

## ANICETO GUTERRES LOPES

Aniceto Guterres Lopes was only in his teens in Indonesian-occupied East Timor when he came upon this scene on his way home from school one day: Three men, all of them East Timorese, were tied to one another and to a post in front of the local headquarters of the Indonesian army. They were completely naked. The post was in the middle of a buffalo watering hole, filled with mud and filth, and the men were, in Aniceto's own words, "in a terrible condition."

That scene is forever etched in Aniceto's mind. It vividly depicted the nature of Indonesia's military occupation of his country, including the absence of justice and the rule of law. Then and there, he vowed to devote his life to resisting such oppression and fighting for change.

But the vow would be easier to make than to realize. East Timor had a colonial past that stretched back four hundred years, when Portugal had first occupied the area. In all those years, Portugal had done very little to develop East Timor's infrastructure, economy, and educational facilities. It had used the colony mainly as a dumping ground for its "problems," namely political outcasts and ordinary criminals. Then, in 1974, Portugal left East Timor to its own devices after its fascist government was overthrown and the new democratic government began to pay more attention to the country's colonies closer to home in Africa: Angola and Mozambique.

The East Timorese seized this opportunity and declared their country independent on November 28, 1975. Nine days later, however, Indonesian armed forces based in Indonesian West Timor invaded East Timor, occupied the country, and annexed it before East Timor could receive international recognition as an independent country. Indonesia's claim to East Timor was not recognized by the United Nations and belied the Indonesian government's earlier declarations that it was not interested in the small territory. Nevertheless, from then until 1999, the Indonesian military, supported by local militias and with the blessing of Indonesia's President Suharto, kept East Timor in a tight grip.

International interest in the plight of East Timor remained largely insignificant until an incident known as the Dili Massacre occurred on March 12, 1991. On that day, Indonesian soldiers fired upon a crowd of East Timorese who were protesting the death of a student leader, killing, wounding, or leading to the disappearance of about a thousand people. Footage of the massacre was smuggled out of East Timor to Australia, and first aired in a documentary in Great Britain. The sight of East Timorese praying in Portuguese aroused sympathy for them among many people in Portugal, and shamed many Australians because their government sympathized with Indonesia's Suharto regime.

Still, the situation in East Timor took years to improve. Indonesia released the country only when the East Timorese stubbornly resisted its rule and close to 80 percent of East Timor's voting population voted for independence in a referendum supervised by the United Nations.

The Indonesians left behind a country that had the poorest population in the world (gross domestic product was a mere U.S.\$400 per capita), a wrecked infrastructure, and plundered resources. Worse, as many as a quarter to half of East Timor's population of eight hundred thousand had been killed or displaced during the occupation. More than once, Aniceto Guterres

Lopes almost became part of that statistic. But he lived to carry out the vow he made on the day he witnessed his first Indonesian atrocity.

Born on April 16, 1967, in what was yet Portuguese East Timor, Aniceto was the only son and the eldest of four children of Januario Gomez Lopes and Bendita Araujo Guterres, both members of East Timor's Bunak ethnic group. His birthplace was Tapo, a village in Maliana District, close to the border between East and West Timor. Although Aniceto's family owned a few buffalos and about four hectares of land, the family was poor because their farm's yield of rice and corn was low. Only traditional methods were used on the farm; its produce was barely enough to pay the tax imposed by the Portuguese.

According to Aniceto, his ancestors were *liurai*—chiefs of the Na'a Mau clan. Though unlettered, Aniceto's grandfather used to say that a real man does not live for himself, but for others; clan chiefs should serve, not oppress, he told his grandson. And Aniceto's father, who was well known in the village, taught him not to hurt people or put them in trouble. The hand, he told Aniceto, must not be a spike that can do harm. He also advised Aniceto to eat only of the product of his own sweat rather than that of other people because, he said, the sweat of other people "is hot or dangerous."

Aniceto's maternal grandmother was a *dato*—middle-ranking royalty. But she was poor in spite of her social status, and was divorced, so she could not afford to send Aniceto's mother, Bendita, to school. Nevertheless, unlettered Bendita was able to teach Aniceto the importance of being a good person and encouraged him to take his education seriously.

Aniceto remembers an incident that illustrates just how seriously his mother took his education. One day, while she was walking Aniceto to school, it began to rain hard. A river that they ordinarily forded easily was running fast and high. Aniceto was too small to cross by himself, so his mother carried him. While they were in the water, the strap of Aniceto's old red school bag snapped and the bag fell into the river. Bendita carried Aniceto to the far shore and then went back into the river to retrieve the bag. She could not find it. But she was able to recover all of Aniceto's books. Bringing these to shore, she told him, "Son, God will bless you because we saved your books. We have no money to buy new books, so we have to dry these up, because you've got to study."

