

JOINT TEAM PDHJ, JRS and HRTJS



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What is the Joint Team?

The Joint Team consists of the Provedoria for Human Rights and Justice (PDHJ), Jesuit Refugee Services (JRS) and HRTJS (UNMIT), and conducts monitoring on the reintegration process for IDPs, focusing on the areas of safety and security.

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MONITORING PROGRAMME FOR RETURNEES



Dialogue is the only way to accept each other

secondary occupation and other problems which are remain obstacles to the peaceful return and reintegration of returnees.

The Government has made a commitment to the reintegration of returnees, to allow them to fulfil basic human rights, and allow each person to live free from threat. In spite of the Govern-

General Situation

Most of the 62 IDP camps throughout Dili, Ermera, Baucau and Viqueque Districts have been closed, although some IDPs, including IDPs in Motael and Metinaro continue to live in camps.

Significant progress has been achieved through the program of *Hamutuk Harii Futuru* established by the Government. The Ministry of Social Solidarity (MSS) has assisted around 12,000 IDPs to return to their villages. Approximately 400 other IDP families are residing in temporary accommodation.

Most IDPs have returned to their pre-2006 homes or neighborhoods. However, some IDPs face ongoing difficulties in relation to the registration process and are staying in temporary accommodation whilst awaiting this process.

Some returnees continue to face problems with their community. Such problems include disputes over land, houses, pre-existing problems,

ment's commitments, returnees continue to face problems in the community, including in relation to land and property rights. Most problems have been solved through mediation, but some disputes are pending a court decision, and others have not yet been resolved.

The National Recovery Programme (NRP) aims to ensure the reintegration of IDPs. Most IDPs to whom the Monitoring Team spoke, stated that they were happy to return home and live normal lives. However, some of those returnee families who continued to face disputes upon return to their pre-2006 homes expressed concern about the return.

The aim of the NRP is to close the IDP camps. However many returnees continue to face problems: How can one construct a house if there is no land to build it on? How can families return to districts where conditions are difficult? In this regard, existing legislation, such as the RDTL Constitution, the International Convention on Economic, Social and Cultural Rights and the Principles on Internal Displaced Persons identify particular expectations to help resolve problems.

During its monitoring from February to April 2009, the Joint Team interviewed 145 IDP families. The interviews found that security issues, including in relation to land disputes, were a major concern for returnees. The Joint Team also observed that the returnees are not yet able to fully exercise their fundamental rights.



Monitoring Team conducting interview to IDP returnees in aldeia Terminal

In one instance in the Maukokomate sub-village, Becora, a returnee was allegedly beaten. The victim stated that a man approached him and hit him because he reprimanded the perpetrator whom he saw picking potato leaves from his plantation. The victim filed a complaint to the police, but the police have not resolved the issue.

In another case, a sub-village chief was allegedly attacked by unknown persons. The victim said that he was approached by seven people who asked where his son was. Before he responded, one of them hit his face. Some of the attackers were allegedly carrying weapons and holding sticks. After he was threatened and beaten the group left.

The Joint Team was informed by community members that the PNTL responds effectively to incidents in return communities. However a few reports were received in which it was alleged that PNTL members beat people without justification.

them to stay at the temporary accommodation and first resolve existing problems, otherwise we won't accept them back here". He also stated that in 2008 when three families returned from Baucau, unknown persons threw stones and burnt the tents they were staying. The three families subsequently moved to temporary accommodation.

Terminal and Buburlau Sub-villages: "We don't accept the IDPs"

Terminal and Buburlau Sub-villages: "We don't accept the IDPs"

Many IDPs remain unable to return to Buburlau Sub-village, Camea Village. The Government, through the MSS and other stakeholders, have undertaken a number of dialogues and initiatives to resolve the issue and accept the IDPs. However, until now these efforts have not led to a resolution of the issue.

