

Concept Paper on CAVR and CTF Follow-up Institution

Background Paper

October 2009

This concept paper was prepared on behalf of the Steering Committee of the “National Consensus Dialogue on Truth, Justice and Reconciliation in Timor Leste” with Members of Parliament and political leaders.

This concept paper was prepared by a Working Group comprised of representatives of the following organizations: Fokupers, Hak Association, ICTJ, PDHJ, STP-CAVR, UNMIT (Human Rights and Transitional Justice Section).

Executive Summary

This concept paper has been prepared to assist Members of the National Parliament of Timor-Leste in their deliberations on how to implement the recommendations of the CAVR and CTF reports. It follows consultations by political leaders and Members of Parliament held in Dili in June and September 2009 as part of the National Consensus Dialogue on Truth, Justice and Reconciliation.

Participants in the consultation held on 10 September generally favoured the concept of an autonomous statutory authority, as the most appropriate mechanism to implement the recommendations in question. It is believed that a mechanism of this kind will enjoy the broad political support, legal authority and status that are necessary to effectively implement the recommendations in the national interest.

This concept paper articulates what this institution would do and how it would be set up and function. Though politically autonomous, the institution would work closely with the Government to facilitate and assist Ministries, Secretariats and government agencies to implement recommendations relevant to their agendas.

Structure

The concept paper proposes that the institution should be established by an act of Parliament which will define its terms of reference, functions, responsibilities, powers and structure. The institution will report directly to the Parliament and be funded from the national budget. An honorary board of directors, appointed by the Parliament following public nominations, and accountable to the Parliament, will appoint an Executive Director and have responsibility for the overall governance of the institution and the discharge of its mandate consistent with the parliamentary legislation.

The institution will be located at the ex-Balide Comarca and be named the “Comarca Memorial Centre – Making Timor-Leste’s past Serve the Future” (sub-text). Its duration will be open-ended, subject to review by Parliament at intervals of 5 years. The assets of the Post-CAVR Technical Secretariat will be transferred to the new body.

Functions

The general mission of the follow-up institution will be to complete the work of the CAVR and the CTF in the service of human rights, the dignity of victims, reconciliation, truth, friendship with Indonesia and ending impunity.

The functions of the institution need to be defined by the parliament at a later date. Based on the 2008 resolution of National Parliament’s Committee A in relation to the CAVR and CTF reports, it is suggested that this institution work with government to implement recommendations from both reports in the following five areas:

- Documentation and research
- Reparations and memorialisation
- Socialisation, education and training
- Disappearances and missing persons
- Reporting on coordination and implementation of CAVR and CTF recommendations.

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1. Background

The Comissão de Acolhimento, Verdade e Reconciliação (CAVR) was established to determine the truth regarding human rights violations which took place in Timor-Leste between 1974 and 1999, facilitate reconciliation, restore the dignity of victims and assist the reintegration of individuals back into their communities. The CAVR was required to recommend reforms and initiatives that would prevent the reoccurrence of these human rights violations in the future.

The CAVR submitted its final report, *Chega!*, to the President of the Republic on 31 October 2005. On 28 November 2005 *Chega!* was presented to the National Parliament by the President. *Chega!* contains a detailed account of the 1975 - 1999 conflict, the human rights violations which occurred, findings on responsibility, and makes over 200 recommendations.

On 9 March 2005, Indonesia and Timor-Leste agreed on terms of reference for a bilateral Commission for Truth and Friendship (CTF). The CTF's goals were to establish the truth regarding the 1999 violence in Timor-Leste and strengthen reconciliation and friendship between the two countries.

The CTF final report Per Memoriam Ad Spem was presented to the Timor-Leste National Parliament on 9 October 2008. The CTF's conclusions regarding the 1999 violence and recommendations are consistent with those of the CAVR.

The Parliamentary Committee for Constitutional Issues, Justice, Public Administration, Local Power and Government Legislation (Committee A) has proposed two resolutions to the National Parliament that recognize the achievements of both truth commissions, acknowledge their findings, and propose implementation of their recommendations through a single, coordinated process.

In accordance with the intentions of Committee A, this concept paper outlines the possible roles, powers and institutional structure of a CAVR / CTF implementation institution.

The *objective* of this paper is to provide a basis upon which the National Parliament can develop a law on the structure and role of an institution to assist implement the CAVR and CTF recommendations.

2. Vision, principles and objectives of the follow-up institution

Though differing in scope, the CAVR and CTF were mandated to establish the truth regarding human rights violations which occurred in Timor-Leste, promote reconciliation and make a number of recommendations designed to promote reconciliation and human rights particularly in Timor-Leste and Indonesia. The recommendations of both reports put an emphasis on measures, such as reparations for victims of human rights violations, use of Timorese history to teach human rights and conflict prevention, investigating the whereabouts of disappeared persons and certain institutional reforms to ensure that the human rights violations of the past are not repeated.

Truth commission recommendations are an integral and essential component of the mission officially entrusted to the commission. Failure to implement the recommendations leaves the work for reconciliation, accountability and human rights unfinished. Not completing the job will also

- frustrate the many thousands of victims who entrusted their painful experiences in expectation of an official, substantive response;
- risk dividing public opinion and politicising matters of national importance;

- weaken confidence in the Parliament because it is seen to fail to comply with its own laws (which required that the CAVR report be submitted to Parliament for its consideration) and to be weak in the face of political interference;
- weaken the global struggle to end impunity and advance human rights;
- waste much of the money, effort and time devoted to the two commissions.

The principles and objectives of the new institution should reflect the spirit and intention of the CAVR and CTF.

2.1. Vision

In response to the violence and suffering documented in the CAVR and CTF reports, the new institution will be dedicated to promoting learning from this history and facilitating changes that will contribute to nation-building, avoiding a recurrence of such violations and consolidating peace. This will be done specifically by facilitating implementation of the recommendations in both reports. Through this work, the new institution will also contribute to and be part of the international struggle for human rights and an end to impunity.

2.2. Principles

The key principles of the new institution will be to:

- protect and promote human rights in all its work;
- act in accordance with the principles of international law and the Timor-Leste Constitution;
- act always in the best interests of victims¹ and promote the active participation of victims in all the institution's processes and programs;
- function in a consultative, collegial, inclusive and consultative manner both in terms of its internal organization, policies and processes and its external relations;
- work collaboratively with all relevant partners, including but not limited to State bodies, religious institutions, civil society and the international community;
- develop and implement in all its activities a strong gender awareness, including specific policies and programs aimed at achieving equal access for women in all institution programs and activities;
- ensure that the institution engages with and seeks participation from children and young people;
- function as an open, learning institution that actively promotes public participation and access to its library, archives and other facilities.