Aniceto's schooling began in a village schoolhouse but he soon shifted to a proper grammar school in Maliana, the district capital, about ten kilometers away from Tapo. There, he lodged with his paternal grandparents during the school week. Being the smallest boy in school, he was made to play the role of the Child Jesus in the Christmas tableau. It was in school that Aniceto learned Tetum, the lingua franca of East Timor, since it was the medium of instruction.

On Saturdays, Aniceto went home to pound rice; Sundays, he gathered *kangkong* and then sold this and the rice to earn money for his school books. Because of these weekend chores, he often missed Mass on Sunday, leading to punishments from his teachers on Monday. Sometimes, looking after the family buffalos meant that he had to miss school altogether. This led to his having to repeat some grades in school.

Even though Aniceto's parents divorced when he was nine, they were in agreement about one thing: that he should not remain a farmer. Education was the only way to change the family's fortunes and reclaim the kingship that, Aniceto says, the Portuguese had wrested from them and given to another clan. In 1982, Bendita passed away and all the family land went to Aniceto's sisters, the Bunaks being matrilineal. Meanwhile, his father Januario remarried.

Aniceto's education came not only from school but from the traditions of his own community. Although Catholicism was the dominant religion brought to East Timor by the

Portuguese, its influence in Tapo was hardly felt. The village had no chapel; the nearest church with a priest was in Maliana. Instead, the village possessed a sacred house run by a traditional religious leader. There, once a year, the villagers gathered to confess and to be punished for their sins. How the confession was extracted or how sins were punished depended on the sinner's age, gender, and civil status. Methods used ranged from ear pinching to caning to jailing; the last punishment was meted out to adults who had committed serious crimes such as murder or adultery. For Aniceto, this tradition, which was regarded as a form of social education, was useful insofar as it taught people not to surrender to their impulses. But he came to disapprove of corporal punishment, even when it was meant to educate.

Whatever hope Aniceto had of completing his education on schedule was cut short by Operasi Seroj (Operation Lotus), the massive Indonesian sea and air invasion of East Timor on December 7, 1975.

Before the invasion, Januario had become a member of the União Democrática Timorese (Timorese Democratic Union, or UDT), which initially supported continued ties with Portugal but later favored gradual independence. The Portuguese used the organization to arrest members of Frente Revolucionario de Timor Leste Independente (Revolutionary Front of Independent East Timor, or Fretilin). Suspected of being Marxist like the independence movement in Mozambique, Fretilin received vocal support from the People's Republic of China. Such support reinforced the perception that Fretilin was communist. In reality, its leadership was influenced by African nationalists in Portuguese Guinea (now Guinea-Bissau).

Indonesia claimed that it invaded East Timor to prevent a communist presence in the Indonesian archipelago. Its move was supported by the United States, which was conscious of its recent failure in Vietnam—South Vietnam had collapsed only eight months before—and was afraid of the so-called domino effect of communism in Asia. East Timor's huge neighbor Australia also shared these fears.

For twenty-four years during the Indonesian occupation, Falintil, the East Timorese guerrilla army, waged a highly successful campaign against the invaders. Many East Timorese fled to the hills to join its ranks. In frustration, the Indonesian military and its militia auxiliaries retaliated by venting their ire on the civilian population, torturing and killing people for being alleged guerrilla sympathizers. The International Committee of the Red Cross and Amnesty International tried but failed to stop these violations of the East Timorese's human rights. In fact, during the Indonesian occupation, the East Timorese were denied not only legal but also political, economic, and social rights, including access to their tribal lands and natural resources.

Not wanting to get caught in the crossfire between the invaders and the rebels at the time of the invasion, Januario fled with his family to Builalu in Indonesian West Timor, some twenty kilometers from the border. They stayed in Builalu for a year. During this time, Januario was drafted into the Tenaga Bantuan Operasi (TBO), a civilian group formed by Indonesia to support its forces in East Timor. He was made to work as a porter, carrying supplies for soldiers. In Januario's absence, Aniceto became "the man of the house." He climbed palm trees to cut young leaves for mats, baskets, and small containers that his mother wove and sold.

When Januario felt the situation in East Timor had normalized, he brought his family back to Tapo, only to find that the village had been razed. The army dissuaded them from staying near the border, so they thought of moving to Maliana itself, where Januario could return to farming. By the time Aniceto returned to school, all the educational institutions in East Timor had been placed under Indonesia's education department. This department decreed that all lessons should be taught in Indonesian. Indonesian soldiers now served as classroom teachers. Some of them

came to school with their weapons. Aniceto says that some of the soldiers were actually good teachers and raised the schools' standards because they followed a curriculum and knew how to teach. Moslem and Christian teachers and chaplains from Indonesia helped to run the schools.

