Walsh, adviser on transitional justice to Xanana Gusmao. "But both have been infected by the system they knew under Indonesia and, like an endemic malaria, this virus is proving hard to eradicate. The future of the military is a key question because the 2006 crisis started there and nearly destroyed Timor. In the absence of a clear *raison d'être*, the lines between them and the police are blurring and they are assuming a worrying internal security role.

"Despite its weak popular mandate, the Gusmao government should be given its full term and long-term stability. East Timor has had four prime ministers in six years. It needs predictability, policy continuity and a long period free of the sort of crises it had in 2006 and 2007 so that government can focus on the main game and not have its limited capacities consumed by constant troubleshooting. The Gusmao government has done well to at least partly resolve some of the high profile problems resulting from 2006 such as IDP issues but the core business of government has a long way to go."

The president breaks the law

This year Gusmao was said to have met Eurico Guterres, orchestrator of the Carrascalao massacre (who fled East Timor in 1999). Guterres was then released after Indonesia's Supreme Court overturned an earlier charge of crimes against humanity and a 10-year prison sentence. Guterres has announced plans to run for parliament and has long been active in the PDI-P Party. According to Jesse Wright, former editor of the Dili Weekly, whose journalists interviewed Guterres in Kupang (West Timor), Guterres met Gusmao to discuss Dili's relations with West Timor, the adjacent Indonesian province where Guterres says he hopes to run for election to Indonesia's parliament. "I'm sure if you polled people they wouldn't be happy with the meeting," said Wright. "But I wouldn't call it outrage. More like muted disappointment."

John Miller, national coordinator of ETAN, the East Timor and Indonesia Action Network, a US-based grassroots lobby group, said that Gusmao's meeting with Guterres "would fit his perspective on justice and reconciliation, which is widely criticised in East Timor. Xanana seems intent on putting forgiveness above justice even for the worst of these criminals."

About Ramos-Horta's recent amnesties, Jesse Wright claimed that most Timorese are reluctant to criticise him. "The terrible thing about these amnesties is, many were illegal. I don't mean illegal except that the president can override the law. The president had no authority to grant an immediate amnesty to Rogerio Lobato (an East Timorese politician jailed on five charges of arming hit squads during the 2006 crisis and sentenced to seven-and-a-half years in jail, now living in Bali) but the courts rolled over and didn't challenge it. What do you do when the president breaks the laws and the courts do nothing? It's embarrassing, the lack of political will for justice in Timor. Because there's no justice at the highest levels, it's very difficult to enforce justice at the lower levels."

Campaign of denial

Sancho Gonsalves lost his brother, Ulyssis Cipriano Gonsalves, on 12 November 1991, one of 100 people killed by the Indonesian military during and after a peaceful demonstration at Dili's Santa Cruz cemetery. Their bodies have never been found. The unwillingness to pursue exhumations of mass graves has been attributed to the UN's reluctance to destabilise Southeast Asia (6). There have been some exhumations, but 628 potential, uninvestigated gravesites have been reported. This July and August, after years of negotiations, a group of forensic anthropologists from Argentina and Australia spent several weeks near Dili looking for a mass grave.

Forensic anthropologist, Dr Soren Blau, a leader of the excavations, said until now there had been a "campaign of denial" about the dead. "Inquiries into the truth are closely linked with mourning in East Timor. Mourning does not end until the bodies are properly buried and the spirits of the dead are able to be at rest. The creation of an accurate historical record and acknowledgement of suffering are a form of justice. Taking control of the dead by endorsing exhumation provides a possible means of empowering the government."

Eighty relatives gathered at one site close to Dili. Local chiefs joined them, alongside the team of forensic anthropologists, and watched as an elder of the community conducted a traditional Timorese ceremony calling on the spirits of the deceased to guide them. The team worked with local police, health and mortuary staff who had been trained in basic crime scene techniques. So far, no remains have been found. "We don't want to stop the process," says Gonsalves. "We want to continue to find them, so we use every effort."

Xanana Gusmao visited late one evening and that gave the relatives "a new kind of hope", according to Dr Blau. "For two hours, he listened to families. He wasn't rushed. He talked about the importance of this work. Such actions demonstrate to the East Timorese people that the government cares about those affected by the atrocities – both living and deceased."

Cris Carrascalao agreed. "How can you move forward into the future, when we do not know? I mourn my brother, my old family, the way I was then. Maybe he was meant to die like that. I can't find any reason to understand it all and yet life goes on."

Angela Robson is a writer and documentary maker for the BBC World Service

(1) See Angela Robson, "East Timor: can the past be laid to rest?", *Le Monde diplomatique*, English edition, February 2008.

(2) Dr Soren Blau, "Should the past remain buried? Examining the contributions forensic archaeology and anthropology can make to post-conflict justice" in D. Kingsbury and M. Leach (eds), *East Timor: Beyond Independence*, Deakin University Press, Melbourne, 2007.

(3) "Justice and compassion in East Timor ".

(4) " East Timor's Prime Minister Xanana Gusmao".

(5) Report on Human Rights Development in Timor-Leste, "The Security Sector and Access to Justice 1 September 2007 – 30 June 2008", 26 August 2008.

(6) S. Katzenstein, "Hybrid tribunals: Searching for justice in East Timor", *Harvard Journal of Human Rights*, 16:245-278, 2003.

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