2.3. Objectives

The objectives of the new institution will be to:

- advance human rights and prevent a recurrence of violence;
- foster an understanding of the nature, impact and causes of human rights violations during the political conflicts in Timor-Leste between 1974-1999;
- assist State parties to fulfill their obligations to victims of past human rights violations from the political conflicts of 1974-1999 and contribute towards restoring the dignity of victims, and
- promote a culture of accountability, justice and respect for the rule of law.

¹ For the purposes of this legislation, a victim is someone who suffered a human rights violation during and in the context of the political conflicts in Timor-Leste between 1974-1999. This definition will have to be further developed in the process of drafting the law.

3. The follow-up institution

3.1. Introduction

The Working Group submitted three possible options for a follow-up mechanism to the second National Consensus Dialogue on Truth, Justice and Reconciliation held in Dili on 10 September 2009.

The options in question were (a) follow-up by Government Ministries, (b) new Secretariat of State and (c) autonomous statutory authority. Arguments for and against each option were also given.

Members of Parliament and political parties who participated in the 10 September consultation generally favoured the third option.

Following are the main features of this mechanism.

3.2. Status, structure and composition of the institution

The follow-up institution should be an autonomous statutory authority, similar to the Office of the Provedor for Human Rights and Justice. Its mandate will be determined by the National Parliament and it will report directly to the Parliament. It will be funded by the Government and will liaise closely with relevant Government Ministries to assist them with the implementation of recommendations common to CTF and CAVR. The legislation should establish an auditing regime, consistent with those for other autonomous statutory authorities.

The follow-up institution will have the following general structure. A detailed structure will be articulated in the draft legislation.

- **Board of Directors**

The board of directors will consist of five persons who will have overall responsibility for the direction, policies, management and finances of the institution and its relations with relevant government departments and officials. Board members will be honorary and not affiliated with any political party. They will include at least two women and will be persons of competence and high moral character, impartiality, integrity and commitment to human rights and victims. At least one member should have a background in finance so that the board can exercise effective oversight of the institution's financial management. Board members will be appointed by the Parliament for a period of three years (renewable once only) following a process of public nomination and will be accountable to the Parliament.

A short-term Working Group, comprising representatives of the Post-CAVR Technical Secretariat and other appropriate organisations, will be authorized by Parliament to assist it to set up the board of directors. This process will require the Working Group (a) to establish a selection panel (b) to organise a national public information program (c) to assist the selection panel to call for nominations to the board and (d) to shortlist and refer candidates to the Parliament for selection to the board.

The board of directors, assisted by the Working Group, will then take responsibility for the next stage of setting up the new institution.

- **Executive Director**

The Executive Director will be appointed by the board following an open and equal opportunity recruitment process and will be accountable to the board. The Executive Director will be responsible for the day-to-day management of the institution's programs, policies, staff, equipment, finances and for

relations with key stakeholders, including relevant Government departments and officials. The Executive Director will be assisted by the Board to build and support a motivated staff, deeply committed both to the ideals and objectives of the institution (listed in 2.2 and 2.3 above) and to working and learning as a team.

- **Staffing**

The Executive Director will be assisted by program directors and other staff, contracted following an open and equal opportunity recruitment process.

Substantial attention should be given, especially in the early stages, to training, exchanges and other forms of capacity building for all involved in the new institution – including members of the board, executive director, program director and staff.

Salary levels, working conditions, procedures and other operational matters will be the subject of specific Directives.

3.3. Powers of the follow-up institution

The enabling legislation of the follow-up institution should be detailed yet also flexible to allow the institution to carry out any activities consistent with the fulfillment of its mandate under the legislation.

The legislation should endow the new institution with powers to:

1. Determine internal procedures and staffing levels.
2. Develop guidelines, including gender-awareness policies, to be followed by all staff of the institution concerning the performance of its functions.
3. Form working groups or coordination entities involving staff or external actors as required.
4. Establish relations of cooperation or association with other public or private bodies, whether East Timorese or foreign, in order to facilitate the implementation of its mandate, including to ensure access to relevant information.
5. Manage its own budget and financial records, enter into contracts with companies or individuals².
6. Submit recommendations to the National Parliament for consideration.
7. Request information from the relevant persons and authorities of Timor-Leste and other countries.

There should be an obligation imposed on state institutions to cooperate with this new institution. This cooperation will be necessary to facilitate the institution's work in victim registration and the missing/disappeared and to enable fulfillment of the institution's obligation to report on the implementation of CAVR / CTF recommendations by those to whom the recommendations were directed, both those in Timor-Leste (including the Timorese state and civil society) and those outside Timor-Leste.

It should be an offence to: knowingly provide false information to the institution; compromise the confidentiality of information / documents in such a way which endangers the safety of a witness or victim.

3.4. Other aspects of the follow-up institution

- **Budget**

² See UNTAET Regulation 2001-10 on the CAVR, Section 9, Financial Matters.

The operational budget of the institution will be provided from the national budget and, if possible, transferred to the institution's account for direct management. Expenditure will be audited. The institution will be authorized to raise donor funds for project purposes.

- **Duration**

The duration of the follow-up mechanism will be open-ended, subject to review by Parliament at intervals of 5 years.

- **Location**

The institution will be located at the ex-Balide Comarca and the assets of the Post-CAVR Technical Secretariat will be transferred to the new body.

- **Name**

The suggested title of the institution will be “Comarca Memorial Centre – Making Timor-Leste’s Past Serve the Future” (sub-title). The word ‘Comarca’ is used because it encapsulates key phases in Timor-Leste’s history relevant to the mission of the new body (viz the use of the site as a prison by Portugal, Fretilin and Indonesia then its transformation to a centre for reconciliation). ‘Memorial’ is used to emphasise not forgetting in order to define lessons learned and strategies for change. This dynamic message is then highlighted in the sub-title ‘Making Timor-Leste’s Past Serve the Future’. This title and sub-title will be in Tetun.

4. Functions of the new institution

In June 2008, the Committee A of the National Parliament passed two resolutions calling for the establishment of a new institution to assist with the joint implementation of the CAVR and CTF recommendations.

The Committee A resolution proposed that the new institution would have responsibility for on-going dissemination of the CAVR and CTF reports, custody of their archives, and memorialisation and education programs in line with the CAVR and CTF recommendations. Committee A also proposed that the new institution would report regularly to Parliament on the implementation of the CAVR and CTF recommendations. Committee A further proposed the creation of a national reparations scheme for victims of the conflicts which occurred in the territory of Timor-Leste between 1974 and 1999, and efforts to locate persons missing as a result of the past conflict.

