

Restoring Justice in a Fragile Democracy

By Marika McAdam

In February 2005, Edwina Howell and I began our three month legal internship in Timor at *Advocats Sans Frontières* (ASF) - Lawyers without Borders in English. The mission of ASF is to contribute to the development of the justice sector, no small task given that, like everything else in the world's newest nation, the legal system is a work in progress. The formal justice system in these very early days is a mix of rules and codes which the powers that be are picking and drafting as they go. In addition to the deficiency of available resources is the challenge of incorporating, preserving and adapting traditional justice into the matrix. *Adat*, as traditional justice is known, is dispensed by village leaders (*Chefe de Sucos*). Sometimes issues are mediated to enormously good effect, but sometimes a rapist will be punished by having to present the victim's husband with a pig or goat as 'compensation' for the damage done to his 'property'. As a serious crime, rape must now be dealt with by the formal justice sector, but one must wonder whether that system can yet be offered as an alternative to *Adat* given the often inconsistent findings and inordinate delays. There is a long way to go before the cultural and linguistic obstacles are overcome, but challenges are being identified and addressed.

East Timor's psyche was born of revolution, and now the frustrations of revolutionaries turned office staff, resonate throughout the dilapidated capital city of Dili, where a public protest can teeter for weeks on the verge of a riot. And how indeed does one maintain one's determination and resolve, while containing the disappointment of discovering that the new nation waiting on the other side of bloodshed is just another kind of struggle for democracy? One that involves building a country from the ground up, and deciding what to accept and what to reject from the smorgasbord of suggestions on offer from the international community.

Dili has to be looked at in the context of where it came from and it must therefore seem, to its people, like the most progressive, dynamic, modern, cosmopolitan city in the world. And in some ways it is. The number of UN soldiers and foreign police is progressively diminishing, but there is still an eclectic collection of people from all over the world. Expats sit in bars to share beers and stories that weave their

way through continents and eras. Every now and then a truck drives by, overflowing with people and fists and flags and slogans – quite reminiscent of the newspaper photos that first stirred my interest in this country years ago.

If Dili (and Canberra for that matter) is anything to go by, then it's fair to say you can't judge a country by its capital city. The 'real East Timor' starts the minute the dust stops. It's divine. It's surreal. It's everything you would imagine on a tourist brochure, without so much as a hint of a tourist. One wonders why that is, given the rolling green terrain, the palm trees overhanging untouched beaches, the islands that float off-shore and the sunsets that illuminate carpets of rice fields and perfectly choreographed village scenes. I swear it – this is a beautiful country. But even the most far-flung



A fisherman in Dili

place in the country reveals clues to the trauma it has endured.

High on my list of things to do in Timor Leste was visit Balibo – the scene of the notorious murder of the 'Balibo five', whose deaths caused a domino effect of consternation over Australia's knowledge and complicity with Indonesia's actions. The site is now something of a pilgrimage for Aussies who have ventured over to their island

neighbour to play their various cameos on the stage of its history. Adding my name to the guest book evoked simultaneous and incongruous feelings of both pride and shame in my country's relationship with this nation.

It takes years and years of human activity to replace sad stories with new memories, but East Timor has only had six. During our first month in the country, we experienced an earthquake. While I trusted in the misguided sense of invincibility that comes from a life of luck, locals ran into the streets to bang on tins to ward away evil spirits. They were genuinely terrified that they could die, because their history dictates that impossibly bad things are in fact possible. And indeed, a block down the road a two storey building came crashing down and remained scattered across the road for some time, as evidence of the fragility of order. But before leaving Dili, I was heartened to see that like every other broken thing in this proud nation, the remnants of this tragedy were gradually being cleared away to make room for something new to be built in its place.

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Marika surrounded by some very excited locals