Six months after the death of his mother, Aniceto moved to Dili, East Timor's capital, for high school. He attended Saint Joseph's (Colégio de São José), a Catholic school that admitted only eighty of some six hundred applicants. Here, he studied with students from all regions of East Timor.

Bendita had hoped Aniceto would become a teacher. But Aniceto himself dreamt of completing a degree in social science and becoming a police officer. But the repressive circumstances in East Timor under Indonesian occupation led him to rethink his career plans. He remembered the three naked men who, like animals, had been bound to a pole. He heard about the torture of innocent civilians. He knew about people who had come out of hiding in the jungle only to be forced to work for the Indonesian army. Some of his classmates had actually disappeared. Listening to José Ramos-Horta, the East Timorese resistance activist-in-exile, on his uncle's secret radio, Aniceto became inspired to study international relations instead and to become, like Ramos-Horta himself, someone who could rise to the defense of his people.

Fired by idealism, Aniceto did well at Saint Joseph's, placing second in his class in his sophomore year, and first in his junior year. His grades were so high that a bank offered him a job. But he declined the offer.

It was dangerous to speak of Ramos-Horta and politics in school. Even so, Aniceto and his classmates shared stories about the anti-Indonesian guerrilla leaders and their exploits and other news about the resistance movement. He and his friends found a sympathetic voice in an unexpected person—the Indonesian principal of Saint Joseph's. Alexander Frederic Markus was a Protestant minister from Ambon (in eastern Indonesia) who liked to tell inspirational stories and give advice, including how to be a principled person. Principal Markus told Aniceto's class, "In the coming years, if you want to eat a mango, you have to plant a mango tree now." On another occasion he said, "A good beginning is good. But a good ending is better." An optimist, Markus believed that everything always worked out in the end. He made Aniceto remember the clan teaching about being a king—that one should live not only for oneself, but for others.

After high school, Aniceto was not fated to take up international relations. Although he was first in his class, he had no money of his own for a university education. But luck was with him. Mario Viegas Carrascalão, the governor of East Timor and one of the few East Timorese who was educated in Portugal, arranged a scholarship for him at the Udayana University in Denpasar, Bali. The university had no course in international relations but it did offer law. This is how Aniceto came to find his vocation in the law.

Shortly before Aniceto and thirty-three other East Timorese left East Timor to attend college in Indonesia, Carrascalão addressed them, saying, "You will be paid out of the money of the sufferings of East Timor's people, so you must study to succeed."

Except when he was briefly a refugee in West Timor following the Indonesian invasion, Aniceto had never been to Indonesia. When he arrived in Bali, he suffered culture shock. Balinese culture was considerably different from Timorese culture. He noticed that students from different parts of the Indonesian archipelago tended to cluster together, Javanese with Javanese, Florenese with Florenese. Moreover, he found that his schoolmates did not recognize East Timor as part of Indonesia. Some did not even know where it was, thinking it was part of Australia, or the United States, or Europe. He was asked questions such as, "What did people in East Timor eat?" And "Are the East Timorese like the aborigines of Papua New Guinea or Irian Jaya?"

Exasperated, Aniceto would answer, “My flesh is like yours, and, of course, I eat what you eat!” Aniceto recalls that he does not remember anyone from Indonesia coming to his defense. But this appears to have been due more to politics than to ethnicity: Indonesians—or, at least, those he met in the beginning—could not accept the fact that East Timor was now a part of their country. They seemed to regard it as a second-class province and made no effort to understand the roots of the conflict in the territory or to appreciate the distinct culture of East Timor.

The longer Aniceto stayed in Bali, the more he hated Indonesia. He and his fellow East Timorese traveled only in groups and lived together in one big house. While this helped to form a strong bond among them, it also meant that some of them never learned to speak fluent Indonesian.

Despite these difficulties, Aniceto took advantage of the opportunity to learn more about his host country. He visited other places such as Java and the capital city, Jakarta. Once a year, he met with East Timorese students who were studying in other parts of Indonesia and became part of their network. He observed how organized the Indonesians were, even at the grassroots, and how well-developed and all-encompassing their educational system was, unlike that of elitist Portugal.

But for all Aniceto was able to learn about Indonesia, many important questions remained unanswered, especially those having to do with Indonesia’s violation of human rights in East Timor. He found it futile to seek answers from his law professors in Bali. He saw that they could not grasp the complex political situation in East Timor. Outside school, however, Aniceto found two opportunities to raise his questions. The first was during a meeting with students from East Timor called by the rector of Udayana University. Here, Aniceto brought up the subject of the occupation. The rector replied that Aniceto’s question was “more political than legal.” “Leave politics to the older generation,” he told Aniceto; “your job is to study.”