The following functions are based on the Committee A resolutions of 2008 on the CAVR and CTF reports. This concept paper seeks to develop them further so that the scope and organizational requirements of CAVR and CTF implementation can be better understood.

The five principal activities to be undertaken by the new institution would be:

- documentation and research
- reparations and memorialisation
- socialization, education and training
- disappearances and missing persons
- reporting on coordination and implementation of CAVR and CTF recommendations.

4.1. Documentation and research

Recommendations by CAVR and CTF

The CAVR report recommends that the Ex-Balide Comarca, where the CAVR operated, be converted into a human rights centre whose overall purpose will be to remember, honor and learn from Timor-Leste's human rights history. It recommended that the CAVR archives be preserved and catalogued and that the archive be expanded to include other documents relating to the 1974 -1999 period. It also recommends that further research be carried out into the Timorese resistance and other aspects of the political conflict³.

The CTF report recommends the establishment of a 'Documentation and Conflict Resolution Centre' to promote understanding between Indonesia and Timor-Leste through providing collaborative research opportunities and developing programs in conflict resolution. CTF envisages that the documentation centre should contain Indonesian and Timorese documents related to the 1975 – 1999 period, particularly those documents in Indonesia's possession regarding persons detained, tried and convicted for their political opinions.

Conflict resolution has not been included as one of the new institution's functions, though it was recommended in both the CTF and CAVR reports. It is felt that another initiative of this kind is not needed because, since the completion of the two reports, the Government has begun initiatives in conflict resolution in the Ministry for Social Solidarity, the Ministry of Justice and the Secretariat of State for Security. The Directorate of Conflict Prevention and Resolution within the Secretariat of State for Security will provide training to public service members and other groups in conflict identification, prevention and resolution. There will therefore be no need for the new institution to take on this role in mediation and conflict resolution training.

Background on Documentation Centres in Timor-Leste

- *Post-CAVR Documentation Centre*

The STP-CAVR has taken responsibility for the CAVR archives as part of its Presidential mandate. Since the end of 2005 it has undertaken an extensive reorganization and preservation program of these unique archives. The latter has included copying documents to the British Library as part of its endangered archives program and ensuring climate control by installing air-conditioning and other measures. It has also developed an excellent library, installed internet for research purposes, and is managing a bookshop, an ambitious multi-lingual publishing program and an exhibition on the CAVR report Chegal!

- *Serious Crimes*

The Serious Crimes Unit documents are being maintained by the Office of the Prosecutor-General, with a copy held by the UN Serious Crimes Investigation Team. The documents will be stored in the new Prosecutor General building opened in March 09. They are being added to as a result of the on-going investigations into 1999 being conducted by the Serious Crimes Investigation Unit.

- *Commission for Truth and Friendship (CTF)*

As far as is known, no decision has been made about the permanent storage of evidence collected by the CTF. This decision will be made by the two governments, specifically the Ministry of Foreign Affairs in Jakarta and the Ministry of Foreign Affairs in Dili.

- *National Resistance Museum and Archive (Mario Soares Foundation)*

³ CAVR recommendations 1.4, 1.13, 2.4, 3.5.2, 3.7.5, 7.4.1- 7.4.3, 7.5.1 – 7.5.6, 9.7.

The National Resistance Museum and Archives contains documents from 1975 – 1999 about the Timorese resistance to the Indonesian occupation. The museum and archives were inaugurated in 2005 after the then President, Xanana Gusmao, along with the Mario Soares Foundation, instituted a nation-wide collection of resistance documents. Most documents collected were in extremely poor condition and were taken to Portugal for restoration and preservation. Many of the documents are available through a database at the Museum in Dili. There is no legislation supporting the existence of this Museum and Archive and it is not clear when the documents will be returned to Timor-Leste. The website of the museum also indicates that it is awaiting the Timorese government / parliament to provide it with direction on public access to ‘sensitive data’ in the archives.

An archive of the same name (the Museum and Archive of the National Resistance) was subsequently created via parliamentary law 2006-03 on the National Liberation Combatants (‘the Veterans law’). This archive is intended to house documents related to the Veteran’s pension program but it is not clear whether this law formalizes the existing Mario Soares-supported archive or establishes an alternate resistance archive.

- *Other collections*

Other smaller collections of historical material exist. Some are held or are being actively assembled by organizations such as the HAK Association and the Living Memory Project. Others are still in private hands in Timor-Leste.

- *Legal situation*

There is no clear legal or policy framework for archiving in Timor-Leste. The current National Archive is an autonomous entity under the Ministry of State Administration and Territorial Planning and by law is required to:

- i) promote the recovery and reconstitution of documents of historical importance for the country
- ii) ensure the storage of historic and official documents
- iii) propose and develop relevant norms and instructions for the classification, processing, reconstitution and archiving of the documentation
- iv) foreign entities
- v) secure access to researchers, scholars and the general public access of historical and official documents which are not covered by the secrecy provisions of the state, and
- vi) promote the standardization of the norms and practices of archiving in Public Administration⁴.

The National Archive building has recently been renovated and the classification of documents into three collections (Portuguese, Indonesian and Timor-Leste) has begun. However, for this work to proceed, further regulations or laws are needed regarding classification, recovery, preservation or archiving of documents. As the Parliament faces a backlog of legislation, consideration of the need for a fresh initiative in collaboration with the Director of the National Archives is needed. One way of addressing this problem may be for the Parliament to encourage the National Archive to engage an archival expert who can work with the Ministry of State Administration to review the current situation and existing draft legislation. A detailed National Archive law would lay out a standard national system for collection, classification, preservation and access policy for state and historical documents, films, photos, and include provisions that allow for maximum public and Freedom of Information access. This legislation may also need to address the case for the housing of the national archive in a number of locations, including the ex Balide Comarca.

⁴ See Article 19 of Decree Law 2008-06 on the organic structure of the Ministry of State Administration.

Objectives of the documentation and research program

For the purposes of this concept paper and in the absence of any legislation to the contrary, it is assumed that the CAVR and other relevant archives are part of the national archive but that the new institution will be responsible for the storage and custody of this material on its premises.

This documentation and research program will build on the work already done with a view to developing a first class archival collection covering the period 1974-1999. The collection will:

- memorialize and honor victims of the 1974 – 1999 conflict
- facilitate research and teaching of Timorese history and human rights
- preserve this part of Timor-Leste's national patrimony
- contribute to building the record of evidence
- contribute to understanding and cooperation with Indonesia.

