
Implementation of the Centro Nacional Chega! I.P Programme to Promote Transitional Justice for the Rights of Survivors

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Abstract: *The aim of the research are to study, analyze and describe the implementation programme of the CNC! I.P to promote transitional justice, especially the right to reparation for victims in depth. The author uses a theoretical reference in the form of Institutional Theory (Grand Theory) according to Scott and Fitrianto (2008) stating that institutional theory is an organization that prioritizes legitimacy and opportunities regarding social expectations in the organization. And it is also equipped with other supporting theories such as: Implementation Theory, Transitional Justice Theory, Reparation Theory and Definition of Victims to support the process of preparing this thesis. The author uses descriptive qualitative research methods in describing the results of existing research regarding CNC! I.P Implementation Programme, especially reparations or restoration for victims. The research informants in question were CNC! I. P implementers, AJAR, Educators, and also victims, totaling 9 peoples. The collection technique used in this research was; observation, interviews and documentation and interactive model data analysis techniques'. The conclusion of all existing research results regarding the implementation of the CNC! I. P program in implementing transitional justice, especially the right to reparation for victims, has implemented several programs such as social services for victims and their families in the aspects of health, housing, economics and education based on the formulation of Decree-Law No.48/2016 and is based on the recommendations of the Comissão Acolhimento Verdade e Reconciliação (CAVR) and the Comissão Verdade e Amizade (CVA). Reparations for victims aim to rehabilitate, respect, restore and guarantee a decent life for the victims. However, its implementation has not been optimal due to the*

minimal allocation of funds based on the victim's eligibility conditions, there has not been a specific legal resolution as a legal scheme for respecting and restoring the rights and conditions of victims, it is necessary to reform institutions, especially the court system so that it is able to enforce the law against actors. violence and also the need to create Peace education so that it can develop people's character and mentality so that they do not repeat violence in the past.

INTRODUCTION

In history, the Centro Nacional Chega! I.P (CNC I. P) was defined in the words *Chega!* in Portuguese "it is enough, it stop." The reason for choosing this was the title of a Final Report of the Commission named *Comissão de Acolhamento Verdade e Reconciliação* (CAVR) to collect all the messages and sufferings that the victims gave their right to the institution. These are the human rights violations that they have and that they cannot occur again, which is the best way to avoid repeating that it is not possible to give up on criminal and reform through practical steps such as past events.

The involvement of Chega with the creation of the *Comissão de Acolhamento Verdade e Reconciliação* (CAVR) helped to facilitate the collection, return of activities to support the victim, further expand the community reconciliation service, seeking the truth of human rights violations from 25 April 1974 to 25 October 1999, as the main CAVR programme. The purpose of the construction of the CAVR and Chega entities is to give importance to human rights violations such as self-determination, suicide and destruction of persons, mandatory and social.

The existence of the Centro Nacional Chega! I.P is defined in Decree-Law No.48 / 2016 of 14 December to establish that the Centro Nacional Chega I. P is assigned by the State of Timor-Leste as an independent, legal and also an institution that has autonomous rights and can formulate its own plans, manage management and policies by considering the rights of the human person or human being as being to value and dignify the right to repair survivors or victims of war as part of the action to promote transitional justice.

In addition, Centro Nacional Chega! I.P in its own programme will be a need because although it has been defined as the Centro Nacional Chega I. P is based on the existing law, there will be a lack of allocation of funds for the implementation of the Centro Nacional Chega I. P programme, especially the Reparation Program because it will focus on the funds provided by the Government in the General State Budget (GSB) and some of the funds for this destination come from the Government of Japan, As we all know, with the budget allocation with its birocratic and long-term procedures by the Government, it can also harm the achievement of the programme to promote transitional justice, especially the right to repair survivors.

The implementation of survivors' repair programmes can be transmitted by several mechanisms and distributions such as in joint work between the Centro Nacional Chega I. P and the Ministry of Social Solidarity and Inclusion (MSSI) to make various scholarship policies such as facilitating scholarships for survivors' children, helping improve the capacity of survivors' human children, helping survivors to help them as funding to develop their families' economies, helping survivors parents provide medical security assistance, including the distribution of "*Uma Memoria da Esperasa*" to survivors. And the repair rights programme itself has also provided for

some survivors although it has not been covered or spread to rural areas.

LITERATURE REVIEW

Institutional Theory (Grand Theory)

According to Scott and Fitrianto (2008) Institutional theory is used to explain actions and decision-making in public organizations. Institutional theory emerged to be well-known as an authentic explanation of individual and organizational actions caused by environmental factors. Institutional theory is also defined as an organization that prioritizes legitimacy will tend to be in accordance with external expectations or social expectations in which the organization itself is located or belonging.