Aniceto’s second opportunity came during an encounter with another Indonesian official. Aniceto made the observation that when the Indonesians came to East Timor, only the lives of Indonesians improved, while those of the East Timorese worsened. He asked, “Is Indonesia developing East Timor, or is East Timor developing Indonesia?” To which the official replied, “If only East Timor students ask that question, then we’ll have trouble in the future; the war will not end.” Because of his controversial questions, Aniceto caught the attention of Indonesian intelligence agents and he was placed under surveillance.

In 1989, after four years of study, Aniceto completed his law courses. All that remained was his thesis. But he could not bring himself to complete his thesis because, more and more, he realized that “everything I had been studying in four years [of law school] was the opposite of reality.” In Indonesia, the law did not support warrantless arrests, disappearances, and the absence of the right to defend oneself. Yet, in East Timor, these were everyday occurrences. There was a great gulf—he now knew—between the existence of laws and *the rule of law*.

From 1989 to 1991, Aniceto remained in Indonesia and became deeply involved in the anti-Indonesia underground organization Resistencia Nacional dos Estudiantes de Timor-Leste, or Renetil, which was led by Fernando Araujo. For two years, Aniceto headed the organization’s department of political analysis, collecting information from East Timor for distribution to the outside world, and information from the outside world for distribution in East Timor. He also organized discussions with Indonesia-based East Timorese students and urged them to overcome their apathy and work for independence.

While working in the underground (and ignoring his thesis), Aniceto continued to receive a monthly stipend from the Indonesian government. This was possible because the funds for East

Timorese scholars were distributed by Governor Carrascalão. He secretly supported the East Timorese underground and was determined that students like Aniceto should continue to receive their subsidies, even if it took them ten years to complete their degrees.

To throw the military off his track, Aniceto joined Impatu, an organization set up by the Indonesian military for East Timorese students. The organization was established to enable Indonesian intelligence authorities to keep track of individual students by observing who attended the organization's activities and who did not. Aniceto had to be careful, however, because he knew that some East Timorese students had actually been recruited to work for Indonesian intelligence. What he could not ascertain was whether they had done it out of conviction, or for money, or to have access to better facilities.

In 1991, a delegation from the Portuguese Parliament visited East Timor. The event heartened Aniceto and gave him hope that reforms would soon follow. But nothing changed, so a week after the visit, almost all the East Timorese students in Indonesia, numbering about a thousand, gathered in Jakarta for a mass demonstration—and almost all of them landed in jail.

Renetil chief Araujo, who was one of the earliest arrested, evidently pointed to Aniceto as the mastermind behind the demonstration. This was not true. In fact, Aniceto opposed the demonstration because he believed that Indonesian forces would open fire on the participants at the slightest provocation. This is why he had not gone to Jakarta but remained at Renetil headquarters in Denpasar, Bali. He was nevertheless arrested and spent twenty-eight days in jail. (Araujo was released after only forty-eight hours but later rearrested and incarcerated for seven years in Jakarta's notorious Cipinang prison.)

Aniceto's imprisonment was a transforming experience. It enabled him not only to form a new impression of Indonesians but, more importantly, it showed him a clearer direction for his life. When the East Timorese demonstrators were arrested, Indonesian lawyers from the Surabaya branch of the Indonesian Legal Aid Society (Lembaga Bantuan Hukum Indonesia, or LBHI) came to provide help. One of them, Luhut Pangaribuan, defended ten of the arrested students. Aniceto was awed to see an Indonesian lawyer appearing in court on behalf of East Timorese. This made him think of becoming a public defender himself. Perhaps, he thought, this could be an effective way to promote the rule of law.

Aniceto's model was Munir, the head of LBHI in Surabaya and the lawyer who usually handled East Timorese cases in Bali. Aniceto considered moving to Surabaya and working with LBHI there, to develop his skills in legal advocacy. But his life now took an unexpected turn when he met Florentino Sarmiento, a prominent East Timor Catholic leader and chair of the East Timor Agricultural Development Foundation (ETADEP). Sarmiento's foundation had two agendas: to promote agricultural development in East Timor through animal husbandry, rural credit cooperatives, and the like; and to provide legal aid for the East Timorese. Impressed with Aniceto's legal skills, Sarmiento recruited him to serve as ETADEP's secretary-general from 1992 to 1996. Although the terms of Aniceto's law scholarship stipulated that he should work in government after completing his studies, he was able to convince the authorities that he could serve more usefully in this private capacity.

In 1994, Aniceto married María Natércia Gusmão Pereira, his fiancée of six years. The couple met in 1987, when they were both studying in Indonesia, and became close when they discovered that they both came from the same district of East Timor. Like Aniceto, María was a member of Renetil. She was aware of his often dangerous work, but she was supportive of what he did.