For these goals to be met, the collection must be easily accessible to the public, subject to agreed policies and procedures.

The documentation and research program will include:

- i) multi-media archives (witness and victims testimony / interviews, reports, books, films, audio recordings, photos and other material) including existing CAVR material, CTF, KKP HAM, Ad Hoc Human Rights Tribunal and publicly available Serious Crimes Unit documents, plus additional historical material acquired from Timor-Leste, Indonesia and internationally as recommended in the CAVR report;
- ii) a library specializing in Timorese history 1974-1999, peace-building, reconciliation, human rights and transitional justice;
- iii) an active research and publishing program;
- iv) a bookshop;
- v) internet facilities;
- vi) an historical exhibition on the 74–99 period;
- vii) membership of similar networks and institutions, including in Indonesia and internationally.

Activities of the documentation and research program

1. Complete the cataloguing and data basing of current materials in the CAVR archives and make this catalogue publicly available and accessible to the extent appropriate, taking into account the safety and privacy concerns of victims and witnesses.
2. Undertake preservation and electronic copying measures for documents in the archives.
3. Expand and improve the document storage facilities at the Comarca including space-saving storage systems, further environmental protection and possible later expansion of the building.
4. Collect additional documents referred to in the CAVR and CTF reports from relevant national and international bodies such as NGOs, governments, journalists, media groups, the Catholic Church and private researchers. This acquisition will focus on originals or copies of paper documents, films, recordings and photographs regarding the 1974 – 1999 human rights situation in Timor-Leste. Acquisition of new materials for the archives need not wait for the current collection to be completely catalogued. However, acquisition will be limited by the physical space available for new collections and the ability of the archive to ensure the preservation of materials received.
5. Establish and maintain systems that guarantee public access to the archives which may include the following:
 - developing and publishing a clear access policy which allows maximum use of the archives taking into account safety and privacy considerations;

- developing a searchable catalogue of the archive’s contents;
 - making the majority of documents available on-line, giving due consideration to the safety and privacy of victims and witnesses;
 - developing and providing training courses on research methods, including how to use the institution’s archives and library;
 - developing archival staff capacity in cataloguing and other relevant archival technical skills
 - public information about the archive and its services, and
 - maintaining sufficient facilities (internet, desk space, photocopier, and computers) to enable researchers and the general public to make use of the archives.
6. Maintain a bookshop to ensure that CAVR, CTF, STP-CAVR and related publications are easily obtainable (and can be obtained on line to facilitate international research).
 7. Maintain a website through which information and resources are available online.
 8. Maintain a public library with a collection focusing on the 1974 – 1999 period and human rights in Timor-Leste, as well as books on relevant disciplines. The library will provide services such as internet access, reading area and photocopying for the purposes of research.
 9. Develop a research program which will include:
 - a small grants program for Timorese researchers and/or organizations to conduct research on human rights and Timorese history and training on how to conduct research, writing and use the centre’s library and archives, and
 - collaboration with international and Timorese educational institutions, research bodies and think-tanks to develop joint research projects and educational programs related to the 1975 – 1999 political conflict.
 - Publishing and marketing, in cooperation with the education program.
 10. Develop a database based on the existing CAVR Human Rights Violations Database which would accommodate new statements collected by the Reparations and Memorialisation Unit and enable them to be used for generating data either together with or separately from the existing CAVR data.

4.2. Reparations and memorialisation

Recommendations of the CAVR and CTF

As documented by both the CAVR and the CTF, the 1974-1999 political conflicts in Timor-Leste resulted in massive human rights violations against the people of Timor-Leste. Many Timorese people today continue to suffer the negative impact of these human rights violations.

Reparations are a means to assist, compensate and give recognition to people who have suffered a human rights violation. Usually, countries implement an administrative victim’s reparation program in situations where there has been a widespread violation of a population’s human rights. A reparations program is different from other social assistance programs because reparations involves recognition that the victim has suffered from a human rights violation and therefore has an entitlement to assistance. It is this recognition and valuing of the victim’s suffering which is important. See the Concept Paper on a National Victim Reparations Program in Timor-Leste July 2008 for more details.

The CAVR recommends that the government develop a victim reparations program for the most vulnerable victims of the 1974 – 1999 conflict. Vulnerable is defined as those victims who continue to suffer daily because of a serious human rights violation that they suffered as a result of the conflict. The CAVR states that ‘vulnerable victims’ could include

- Victims of torture
- People with mental and physical disabilities as a result of the violation they suffered

- Victims of sexual violence
- Widows and single-mothers
- Children affected by the conflict
- Communities who suffered large-scale and gross human rights violations, with a relatively high concentration of victims identified above.

The CAVR does not recommend reparations in the form of monetary compensation. It recommends assisting victims to access medical and psycho-social care, a memorialisation program⁵, assisting families locate missing relatives, exhume victims' bodies and assist with reburial costs. Collective reparations, such as a small self-help grants program for communities particularly affected by the violence, are also recommended⁶.

The CTF also recommended 'restorative measures to overcome victims' suffering, to heal wounds of the past and to restore human dignity'⁷ The measures to be taken in this regard include; survivor healing programs, official acknowledgment of victims' suffering, training for health professionals in dealing with victims of violence, workshops for public officials to raise awareness of the importance of protecting and healing traumatized victims, a office for missing persons and a scholarship program for children affected by violence.

Background on Victim Reparations in Timor-Leste

To date there has only been a limited reparations program administered under the CAVR. This was for a small number of victims classified as 'extremely vulnerable'. 712 victims received these emergency reparations which consisted of a one off cash payment of USD 200 and another 412 received ongoing support in the form of counseling, referrals to hospitals and home visits from local NGOs and church organizations.

In 2007 - 2008, the government implemented a veterans' pension program and a number of social welfare programs for disadvantaged groups such as widows, orphans, the disabled and elderly. These are not reparations programs as the subsidy received by an individual is not related to the human rights violations they suffered, but instead depends on their status as a ex-combatant, clandestine member, person over 60 and so on. Reparations must involve a symbolic act of recognizing an individual's human rights violation and attempting to remedy the damage caused by that violation.

As for memorialisation, this has proceeded in an ad-hoc manner with memorials and ceremonies taking place largely upon the initiative of the local community. 2008 has seen the government take a renewed interest in commemorating events such as the Santa Cruz Massacre on 12 November. However, which government body is responsible for the organization of such events is still not clear. Creating a national memorialisation plan will assist the government with the budgeting and logistics of such events, ensuring that important commemorations do not get passed over because of poor planning and lack of funds (such as occurred with the commemoration of the 30 August 1999 Popular Consultation).

