

## **Inquiry into Dili violence a farce**

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Imagine the reaction if an inquiry assigned responsibility for the Holocaust without mentioning Hitler, and focused only on the last few months of World War II. Yet that is what the Truth and Friendship Commission has tried to do in the case of East Timor. Established by the governments of Indonesia and East Timor in March 2005, the commission was prevented by its terms of reference from assigning any responsibility to individuals, and focused only on the violence that accompanied East Timor's 1999 independence ballot. It released its report yesterday.

The product of delicate diplomatic compromise between newly independent East Timor and its vastly larger neighbour and former occupier, Indonesia, the commission was created as a way of avoiding an international tribunal for Indonesian military personnel who committed crimes against humanity during the 24-year occupation of East Timor.

By its own admission, the commission lacked the power to compel witness testimony and demand documentary evidence. It could not recommend prosecutions of any sort. It could do little more than recommend amnesties. Unsurprisingly, the United Nations boycotted the commission's proceedings altogether, saying it did not condone amnesties regarding war crimes, crimes against humanity and genocide. In Dili, several East Timorese participants in the commission informed me that in the absence of international allies supporting a war crimes tribunal they felt obliged to go along with the charade.

The commission's proceedings soon descended into farce, with senior Indonesian leaders and officials claiming that the atrocities were everyone else's fault but their own. As the commission concluded, "their answers were often evasive, irrelevant, too general or incomplete". Embarrassed by the international scorn it received, the commission has just recommended that no amnesties be given because none of the perpetrators met the criteria of "telling the complete truth" and giving "full cooperation".

Despite its weaknesses, the commission has found that the Indonesian military, the Indonesian civilian government and anti-independence militias bore institutional responsibility for thousands of "gross human rights violations in the form of crimes against humanity" including "murder, rape, and other forms of sexual violence, torture, illegal detention and forcible transfer and deportation" against the East Timorese civilian population. Clearly, international criticism has had an effect on the final report.

The East Timorese are receiving help from an unexpected quarter. Every major Indonesian human rights group has come out in support of justice for East Timor.

These campaigners consider the military officers who presided over carnage in East Timor are a continuing threat to their own country's democratic transition. After all, these officers have gone on to commit atrocities elsewhere in Indonesia. As Indonesia democratises, others may join its human rights groups in calling for a war crimes tribunal.

Indonesia's military personnel are likely to find that their impunity is temporary indeed. Australian policymakers would do well to take this looming reality into account.

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