One community member stated that "it is not true that we totally disagree with the return of the IDPs. However, we request for

Community dialogue in Suco Camea: Community do not accept IDPs



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Sub-village 01: Three Families are waiting for a Solution

Secondary occupation remains a concern. When some families have returned they have found their houses occupied. For example, in Sub-village 01, Fatuhada Village, three IDP families have found their houses occupied by community members.

One returnee stated that his family and the family occupying his house had already engaged in mediation, and had signed an agreement for the occupant to leave the house. However so far the occupant refuses to leave the house, and has asked for US\$ 3,000 in compensation for vacating the house. In another case, a returnee voluntarily accepted to give all the compensation money he had received (US\$ 500) to the person living in his pre-2006 house. However the secondary occupant rejected this, because according to him, the returnee had previously

authorized him to live in the house.

Another returnee stated that the person occupying his home had de-

manded US\$ 700 to vacate the house. He emphasized that he believes that there is no reason for the occupant to ask compensation because no one authorized the occupant to live there. Meanwhile another IDP whose pre-2006 house is occupied by an F-FDTL member allegedly fears reclaiming his former home.



Monitoring team conducting interview with Aleia Chief in Fatuhada village

Although the Government, through the Dialogue Team, local authorities and the Police, have tried various alternatives to resolve the aforementioned cases, they have not yet been able to resolve the problems.

Land disputes create problems in all parts of Timor Leste, and people claim land that belonged to their grandparents or parent and claims often conflict. In the *5 de Outubro Sub-village*, Fatumeta, two persons – one of them a returnee - are involved in a land dispute that has its roots in the past.

One person claims the disputed land on grounds that it belonged to his

grandparents. He stated that his grandfather was imprisoned until he died over this piece of land, and that the family has land certificates from both the Portuguese and Indonesian Governments. On the other hand, the returnee stated that his family has lived on the land since 1975, and as such also has rights to the land. Such land disputes are difficult to resolve, and may lead to further conflict. In this case, a complaint has been filed

with the court and the two parties are awaiting the judicial process.

UIR-PNTL Member: “I will never hand over the house, even if I have to go to prison”

One UIR PNTL member has been occupying a house allegedly belonging to a returnee family. The family left Airport IDP Camp in August, 2008, and since this time has tried to return to their pre-2006 house. The Joint Team has been monitoring the case closely.

Chronology

On 5 August 2008, the Joint Team accompanied IDPs from Airport Camp who returned to Baya-Leste. As a number of houses in the sub-village were occupied, the returnees set up temporary tents on their property pending mediation.

On 6 September 2008, the MSS dialogue team stated that a UIR police member was occupying the IDPs’ house at Baya-Leste. However, the IDPs were reportedly afraid because the secondary occupant is a member of the PNTL UIR and has a gun.

On 19 October 19 2008, the MSS dialogue team conducted mediation between two parties but no final solution was achieved because the UIR member asked the IDPs to pay \$9,000 as compensation for the

house. He stated that without compensation, he would not return the house to the owner, even if he would be suspended from his position or would be sent to prison.

Later in October, the MSS dialogue team continued mediation between the returnees and the UIR member and finally reached an agreement that the returnees could build a new house on an empty plot of land nearby. However, when the family started to build, another family claimed this empty plot, and the building ground to a halt.

On 21 December 2008, the returnees lodged a complaint to the National Parliament

On 6 January 2009, the MSS dialogue team stated that the case had already been submitted to the Ministry of Justice, and directed to the Directorate of Land and Property. Also on another occasion the director of Land and Property told the Joint Team that they will investigate this case.

On 4 February 2009, on TVTL news, Fretilin MP Mr. António Cardoso,

asked the Ministry of Social Solidarity and State Secretary for Security to address the case involving the PNTL UIR member. It was alleged that the UIR member had threatened the returnee family with a firearm. Then the State Secretary for Security Mr. Francisco said that this behaviour is a crime and it should be reported to the public prosecutor.

On 5 February 2009, the Joint Team raised the issue of the threat and house occupation with the local UIR PNTL Commander. The Commander explained that only the Commander and Deputy are allowed to carry a firearm or pistol when they are not on duty. He stated that the UIR officer who breaks regulations in relation to firearms will face disciplinary action pursuant to the PNTL Organic Law.