Designing and budgeting for a program of individual material reparations in Timor-Leste is significantly hindered by the absence of data on victim numbers and circumstances. Unlike some other truth and reconciliation commissions, the CAVR and the CTF did not have as part of their mandate the identification of particular victims. And while the CAVR did carry out some valuable statistical analysis,

⁵ See CAVR recommendations 1.14, 3.2.2, 3.2.4, 3.3.1 and 3.7.7

⁶ See CAVR recommendation numbers 3.3.2, 4.2.8 and 12.

⁷ See CVA report chapter on recommendations.

it did not seek to estimate the victim population. Victim numbers were estimated only for fatal violations.

It seems that the creation of any substantial program for individual material reparations will need to wait for more detailed information on victim populations. It also seems that at some point a process of victim registration or beneficiary⁸ registration will need to take place. Registering all victims may have some advantages in that it would itself provide a measure of recognition (symbolic reparations) to individual victims, although they may not all receive reparations under a future reparations program. It would also serve to provide detailed information to the government and parliament regarding the number, identity and circumstances of victims, which would be useful in designing an appropriate comprehensive reparations scheme.

However there are also some dangers inherent in beginning a process of nationwide victim registration when a reparations program has not yet been created by law. One is that the reparative measures to victims may be delayed for a long period while registration occurs. Another is that victims are likely to have their expectations raised: being entered in the registry is likely to be understood by many as an entitlement to material assistance.

In order to balance these competing interests, this concept paper proposes two different models for implementing reparations.

Option 1

- i) victim registration and referrals,
- ii) development of reparations law, and
- iii) provision of comprehensive reparations.

Option 2

- i) Community consultation,
- ii) a pilot program either in certain districts or targeting victims who provided testimony to CAVR, and
- iii) expansion into a national reparations program.

IMPLEMENTATION OF OPTION 1

Stage 1: Victim registration and referrals

During the first stage, the new institution would be responsible for carrying out two main functions, at the same time.

(1) Creating a comprehensive national register of victims

During this process the institution's staff would travel throughout the districts of Timor-Leste to register persons who meet a set definition of "victim".

It is proposed that victimhood be defined as having two requirements:

- First, that a person directly suffered a "serious criminal offence" as defined in UNTAET Regulation 2000/15 On the Establishment of Panels with Exclusive Jurisdiction over Serious Criminal Offences (although it may also be necessary to exclude from the definition of "victim" some of these offences – for example the crime against humanity of deportation or forcible transfer), or in the case of homicides that the person was a relative or dependent of a person who was killed; and
- That the person self-identifies as a victim.

⁸ Beneficiaries are a subset of victims. They are those victims who are eligible for reparations according to a particular reparations program. The distinction is important because most reparations programs will not offer benefits to *all* victims.

The institution may itself develop criteria or questions for its staff to apply or ask during interviews for the purpose of establishing victimhood.

A process for registration should be established which is flexible and informal, but which also includes mechanisms for complaint resolution. It is proposed that during the initial registration phase institution staff travel through the districts collecting data through interviews and the completion of forms. No documentary evidence should be required for proof of events which occurred, but in cases which don't involve sexual violence or torture involving humiliation a signed statement by a witness should be required. Where testimonies are contradicted or not convincing staff should have the power to decide not to register an applicant. In such cases an avenue of internal appeal should be created – this could involve a panel including key people within the reparations unit, and one local leader from the applicant's community. Persons still feeling aggrieved after this process could lodge complaints with the Office of the Provedor.

The registration process should also involve careful explanations to communities and victims about the purpose of the process, and the fact that it will not necessarily result in victims receiving individual material assistance from the government. Registration teams should be trained in victim support and include female members for interviewing victims of sexual crimes.

During this process of registration information should be gathered for collection in a database. Information should relate not only to the violation suffered, but victims' current circumstances, especially focusing on ongoing suffering which was caused by the crime.

(2) Referring vulnerable persons to existing service providers

At the same time as registration is occurring, staff from the 'reparations unit' should be engaged in referring vulnerable victims (and other citizens) to existing service providers where they can receive help. This may include referrals to existing government services (such as welfare programs for disabled persons, widows, the elderly and IDPs, or child protection services) or it might involve referrals to non-government institutions (such as mental health, reproductive health, or rehabilitation clinics).

In order to ensure that this process is effective, registration staff will need to be well informed about the types of services which exist which may be relevant to victims and other vulnerable citizens. They will also need to maintain good links with the government departments and organizations which provide these services.

Good quality outreach will need to be provided to make it clear to people that this referrals system is not in itself the reparations program, but a form of assistance to victims to look after them while they await a more comprehensive package.

Stage 2: Design and creation of a comprehensive national reparations program

Once registration has progressed to the state whereby rough estimates of victim numbers can be made, the institution or responsible government agency would be required by law to report to the Parliament and Government. This report should be based on extensive consultation with victims, detail victim numbers and circumstances, and make recommendations for a comprehensive national reparations program. The legislation establishing the new institution should stipulate a time period within which this report must be debated by the Council of Ministers and the National Parliament. A reparations law will subsequently be drafted by the legislature, based on the results of this debate.

In terms of symbolic reparations, these can begin implementation immediately in consultation with the government. The reparations unit will play an active role in developing and coordinating a national memorialisation program. Memorialisation will be a sub-program of the reparations unit and be used to promote active reflection on the past in order to contribute to a positive future.

The new institution or responsible government agency should work closely with communities, national and local government as well as religious organizations and NGOs to ensure that memorialisation activities are meaningful and sustainable with regards to the local economy and environment. In order to effectively advance human rights, the memorialisation program must also coordinate closely with other programs, especially those involved with reparations and education. See Post-CAVR power point presentation on *Memorialisation in Ireland, Cambodia, and Germany for more information*⁹.

Stage 3: Implementation of a comprehensive national reparations program

The implementation mechanism for material reparations will be defined by the reparations law. However, material reparations are usually delivered either through a special institution (either the CAVR / CTF follow-up institution or a special ‘reparations unit’ within a government ministry), or via existing government programs or services. Often the method of delivery depends upon the reparatory benefit. For example, if access to health services forms a part of a reparations program, such services would be delivered by the Ministry of Health.

IMPLEMENTATION OF OPTION 2

Stage 1: Public consultation

Firstly, the institution or relevant government department in charge of implementing reparations needs to consult with victims and their families to determine their needs and what kind of reparations will respond to these needs. Civil society and victims’ organizations should also be involved in carrying out this consultation.