While serving as ETADEP's secretary-general, Aniceto became involved with the Joint Committee for East Timor, an umbrella organization consisting of sympathetic institutions including many Protestant churches and the Bishops Conference of Indonesia. Its principal work consisted of providing legal aid for East Timorese political prisoners and support for their families. Because the Joint Committee could not carry out such work in East Timor itself, Aniceto served as liaison between East Timor and the committee's headquarters in Jakarta. Meanwhile, ETADEP came under the leadership of a new head, Gilman dos Santos, the brother-in-law of underground East Timorese resistance leader Xanana Gusmão.

Although Aniceto finally completed his law thesis in 1991 and defended it successfully, he could not afford to take the bar examinations until 1993, when ETADEP shouldered the expenses. Another two years passed before he was officially inducted as a lawyer in Indonesia. In December 1995, his license to practice finally arrived. He thus became the first ethnic East Timorese lawyer in history. In January 1996, he began representing clients.

That same year, Aniceto and fellow human rights activists in Dili established Yayasan HAK (the acronym stands for *hukum*, law; *hak asasi*, basic rights; and *keadilan*, justice), or Law, Basic Rights, and Justice Foundation. The new foundation had two primary functions: first, to document and, if needed, to investigate human rights abuses in East Timor; and, second, to provide legal aid to the victims of human rights abuses and support (such as school scholarships) for their families.

Yayasan HAK started virtually from scratch. It had no money and no track record. Gilman dos Santos helped out by letting it use ETADEP's furniture, computers, and office supplies. Someone donated a motorcycle so that Aniceto could move efficiently around the country. José Luis de Oliveira, ETADEP's vice president, also put in time with the fledgling organization and eventually both he and Aniceto left ETADEP to devote themselves fully to Yayasan HAK.

Yayasan HAK began with four divisions: legal aid, humanitarian aid, policy studies, and advocacy. By 1999, it had added two more divisions—security and empowerment—and expanded to forty staff members in three regional branches, with the headquarters in Dili. Although Aniceto was assisted by law students in his work, he was, up to 1998, Yayasan HAK's only licensed East Timorese lawyer. Some Indonesian lawyers provided help but clients were wary of them unless they were from LBHI, the Indonesian Legal Aid Society. Aniceto's clients ranged from prominent East Timorese leaders to the country's poorest citizens. This led him to describe Yayasan HAK as a social-service organization for people in need. He says, "I felt like the prime minister," he says; "everyone comes to me, bringing his or her problems."

Most of the cases that Aniceto handled involved defending members of the underground—people accused of subversion and of assaulting the Indonesian army or police. But he also filed cases directly against Indonesian administrators and the military for arbitrary arrests, assaults, sexual abuse, and corruption. Among these cases, Yayasan HAK gave priority to those involving high-ranking Indonesian officials, believing that low-ranking officials were often only scapegoats of their superiors.

After José Ramos-Horta (the independence movement's international "ambassador") and Bishop Carlos Belo (East Timor's senior Catholic prelate) were awarded the Nobel Peace Prize in 1996, East Timor received more attention from the international media. The number of anti-Indonesia demonstrations and subsequent arrests in the country also increased and tensions mounted. Now, one risked arrest merely by shouting against the military.

Yayasan HAK documented many violations of human rights and reported them to the media. Its advocacy division held a press conference twice yearly to report the latest violations.

Confirmed reports of violations came in the form of official letters to military commanders, the courts, and the media. In 1999, the Indonesian authorities ordered Yayasan HAK not to release any more figures of such violations to the public.

Yayasan HAK's researchers authoritatively confirmed what was already common knowledge in East Timor. To wit: that the Indonesian military had used and continued to use all manner of extralegal means—including torture, rape, kidnapping, extrajudicial execution, and mass murder—to cow the local population and to crush their aspirations for independence. Here are three specific examples, as documented by Aniceto and Yayasan HAK:

*Bernardo Villanova* was picked up on June 12, 1980, from the home of Bishop Dom Martinho on suspicion that he was involved in an assault on a radio station. Upon his arrival at the district military headquarters, he was kicked, punched, and beaten. His face was covered with a black material so he could not see who was beating him. Because he refused to talk, he was punched and beaten again and again, burnt with cigarettes and matches, and then struck with a rifle until he lost consciousness. Later, he was beaten with a metal rod and his toes were severed. He was also placed in a tank with a freshwater crocodile that bit his face, and was put in solitary confinement with the floor as his toilet.

*María da Silva* was arrested by military intelligence on January 29, 1977, on suspicion of being a member of Falintil. She was stripped naked, burnt with matches, electrocuted, and photographed. In February, she was brought to prison where she was kicked and beaten and her hair was pulled until she lost consciousness. Her clothes were spiked with nails and she was repeatedly raped. Though released in July 1978, she was continually harassed by the military until she gave in to the advances of a high-ranking officer by whom she had a child.