At the time of writing, no resolution has been found, and the returnee family continues to stay in a make-shift shelter near the disputed house.

Information from Viqueque District and Ermera District

UATULARI sub-district:

“We became IDPs because others do not understand democracy”

The security situation in Uatolari Sub-district has largely returned to normal. However, some families continue to face difficulties and remain displaced close to Uatolari market. Currently there are eight families who have not yet returned to their houses citing security concerns. The families have asked that the Government engage in dialogue and awareness-raising before they are reintegrated: “We became IDPs because others don’t understand democracy, and we are ready to return” said one IDP.

However, before they return it is necessary to conduct dialogue and awareness-raising. A member said that they are ready to contribute to dialogue, but some cases need to be dealt with. He added that dialogue will resolve the problems related to last year’s crisis. However, some IDPs emphasized that dialogue is only for political and social issues; crimes have to be resolved according to the law.



Monitoring Team met the IDPs Returnees in Urahou—Ermera

The payment process for IDPs in Ermera District is not finished yet, because some families have not received their recovery payment. Based on

data collected by PDHJ, in Urahou Village there are five families who have not yet received their recovery payment.

The details of these families are: MD, Verification number: 37, CS, Verification number: 22, DD, Verification number: 287, AC, Verification number: 17, DC, his house has not been verified yet.

There are indications that conflict may arise between members and sympathisers of different political parties, because these people are easily influenced by leaders. Many returnees as well as community members have limited knowledge of politics and how to exercise their rights, and participate in political life. It has been reported that some community members and returnees still harbour hatred and revenge, threats are made and people are beaten because of their different political affiliations. This situation continues to occur in the villages of Estadu, Lisafat, Urahou and Fatubesi.

RECOMENDATIONS

Based on monitoring conducted by the Joint Team in the field, most returnees are living peacefully. Many IDPs have been provided with basic commodities after being reintegrated. Nevertheless, the Joint Team recommends to the competent Ministries to pay attention to some serious cases, namely:

1. Request the Ministry of Social Solidarity to continue raising awareness about the government’s policy on IDPs and returnees.
2. Request the MSS dialogue team to take the necessary measures to deal with the issue of houses being occupied by second parties.
3. Request the government to immediately address the issue of the PNTL member who is occupying the home

of an IDP in Baya Leste.

4. Request the Ministry of Social Solidarity to verify the details of returnees in Urahou Village in Ermera District, and to prioritize the situation there.
5. Request the Government to provide civic education to both returnees and community members at the grassroots level.
6. Request the Ministry of Justice to provide the public with an explanation regarding the status of land ownership.
7. Request the Government to increase their efforts to work with community members at Becora village to reintegrate IDPs.

Monitoring Methodology:

The Joint Monitoring Team conducted interviews based on a questionnaire. The team conducted at least five interviews per day; including with local authorities (Sub-village chiefs). In relation to security the interviewers attempted to identify the type of violence encountered by IDPs, including the actions of Police and the security forces in villages and sub-villages where IDPs have been reintegrated. In relation to safety, the Team focused on IDPs and problems encountered related to community relations.

The Vision of each organization:

The PDHJ (Ombudsman for Human Rights and Justice): “To Protect Human Rights, enhance integrity, promote good governance, and combat corruption in Timor-Leste”.

JRS (Jesuit Refugee Service): “JRS is an international Catholic agency, providing specialized support services to refugees and forcibly displaced people in over 50 countries around the world. JRS facilitates the involvement of individuals and communities on behalf of refugees, and promotes regional and global co-operation and networking on their behalf.”

HRTJS (Human Right Transitional Justice Section): “To support the monitoring process, to promote and protect human rights and promote justice and reconciliation. The Human Rights Transitional Justice Section works in accordance with the UNMIT mandate, and monitors and reports on human rights of IDPs and returnees.

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