Stage 2: Pilot program

Based on this consultation, a pilot program can be developed to provide reparations – both symbolic and material - to a limited number of victims. This is the approach that the Ministry of Social Solidarity has taken with regards to its ‘Mother’s purse / ‘bolsu da mae’ program, a conditional cash transfer designed to assist single mothers provide for their children’s education. This program started with a small number of beneficiaries and if successful, will be extended to a national program. A pilot program has the benefit of allowing implementation problems to be fixed early on before the program becomes too large, and it will mean that victims will begin receiving benefits earlier than if they had to wait for a national registration process to be concluded. The pilot program could involve providing specialized services to victims, referrals to existing government social assistance programs and targeted symbolic reparations.

The problem with this option is how to choose the group of victims to take part in the pilot program. This could be done by focusing on districts that experienced high levels of human rights violations during the 1975 – 1999 period but this alone is difficult to establish. Alternatively, those victims who provided testimony to the CAVR could form the first ‘test group’. However, this is unfair for those who were unable to provide testimony to the CAVR, including victims of violence who did not yet feel ready to relate the traumatic events they experienced. Those people who provided testimony to the CAVR may also not be the most vulnerable of victims, which this reparations program will be seeking to reach. Selection of the first ‘test-group’ for reparations would have to be carried out in consultation with civil

⁹ Available at www.cavt-timor.org.

society groups and victims themselves, and seek to prioritize groups based how seriously they have been affected by a serious human rights violation (ie their violation-related vulnerability).

The pilot program will involve all the stages required of a national reparations program; outreach, registration and screening of victim applications, provision of symbolic and material benefits and independent oversight by an independent institution (such as the Office of the Provedor for Human Rights and Justice). Once again, civil society and victims groups should be actively involved in developing and implementing the pilot program.

Stage 3: Expansion to a National Program

After a trial implementation period of 6 months which should include an independent evaluation of the pilot program, a law should be drafted for a national reparations program. This pilot program can then be expanded to the national level in accordance with this legislation.

The above implementation stages will run parallel to national-level memorialisation activities.

Objectives of the Reparations and Memorialisation program

- Remember past violations and victims of human rights in order to restore the dignity of victims and promote a sense of shared history.
- Assist the State fulfill its obligations to provide recognition in the form of reparations to victims of human rights violations from the political conflicts of 1974-1999.
- Via memorialisation, contribute to human rights education and efforts to secure a guarantee of non-repetition of violations.

Activities of the Reparations and Memorialisation program

1. Prepare for and carry out a national registration of victims, using teams of victim registration and support staff (who are based or travel in the districts), and as part of this process:
 - i) Establish criteria for identifying who qualifies as a victim
 - ii) Create a database and a process for applications
 - iii) Establish procedures for verifying applicant's statements
 - iv) Establish an internal appeals process
 - v) Train victim registration and support staff.
2. Simultaneously, carry out outreach explaining to communities and victims the process which is being undertaken.
3. Simultaneously undertake a process of referrals to existing government and non-government service providers for victims and others who are highly vulnerable (according to criteria established by the institution).
4. Maintain links with all relevant government and non-government service providers in order to ensure the effectiveness of referrals.
5. Provide symbolic reparations to those who are registered as victims (for example an official letter of recognition from the Timorese state).
6. At the conclusion of victim registration, prepare a report for parliament and the government which details the numbers and circumstances of victims' registered and which makes recommendations for a comprehensive national reparations program.

7. Assist the National Parliament, in coordination with the government, to design a reparations policy and program which meets international legal standards and the obligations of the State of Timor-Leste to provide reparations.
8. Monitor and evaluate implementation of the reparations program.

Memorialisation Activities

9. Continue to take statements from victims and witnesses who wish to record their experience or knowledge regarding the 1975 – 1999 political conflict and human rights situation in Timor-Leste.

The law should make it clear that this function of the documentation and research centre is to provide a record of evidence about what occurred in Timor-Leste from 1974 – 1999. Therefore, the statement taking process should be one which aims to develop as accurate as possible a picture of events during 1974 – 1999. This means that statement takers will have to actively clarify aspects of victim statements, via questioning, cross referencing with statements of family or community members or correlation with historical information, to develop a more complete picture of an individual's experience.

The law should specify that victims and witnesses who have written statements documents stored in the archives have a right to view and receive a copy of these statements and documents.

The law should also impose an obligation on the institution to facilitate victim support for those victims and family members who come to give statements. Recounting traumatic events of the past can lead to people experiencing psychological problems, including giving rise to post-traumatic stress disorder. It would be irresponsible if the new institution did not provide some form of assistance to victims post-statement taking to ensure that the negative psychological effects of providing a statement do not outweigh the positive aspect of letting victims tell their story. Statement takers should be trained in identifying trauma and how to deal with victims' responses as they talk about their experiences. A follow-up counseling program should be established to provide support to victims in the months or even years after they give their statement. This program can rely on existing external counseling services and informal support networks within the victim's community. Although the staff this new institution will not provide the counseling themselves, they will have to work with the actual service providers to ensure that provide the right support to victims.

10. Develop the Ex-Comarca Balide as a historical site, providing guided tours of the former prison and an exhibition on Timor-Leste 1974 - 1999.
11. Providing advice and support to the government on developing a national memorialisation program, including:
 - i) gathering input from victims and communities on their priorities for memorialisation and assist them develop meaningful and creative ways to commemorate individuals, groups and communities who suffered by human rights violations during the political conflicts of 1974-1999;
 - ii) conduct a stock-take of existing memorials and their condition;
 - iii) working with the government to develop a national memorialisation plan;
 - iv) overseeing planning of commemorative activities for days of remembrance monuments, marking of former sites of massacres and torture;

- v) assist in coordinating community groups with local authorities, civil society and religious communities to develop memorialisation activities;
- vi) lobbying on behalf of victims and interest groups to ensure that government, business and others (including the international community) undertake appropriate memorialisation, and
- vii) monitoring the upkeep of memorials.

The national memorialisation plan will identify national-level memorialisation activities and delegate responsibility to different government departments for different activities / events. The plan will allow the government to budget for memorialisation activities on a yearly basis.

The new institution may implement some memorialisation programs itself, for example at the former Comarca in Balide, but primarily it will play a facilitating and coordinating role to support others develop programs. The key element of this institution's role in memorialisation would be to ensure the participation of victims and communities in developing commemorative activities. Lessons from other countries demonstrate that this participation is essential to developing sustainable, meaningful memorialisation programs and activities.