*Gregorio Saldanha*, a member of the East Timorese resistance, was arrested in November 1989, after being shot in the back. Even while he was in hospital, he was interrogated by colonels from the Indonesian Special Forces. He was later transferred to a police station and held there for eight months. Thereafter, he was put in prison for nine months, during which time he was tortured not only physically but also psychologically: He was told repeatedly that, because of his activities, his family had been murdered and his hamlet burned. He was released only in 1997, serving eight years out of a life sentence meted out to him by the Indonesians.

What particularly pained Aniceto was the knowledge that East Timorese were being coerced into joining the Indonesian militia to fight their own people, on the threat of reprisals against their families if they refused to do so. Aniceto himself and his family were harassed. High-ranking military officers made threatening phone calls and he was warned not to drive his motorcycle at night. An army guard post was set up across from his office. At night, his house was repeatedly stoned, driving his wife to tears.

Even in the courtroom, Aniceto had to deal with soldiers who openly carried their firearms. In one trial, some East Timorese were forced to confess to crimes that they had not committed. Aniceto lost his temper and castigated the military for torturing people instead of upholding

justice. At this, the soldiers pointed their weapons at him, right in front of the judge. Like all court judges in East Timor at the time, the judge was an Indonesian. Aniceto cried “Shit!” and pounded on a table with his fist. He told the judge that the session should be closed because, clearly, there was neither freedom nor impartiality in the courtroom. The judge said nothing and Aniceto grew even angrier. He faced the soldiers, “You are cowards,” he said. “Why don’t you shoot me? I said you were shit. So shoot me. I prefer to die here than live like a coward.” But the soldiers made no move against him.

Aniceto’s work with Yayasan HAK is best summarized by the citation written about him when he was made an Ashoka Fellow in 2001. Part of the citation reads:

Although he hardly ever wins because of continuing perversion of the justice system, his cases bring injustice to the forefront and make the case for national and international advocacy. The important thing is that the people continue to fight for their rights. Aniceto represents most cases for free, as his clients cannot afford to pay (except in kind, e.g., a live chicken), but he has attracted support for these activities of his organization from donors.

Indeed, funding came to Yayasan HAK from the Australian Agency for International Development (AusAID) and the Canadian International Development Agency (CIDA). Neither was approached by Aniceto; both gave of their own accord. Later, the United States Agency for International Development (USAID) provided financial help through the Asia Foundation. There was also moral support. In 1997, for example, when the United States ambassador to Indonesia (under President Bill Clinton’s administration) visited East Timor, he made it a point to visit Yayasan HAK’s office first, before proceeding to his hotel in Dili. Another form of help was given to Aniceto by his Indonesian legal colleagues in Jakarta—they taught him how to protect Yayasan HAK against pressure from the military.

In 1998, Indonesia’s long-ruling military regime of President Suharto fell from power and was replaced by a government led by Suharto’s former vice president, Bacharuddin Jusuf (B. J.) Habibie. At first, President Habibie offered East Timor autonomy, not independence, but he set one condition: that both Portugal and the United States must accept Indonesian sovereignty over East Timor. At the time, Aniceto felt that “Autonomy and independence for a nation are not as important as *how* people are independent, *how* they are given dignity, *how* they are all equal under the law and enjoy their rights as citizens.” Even so, he concluded that “Independence is better than autonomy, because in the latter case, if the law doesn’t work, then you are stuck under the same system despite autonomy. At least independence allows one to build a new system of law.”

Under growing international pressure, Habibie set aside his offer of autonomy and instead agreed to a referendum in which the people of East Timor could choose either integration with Indonesia or independence. Hopeful for change, Aniceto organized a team to monitor the voting, alongside a network of Indonesian activists and international volunteers who did the same.

On August 30, 1999, the day of the referendum, 78.5 percent of the East Timorese electorate voted for outright independence. What followed was nothing short of a betrayal. With the acquiescence of—indeed, at the instigation of—the Indonesian armed forces, who, under agreement with the United Nations, were officially responsible for maintaining order during the referendum, local pro-Indonesian armed gangs known as “militias” went on a rampage of killing and looting throughout the territory. East Timorese men were systematically targeted for death.

Basil Araujo, a militia commander, was quoted on Australian television as saying, “We will kill as many people as we want.” All told, some 1,500 people were murdered during the outrage and East Timor’s fragile infrastructure was left in ruins. Hundreds of thousands of people were forced from their homes; a great many were driven across the border into Indonesian concentration camps where food, water, and shelter were scarce.