Implementation Theory

On the other side Meter and Horn (Ratri, 2014), The implementation of public policy is actions taken by individuals or groups of government, the private sector directed at achieving the goals set in the previous policy decisions. This means that the implementation process is not yet in accordance with the laws or regulations in force, and the funds will be provided to finance the policy implementation process. On the other hand, policy implementation is considered a complex phenomenon that can be understood as an accumulation process, or as a result.

Transitional Justice Theory

Based on the Syamsul Anwar (2004), Transitional justice is a new problem in legal studies And the policy that has started to be discussed in various parts of the world. The main topic of transitional justice is how to implement justice Justice when there is a transfer of power in a country From a regime that was previously governed in a total way and human rights are violated into a new regime.

Definition of Reparation

Based on the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, victims are people and not animals, who as individuals/groups have suffered losses, whether physical injuries, mental injuries, social economic suffering, loss of property or major damage to basic rights. them through actions or omissions that have been regulated in criminal law carried out in member countries, including laws that prohibit abuse of power (UN Resolution Number 40/34 dated 29 November 1985).

“Reparations are a victim recovery mechanism carried out by the State as a form of recognition of violations against victims, the loss and suffering experienced by victims”.

Definition of Survivor or Victims

Before providing a description of the victim's rights, it is more necessary to understand who the victim is. The definition of the victim is set out in several international law instruments, including in the 1985 Declaration on the Basic Principles of Justice for Crime and abuse of Power, which states that victims are: individuals or as a group who suffer injuries including physical or mental injuries, emotional suffering, economic loss or current privacy of their basic rights, for actions or omissions that are a serious violation of international humanitarian law. The term victim also includes being suitable for immediate families or people who provide assistance to victims and sufferers to help victims who want to become victims.

Frame thinking and Concept of Reasearch: the focus on this research is to the implementation programme of the CNC! I.P to promote transitional justice, especially the right to reparation for victims. A descriptions of the focus of the research is based on the theory of Instutional (Grand Theory) by Scott and Fitrianto, 2008). Implementation based on theory according to Meter and Horn (in Ratri, 2014). Transitional justice based on the theory (2004). And reparation based on the theory UN Resolution and Principle and Guidelines on the Right to a Remedy and Reparation. This research will be conducted on Centro Nacional Chega! I.P (CNC I.P), Dili, Timor-Leste to know the implementation programme of the CNC! I.P to promote transitional justice, especially the right to reparation for victims or survivor and also find out as long the application of the reparation espesially for rights of victims in implementing transitional justice like a part to realize reparation for victims by Centro Nacional Chega! I.P on the formulation of Decree-Law No.48/2016 and is based on the recommendations of the Comissão Acolhamento Verdade e Reconciliação (CAVR) and the Comissão Verdade e Amizade (CVA). The standars of thought in this research can be illustrated as shown below:

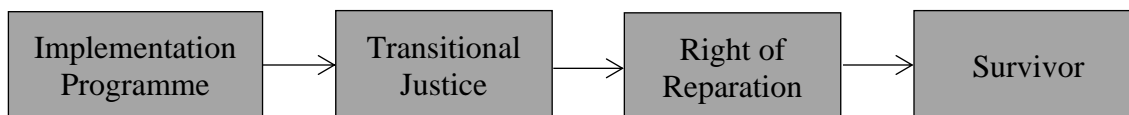


Figure 1. The Model of Frame Thinking

RESEARCH METHODS

This research uses a qualitative research approach to the Implementation of the CNC I.P. Programme to promote transitional justice for the rights of survivors. In addition, it also addresses the mechanism of transitional justice as well as the dignity of the right to repair survivors in war to ensure that they do not repeat. The nature of the research in this study is qualitative with data analysis models based on integrative models (from Milles and Hubermman mentioned in Sugiyono, 2017) through collection, reduction, presentation of analysis data and drawing conclusions.

RESULTS AND DISCUSSION

Results and Analysis

Based on the data analysis, the results show that the application and mechanism of for in the past we have left behind a number of problems that have occurred because we had a state that was not democratic in Indonesian times. The existence of CNC! I.P., established in accordance with Decree-Law No. 48 / 2016 concerning the Memória à Esperança in Article 1 creation and nature to define the CNC! I.P is a new public institution created with the aim of corresponding to the Final Report of the Commission for the Acolhamento Verdade e Reconciliacao (CAVR) *Comição de Acolhamento Verdade e Reconciliação* (CAVR) and the Commission for the Verdade e Amizade (CVA). However, CNC! I.P not to do work alone but to work in partnership to achieve the correct transitional of justice.