The legislation should stipulate that the government shall develop and implement the national memorialisation plan in accordance with the recommendations of the new institution which will be based on consultation with victims and communities.

4.3. Socialisation, education and training

Recommendations of the CAVR and CTF

Both the CAVR and CTF stress the necessity of socializing their findings regarding the human rights violations that took place in Timor-Leste from 1974 to 1999. Both commissions found that factors such as; weak judicial institutions, lack of effective commitment to the rule of law, lack of accountability in the military and security forces including lack of effective civilian oversight of these forces, contributed to human rights violations. They highlighted the importance of socialization the causes and effects of the conflict so that Timor can learn from past mistakes and devise ways to guarantee non-repetition of human rights violations.

The CAVR recommends that the public and private education systems in Timor-Leste promote values of peace, respect, human rights and non-violence. It is also recommended that the CAVR's research be used to create education materials and programs to assist with the teaching of history, political science, conflict resolution, international law and human rights¹⁰.

Chega! also recommends that certain institutions institute human rights and/or humanitarian law training programs such as:

- the church for its seminarians, teacher trainees, catechists and also its parishioners,
- the security forces, both police and military personnel¹¹.

The CTF also recommends the development of human rights training programs which focus on the role of the security and intelligence agencies in situations of internal conflict. The objective being to clarify the roles and obligations of each agency and the relevant legal regulations in order to guard against rights

¹⁰ CAVR recommendation numbers 3.4.6, 2.7.2, 3.7.3 and 3.7.5.

¹¹ CAVR recommendation numbers 5.6.2, 6.2.5, 6.2.6 and 6.3.6.

abuses. Civilian institutions such as the Attorney General's Office, Ministry of Justice, Ministry of the Interior, and Ministry of Defense should also be capacity built in the in prevention of civil and political conflict. This training should emphasize the development of conflict mediation approaches and other mechanisms to promote the peaceful resolution of disputes.

Background on CAVR and CTF education programs/materials

The STP-CAVR was established in 2005 to assist the President of the Republic disseminate the CAVR report. The report was written in English, Portuguese and Indonesian. To date the STP-CAVR has facilitated the publishing of six CAVR- related books and produced a film on the 1975 to 1999 period.

The CTF report has been published in English and Indonesian, with Portuguese and Tetun versions soon to follow.

There is still much work to be done in adapting the material in the CAVR and CTF reports for use in human rights training, the national education curriculum and civic education. Although many organizations are involved in developing peace and human rights training, none incorporate Timor-Leste's history in their course materials.

The Ministry of Education will develop the pre-secondary curriculum in 2009. It has a department dedicated to developing curriculum and will receive support from UNICEF in this process. State institutions such as the police forces, military and public service already have their own training bodies established.

Rather than duplicate the work of these institutions, this new institution should seek, in close cooperation with the Ministry of Education, to fill a gap which is missing in the teaching human rights and history. According to the Ministry of Education, this gap is the lack of Tetun-language educational materials. Additionally, despite the large amount of human rights, conflict prevention and peace building training being carried out by a range of actors, none of the training materials developed use Timorese history as a medium for teaching human rights, non-violence and respect for one-another.

The institution shall conduct certain education activities itself in relation to its memorialisation function, but its emphasis will be on developing educational materials and programs. These will range from widespread public campaigns; development of school materials and programs and establishment of cooperation with universities; specialist training on human rights, utilizing the lessons of the past, to target groups such as the military, police, the judicial sector, other public officials, health workers as well as Parliamentarians.

The experience at the Post-CAVR Secretariat is that socialization and training, to be effective, requires a high degree of creativity, significant financial resources, well-trained staff, strategic planning, the production of multi-media resources in several languages and partnership with other organizations. Rather than rely on outside graphic designers and educational / training specialists which can be costly and tends to see funds going either to Indonesia or an international consultant, the institution should recruit staff with the necessary skills to develop these training materials; graphic designers, educational specialists, artists etc.

Objectives

- To ensure as wide as possible socialization of the findings and recommendations of the CAVR and CTF reports via their inclusion in the national curriculum and popular education materials
- To develop multi-media human rights educational materials based on Timorese history and culture

Activities

1. Develop a comprehensive five year plan for socialization of the CAVR and CTF findings.
2. Provide input to the Ministry of Education to ensure that national school curricula under development include components on Timorese history which draw from the CAVR report.
3. Work with the Ministry of Education, the private education sector and NGOs, to develop educational materials such as short films, books, games and teacher manuals related to teaching on the human rights history of Timor-Leste during the political conflicts of 1974-1999.
Contribute to the development of human rights training programs to key target groups including police, military, judicial and law enforcement officers and other public officials.

4.4. Disappearances and missing persons

Recommendations of the CAVR and CTF

Both the CAVR and CTF recommended that Indonesia and Timor-Leste take steps to address the large number of persons who disappeared during the conflicts. CTF recommends the establishment of a Commission for the Disappeared which could create a registry of disappeared persons, assist families to locate and re-bury the remains of loved ones who died during the conflict and determine the whereabouts of Timorese children who were taken to Indonesia.

Background on Disappeared Persons in Timor-Leste

The ICRC has prepared a draft law on establishing a Commission for Missing Persons which has been subject to ongoing talks between the ICRC, the Government and the President. Due to its expertise in humanitarian law and missing persons, the ICRC is best placed to advise the government on legislation for any Commission for the Missing. This paper will broadly outline the activities of a Commission for Missing Persons based on the ICRC's 'Model Law on the Missing' but reference should be made to ICRC's Draft Law on Missing Persons in Timor-Leste. Details on the internal structure of the Commission for the Disappeared will depend upon whether the Commission is established as a separate body or as a unit within this new institution.

The CTF recommended that the Commission be a bilateral one, which may assist in obtaining information about the whereabouts of disappeared persons. A bilateral commission cannot be integrated within a Timorese government institution but instead will exist as an independent entity. During bilateral discussions on the implementation of the CTF recommendations in July 2009, the Indonesian delegation indicated that they were not yet ready to discuss the issue of missing persons.

Although cooperation of the Indonesian government and security forces is vital for obtaining information about missing persons in Timor-Leste, a Commission for the Missing could be established independently by Timor-Leste and protocols for cooperation with the Indonesian government developed over time. Applying this scenario, the ICRC draft law could either stand alone and establish an independent Commission, or be incorporated into a law establishing the CAVR/ CTF follow-up institution.