Aniceto himself was a target of the post-referendum violence. On September 4, 1999, his house was set afire after its walls, windows, and roof were torn down. Fortunately, he was not at home. Neither were his wife and three children, since they had been taken to a convent for safety several days earlier. The next day, militias targeted his office. This time, he was present. Although he escaped unharmed, the looters trashed his office and stole his computer. The police arrived only after the attackers had finished their work, two hours later. At the police station, Aniceto found the very thugs who had destroyed his office wandering around freely in the area, openly carrying their firearms. He decided it was time to get out of East Timor.

Friends in Indonesia sent a chartered plane to fly him out, but that was not necessary because he and his family were able to leave on a regular flight. It turned out that the militiamen looking for him did not know him by face, only by name. Upon reaching Bali, Aniceto had a haircut and shaved off his mustache. When he learned that even Bishop Carlos Belo’s house had been attacked during the rampage, he decided it was time to leave Indonesia altogether, if only for a while.

From Indonesia, Aniceto flew to Australia, then to Geneva to take part in a UN special session on East Timor. Thereafter, he went on a speaking tour in Europe and the United States. This was his message (as conveyed in Geneva):

The Indonesian government has not only failed to provide security and safety to civilians, UN personnel, journalists and humanitarian aid workers but has in fact contributed to this alarming escalation of violence. The Indonesian authorities through both their inability and/or unwillingness to comply with their international obligations, as specified in the May 5 accords, are exclusively responsible for the destruction of East Timor which resulted in the introduction of International Forces for East Timor to secure the population of my homeland.

...

The East Timorese people have been victims of crimes against humanity. While thousands of my fellow East Timorese have suffered and continue to suffer, those responsible for this organized campaign of human rights atrocities enjoy impunity—they should be identified, arrested and brought to justice. To date this has not been done. The United Nations and the international community must ensure that in this day and age, the organizers and the perpetrators of mass murder and terror must not be allowed to get away with such horrendous crimes against humanity.

On October 28, 1999, Aniceto returned to East Timor in time to witness the pullout, two days later, of the last Indonesian military contingent. The freedom celebration that followed included an open-air Catholic mass attended by one hundred thousand people, unprecedented in

East Timor. East Timor now came under the United Nations Transitional Authority in East Timor (UNTAET) in preparation for full independence in 2002. As Aniceto moved to revive Yayasan HAK, he also joined UNTAET as head of its Judicial Transitional Services Commission. Aniceto's unit was charged with selecting judges, public defenders, and legal advisers; with organizing elections; and with determining what kind of legal system was best suited for the soon-to-be-independent country.

From October 2000 to July 2001, Aniceto also served as a member of the National Council, a proto-parliamentary body created in anticipation of independence. While with the council, he drafted a concept paper for a truth commission, an idea inspired by a similar body created in South Africa after the end of apartheid and the election of Nelson Mandela as the country's president. Aniceto was convinced that the people of East Timor needed "historical justice"—that is, he believed that before they would be able to face the future wisely, they would have to come to grips with their troubled past.

In truth, during the long years of Indonesian occupation, many East Timorese had been both patriots and collaborators. Some had worked against independence but, at the last minute, joined the resistance. Others had abandoned resistance for collaboration. Still others had simply acted opportunistically, seizing moments of disorder to settle personal scores. How could all the "patriots" and "traitors" settle their differences and share citizenship in the same country? Aniceto set out to find a mechanism to sort all of this out. What emerged was the idea for a Commission for Reception, Truth and Reconciliation (better known by its Portuguese acronym CAVR).

Why "Reception?" Fr. Domingo Suarez, the representative of the Catholic Church on the steering committee created by UNTAET and the National Council to set up CAVR, provides the explanation. The word reception, he says, has a biblical sense. It refers to the prodigal son who left home and squandered his inheritance but eventually returned home to his father, who accepted him with open arms.

Aniceto's concept paper was submitted by the National Council to UNTAET, which approved it. Aniceto was unanimously chosen to head the new commission.

As Aniceto conceived it, CAVR had three primary functions:

First, to discern the truth regarding human rights violations in East Timor within the context of the political conflicts from April 25, 1974, to October 25, 1999. The commission established a truth-telling mechanism for both victims and perpetrators to describe, acknowledge, and record human rights abuses of the past.

Second, to facilitate community reconciliation by dealing with past cases of lesser crimes such as looting, burning, and minor assaults. In each case, a panel comprised of a regional commissioner and local community leaders mediated between victims and perpetrators to reach agreement on an act of reconciliation to be carried out by the perpetrator.

Third, to report its findings and make recommendations to the government for further action on reconciliation and the promotion of human rights.

CAVR's mandate was only for two years. Established as an independent authority, it complemented, rather than replaced, the formal judicial process; its conclusions were purely

recommendatory. Any evidence that it found of serious crime was turned over to the Office of the General Prosecutor. While the commission did not have the formal power to grant immunity, in practice, it rendered anyone who complied with the terms of a community reconciliation agreement immune from further civil and criminal liability.

