

Preface

Complicity in Genocide was originally commissioned by the Comissão de Acolhimento, Verdade e Reconciliação de Timor-Leste (CAVR). It was written exclusively by the author using the existing resources in the Comarca headquarters of CAVR in Dili between 4 June and 31 July 2003. Final revisions were offered on 15 August 2003. Part of a national and international team of human rights investigators, the author's submission was intended for inclusion in a multi-volume investigation on crimes against humanity committed in East Timor from 1975 to 1999. All components of the report were then subject to extensive discussion and editing by the CAVR commissioners. According to plan, the final version of the 2500-page final report was rendered from English into Portuguese and Indonesian languages (with summaries in Tetum).

Coinciding with the completion of CAVR's mission in 31 October 2005, the report was then presented to the President of the Republica Democrática Timor-Leste (RDTL) for ratification prior to submission to parliament. The President was also required by law to submit the report to the UN Secretary-General, then to be referred to the Security Council, the General Assembly, the Special Committee on Decolonization, and the UN Commission on Human Rights. But, in presenting the report to the East Timor legislature on 28 November, the President described recommendations relating to reparations from countries that had supplied weapons and military training to Indonesia as “politically unrealistic.” He also backed away from a call for revival of the UN-backed special crimes unit to consummate the justice process such as endorsed in June 2005 by a UN's

Commission of Experts report to the Security Council. The Timor-Leste President further recommended that the document not be made public, inferring it not in the national interest. Notably absent from my submission is the role of the Indonesian armed forces inside East Timor (1975-1999). This lacunae, however is well covered in CAVR investigations. By contrast, my brief was to highlight the role of other international actors who either supported or contrived with the Indonesian armed forces. After all, this was a “stoppable” tragedy if only the key international supporters of the Jakarta government had the political will to intervene on the side of international law. More the pity that these international actors have so far eluded responsibility. To wit, in August 2003, CAVR made public that it envisaged conducting hearings in Washington, Canberra, Lisbon, and Jakarta on the role of international actors in the making of the East Timor tragedy. This was of no small interest given such shifts in international legal norms as the accomplice liability provisions of the Rome Statute of the International Criminal Court (ICC) adopted in July 1998. While the prospect of prosecution as an accomplice remains largely in theory, typically such hearings – sometimes dubbed “peoples tribunals” – seek to send a strong message to state or even corporate suppliers of military, economic and other assistance in situations of breaches of international humanitarian law. In the event, CAVR backed away from such a course of action and, on 15-17 March 2004 hosted a hearing on “Self-Determination and the International Community,” a well-attended event locally, albeit attracting negligible international publicity.

The author offers thanks to CAVR local and international staff, along with a network of external informants, for assistance in drafting the submission in short time and with a limited range of resources. While the chapter headings were prescribed by CAVR, the writing, selection, and interpretation of facts remains my own. In releasing this submission, the author also seeks to

activate public truth-seeking over the role of international actors in the East Timor tragedy, long veiled by official censorship, and now deflected by the search for reliable allies in the war on terror.

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