Option 1: A program on disappearances and missing persons as part of the CAVR/CTF Follow-up Institution

There are several arguments for including the Commission for Missing Persons as a unit within the follow-up institution. Assisting families find the whereabouts or fate of their loved ones is a direct and very practical aspect of victim support which would increase the credibility of the institution within the community. The work of the Commission will also be closely related to the functions of the institution,

particularly the reparations program and continuous research into past human rights violations. Being co-located will contribute towards better coordination between the Office for Missing Persons, documentation centre and the reparations program. Placing an Office for Missing Persons within the CAVR / CTF follow-up organization would also save on financial and human resources which are in short-supply in Timor-Leste. However, if the Office for Missing Persons is included within the follow-up institution, this will have to be done in close coordination with the ICRC to ensure that necessary confidentiality and other safeguards are put in place to allow ICRC to share its data on missing persons with this new institution.

Option 2: An Independent Commission

The benefit of establishing the Commission for the Disappeared as a separate, independent body would be to ensure utmost confidentiality of its records. Its independence from other roles such as research into past human rights abuses and the reparations program may encourage Indonesia to be more open with providing information about disappeared persons. If there was a separate commission, then there would need to be working arrangements developed with the new institution in order to share information relevant to reparations or a victims' registry.

Regardless of whether Option 1 or Option 2 is chosen, the objectives and activities will be the same.

Objectives

- To reunite families where this is possible and desired.
- To assist family members learn about the fate of their loved ones.
- Determine the whereabouts of their remains and assist with reburial, in cases where the missing are found to have died.

Activities

1. To collect, centralize and process all information relating to the disappeared. This will be done primarily through creating a registry of the disappeared and dead which can be used for tracing, memorialisation and reparation purposes. This registry should contain minimum information on the disappeared such as name, place and date of birth, marital status, occupation, address, date of last news and circumstances of disappearance.
2. Receive and tracing requests from families of the disappeared.
3. Conduct inquiries that are important in relation to the issue of the disappeared such as, but not exclusive to; the identification of places where unidentified mortal remains may be found. A mechanism for providing in a confidential manner will be developed as an incentive for people to come forward with information.
4. Coordinate and monitor the search for disappeared persons, with the assistance of the competent bodies and organizations such as the Cruz Vermelha Timor-Leste, ICRC and the Government of Indonesia.
5. Coordinate, request and monitor the exhumation and forensic identification of mortal remains relating to the disappeared and to assist in the identification of individuals (eg of children taken away from Timor-Leste between 1974-1999 in order to reunite them with family members in Timor-Leste.)

6. Monitor the safekeeping of the mortal remains of the disappeared until they are delivered to the families and assist with the reburial of exhumed remains, negotiating with relevant authorities on reburials as required by the family members of the disappeared.
7. Provide the families of the disappeared with information on progress of searches and identification activities.
8. Draw up standards and rules of procedure for the collection, management and confidentiality of information, for activities to identify the human remains and for returning these to the families.
9. Referring disappeared persons and their relatives to social welfare and reparations programs: work with the memorialisation program of the new institution to ensure that disappeared persons families and loved ones are able to give statements about the disappearance, if they wish, for the purposes of historical preservation.
10. Assist the government with any relevant technical support in relation to disappeared persons.
11. Monitor the developments with regards to the civil registry of deaths, births and marriages and at the appropriate time, provide advice on the need for a special legal category for missing persons.

The ICRC recommends that laws on missing persons create a special legal status for ‘missing persons’ which allows their family to managed the missing person’s affairs on their behalf until they return or are declared presumed dead. It can also protect the interests of the missing person until they return. Many people are also reluctant to declare missing loved ones presumed dead because they still hope they will return. Timor-Leste currently does not have legislation which regulates the legal status of missing persons. Disappeared persons must be declared dead for family members to claim the disappeared person’s assets such as money in a bank account. According to law, deaths are confirmed by Public Notaries and entered into the civil registry, but this rarely happens in practice. If required by institutions such as banks or the church, deaths are confirmed upon receipt of statements from family members. However, generally inheritance issues and remarriage after the death of a spouse are arranged informally.¹² The current draft on missing persons does not create a special legal status for disappeared persons. The category of ‘missing’ may not be relevant to forced disappearances during Indonesian times as most family members have long resolved issues of remarriage, inheritance or land ownership. However, this category could be of use for future missing persons, whether they are forcibly disappeared or not.

4.5. Reporting on coordination and implementation of CAVR and CTF recommendations

The CAVR and CTF report recommendations cover a range of sectors and are aimed not just at the government but at the parliament, non-government organizations, religious communities, the international community and the media. These recommendations cannot be In order to ensure implementation of the report recommendations endorsed by the parliament, an independent institution is required to monitor and evaluate implementation activities and report to parliament and stakeholders, such as victims of human rights violations, on a regular basis. This monitoring and evaluation unit will play an active role in coordinating and driving implementation efforts. Reporting will also include examples of best practice from within and outside Timor-Leste and constructive suggestions on how to proceed with implementation efforts.

¹² See Decree law 2004-2 on the Civil Registry, Decree law 2004-3 on Notaries and the Indonesian Civil Code.

Objectives

- Ensure the public is well informed about implementation of the CAVR and CTF reports (the legislation should include this objective as a *duty* of the new institution)
- Independently monitor and evaluate the CAVR and CTF implementation process
- Coordinate implementation efforts amongst civil society, state institutions, the media and other organizations
- Provide the parliament with constructive advice how best to proceed with the implementation process

Activities

1. Develop a five year CAVR / CTF implementation plan in coordination with the relevant government departments and civil society organizations.
2. Develop and implement a monitoring and evaluation system for implementation of the two reports' recommendations.
3. Coordinate implementation efforts across civil society and government institutions.
4. Provide advice and develop proposals / plans for agencies regarding the implementation of certain recommendations.
5. Conduct public information activities to ensure the public is well informed on report implementation progress.
6. Provide a twice annual report to the President of the parliament regarding progress of CAVR and CTF implementation. The reports shall contain recommendations for how implementation could be improved, what resources are required to do this and what should be prioritized during the next reporting period. The President of the National Parliament will refer this report, within 10 days to the relevant parliamentary standing committee. This committee should have 30 days to consider the report and endorse / modify its recommendations before submitting to a public hearing and finally, discussion and ratification in the plenary.

There will be a conflict of interest if this institution is reporting to the parliament on the progress of CAVR / CTF implementation activities carried out by the institution itself. For example, there will be a need for problems with the victim registration process carried out by the new institution to be independently monitored. Therefore, the parliament should have the power to delegate monitoring and evaluation of the institution's work to the Office of the Provodur.