One obvious problem for the commission was finding people who were willing to admit they had committed atrocities. Aniceto wanted to bring perpetrators and victims together, so they could listen to each other's stories. This, of course, was easier said than done. For example, many former militiamen, even in the face of eyewitness testimony and evidence, insisted that they had not taken part in violence. Then, there was the problem of reconciliation with the Indonesian military and with countries such as Australia and the United States that tacitly or overtly supported Indonesia's invasion and subsequent occupation of East Timor.

According to Aniceto, reconciliation in the context of East Timor has not only a political aspect but social, cultural, economic, legal, and moral aspects as well. This is why reconciliation "will take a long time." Indeed, even today it "remains a dream." The commission's work, he insists, was to establish a *basis* for reconciliation—first, by establishing the truth; and second, by fostering justice. Reconciliation, he says, "is more than a political effort shaped by apologies, handshakes, and embraces." It cannot embrace impunity but must instead embrace "the values of human rights and justice" as fundamental elements in the new society.

East Timor became a fully sovereign state on May 20, 2002. In 2005, the Commission on Reception, Truth, and Reconciliation in East Timor issued its final report. The lengthy report constitutes a powerful and authoritative indictment of Indonesia's twenty-four-year occupation of the country and addresses in great detail the legacy of brutality, mistrust, and human tragedy that the East Timorese carry with them as they embark upon their new lives as citizens of an independent nation. In his introduction to the report, Aniceto explained why the work of the commission was so important:

As a resource-poor nation burdened with exceptional challenges, Timor-Leste [East Timor] could have done nothing or opted to forgive and forget. Instead, our nation chose to pursue accountability for past human rights violations, to do this comprehensively for both serious and less serious crimes, . . . and to demonstrate the immense damage done to individuals and communities when power is used with impunity. . . . Our mission was to establish accountability in order to deepen and strengthen the prospects for peace, democracy, the rule of law and human rights in our new nation. Central to this was the recognition that victims not only had a right to justice and the truth but that justice, truth, and mutual understanding are essential for the healing and reconciliation of individuals and the nation.

As Aniceto has often said, "Only by coming to terms with these problems will we be able to develop a new society consistent with people's hopes."

Vicente G. Tirol

REFERENCES

- Ashoka. "Aniceto Guterres Lopes Profile." Ashoka Fellows. <http://www.ashoka.org/fellow/2666>.
- "Commission for Reception, Truth, and Reconciliation Sworn In." *Back Door Newsletter on East Timor*, January 21, 2002. <http://members.pcug.org.au/~wildwood/02jancrtr.htm#bios>.
- Comissão de Acolhimento, Verdade e Reconciliação de Timor-Leste. *Chega! The Report of the Commission for Reception, Truth, and Reconciliation in Timor-Leste, Executive Summary*. Dili, Timor-Leste: CAVR, 2005. <http://www.etan.org/etanpdf/2006/CAVR/Chega!-Report-Executive-Summary.pdf>.
- Cose, Ellis. "Learning from East Timor." *Newsweek*, October 21, 2002. Also in Global Policy Forum, April 9, 2009. <http://74.125.95.132/search?q=cache:MeaRg5TQtbYJ:globalpolicy.igc.org/security/peacekpg/lessons/timorlesson.htm+http://www.globalpolicy.org/security/peacekpg/lessons/timorlesson.htm&cd=1&hl=en&ct=clnk&gl=us>.
- Lopes, Aniceto Guterres. "East Timor's Bloodiest Tradition." *New York Times*, May 5, 1999, Editorial page. <http://www.scn.org/topics/activism/timor/news3.html>.
- \_\_\_\_\_. Interview by James R. Rush, with Vicente G. Tirol. Tape recording. Ramon Magsaysay Award Foundation, Manila, August 28, 2003.
- \_\_\_\_\_. "Reconciliation from a Legal Perspective." *La'o Hamutuk Bulletin* 1, no. 1 (June 21, 2000). [http://www.laohamutuk.org/Bulletin/2000/Jun/bulletin01.html#\\_03](http://www.laohamutuk.org/Bulletin/2000/Jun/bulletin01.html#_03).
- Nakashima, Ellen. "For Survivors of East Timor Massacres, Justice Still Elusive." *Washington Post*, September 18, 2005. Also found in the Global Policy Forum website: <http://www.globalpolicy.org/intljustice/tribunals/timor/2005/0918elusive.htm>.
- Westmore, Peter. "East Timor: After the Celebrations, Reality Dawns." *News Weekly* (Australia), June 15, 2002. [http://www.newsweekly.com.au/articles/2002jun15\\_et.html](http://www.newsweekly.com.au/articles/2002jun15_et.html).
- Various interviews and correspondence with individuals familiar with Aniceto Guterres Lopes and his work; other primary documents and online information.