Centro Nacional Chega! I.P involvement on reparations and dignition of survivor rights program and another mandate from Centro Chega! was to promote solidarity for individuals and the group of survivors who were vulnerable to human rights violations during the period 1974-1999. This is with the 2022 annual target: survivors and victims of past human rights violations and their families, accessible to health care, education, and economic rights. These programmes

have been supported by the General State Budget, although they are not enough to match the struggle of the associated victims, but they can have raised the struggle. As well as their strong association and recognition.

Strengthening the Survivor Association, in 2022 Centro Nacional Chega! I.P, continued to strengthen the organisation of survivors through technical assistance and operational funding support to the Association of Political Conflict Victims 1974-1999 (APCV), USD 46,800.00 and the Timor-Leste Ex-Political Prisoners Association (ASEpol) in the amount of USD 42, 1000.00, which is the strategic partner of Centre Chega!, in the past programme of repairing victims of human rights violations.

Analysis and Interpretation

Centro Nacional Chega! I.P Programme to Promote Transitional Justice for the Rights of Survivors.

Implementation programme of the Centro Nacional Chega! I.P are the provision of health support, the creation of a study subsidy for the children of the victims, the creation of a Memory House for the hope, the provision of funding to empower the vulnerable family economy, the creation of a By the end of 2022, a total number of victims of past human rights violations had been recorded in the past of 15, 90 peoples. The treatment that Centro Nacional Chega! I.P is carried out by implementing the survivors' compensation programme with the aim of ensuring and ensuring that human rights violations against victims no longer occur.

In order to ensure that violations do not occur again, many efforts should be made such as Institutional Reform. Institutional reform means to better prepare the institutionalised conditions to match the implementation of programmes that are directly linked to the repair of the rights of victims or survivors. During the Centro Nacional Chega! I.P. has carried out a number of its missions with relevant State institutions that the valorisation of the right of survivors to compensation must be formed and come from a democratic State with its state bodies whose functioning is good, fair, credible and professionalistic.

The implementation of the Reparation Program is a part of the transitional justice is not well implemented because it is still disrupting some of the difficult aspects of the achievement of the repair and treatment programme for survivors, because one of the major challenges is that the Nation and the State of Timor-Leste are not willing to learn about the inheritance of past problems. The recognition of the State of Timor-Leste is less important for the rights of the victim. Only because there are no specific laws that must be prepared and made by the legal body as the National Parliament of Timor-Leste as the State body. This means that the existence of survivors or victims is not prioritised in times of resistance and struggle for self-determination.

The feeling of survival to the Implementation of the Reparation Programme.

The Reparation Program is one of the main programmes of the Transitional Justice mechanism, which are important because repair means improving the living conditions of victims, improving their dignity so that they do not continue to suffer further. This is a major issue that has not facilitated the repair process which is the key programme for the CNC! I.P to be performed. Because of the Centro Nacional Chega! I.P can only perform a good will and based on the award of Decree-Law No. 48 / 2016 concerning the existence of the Centre Nacional Chega! I.P to perform the work and to match the Final Report of the Commission for the Acolhimento de Verdade e Reconciliacao (CAVR) and the Commission for the Verdade e Amizade (CVA). Although on the other hand the victims or survivors still feel that the repair programme is less beneficial for the lives of the beneficiaries, as there are still many gaps that have been failed as the implementation of the repair programme for survivors from the great disintendence that there is no

proactive coordination of the CNC I.P. itself for the involvement of survivors, undignourished treatment as humane, which is damaged by the description of specific laws such as the legal scheme that can help survive and dignify survivors in the struggle for national release.

CONCLUSSION

Implementation of the CNC Program! I.P for Reparations rights as well as for the promotion of Transistional Justice for Survivors has been able to carry out a number of programmes such as continuing to facilitate social assistance to victims and their families in the areas of health, housing, economy, and education as well as other adequate services that are only standardised in Decree-Law No. 48 / 2016 was sent to match the Final Report of the Commission for the Acollhamento de Verdade e Recociliacao (CAVR) and the Commission for the Verdade e Amizade (CVA).

Repairing survivors means rehabilitating, dignifying, valuing and restoreing the living conditions of the most vulnerable survivors. However, it has not yet been maxistic because the budget allocation is accessible to the condition of the victim based on their suffering is still low, and in addition there is no specific law that is a legal scheme to protect the rights of the survivors.

In regards to the conclusions identified in this study, it is recommended that the Centro Nacional Chega! I.P for a transparent verification and effective coverage of all vulnerable survivors. For the National Parliament of Timor-Leste to prioritise and put the importance of making a draught law specific to the valorisation of the rights of victims through means of repair. And also for the judicial system, there must be no need for an institutional reform that is empathised with the conditions of the victims and can function professionally to facilitate the judicial process for the Author who committed the crime in the past.

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