

Noemí Pérez Vásquez, *Women's Access to Transitional Justice in Timor-Leste: The Blind Letters*, Oxford: Hart Publishing, 2022

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Noemí Pérez Vásquez's *Women's Access to Transitional Justice in Timor-Leste: The Blind Letters* is a welcome addition to the growing body of critical literature on Transitional Justice (TJ). It is published against a background where monographs on TJ's application to specific jurisdictional contexts remain limited. Using the case study of Timor-Leste, Pérez Vásquez investigates how women navigate TJ processes against extant patriarchal convictions of both international and national actors. Particularly, she challenges two positions of TJ's mainstream literature. First, is the assumption that TJ is inherently just. Second, is that it is a 'global' justice system that states (are expected to) turn to through new laws and purpose-built TJ institutions in the aftermath of conflicts: conflicts that have left many with experiences of harm.

To critique these broad claims of TJ, Pérez Vásquez relies on data she gathered from conducting interviews with policy makers, investigators, and other actors of justice, and more importantly with seventy-seven Timorese women, who have suffered various forms of violence during the Indonesian intervention. These harms include sexual slavery, forced impregnations, forced and temporary 'marriages', forced abortions, and other grave forms of sexual and gender-based violence. The engagement of such women as research participants brings ethical considerations that Pérez Vásquez has explained in detail (pp.22 - 26). She is, however, critical of the ethical practice that obliges researchers to hide all participant identities through anonymisation, based on the generalist presumption that 'these women

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are vulnerable' (p. 26). I find this criticism to be particularly important for research relating to women of the so-called 'third world'. While ethical precautions *are* very important and at times, life-saving, they should – like any other regulatory practices – be assessed on a case-by-case basis. To not do so may contribute to perpetuating epistemic injustices and discursive violence which postcolonial feminisms attempt to uncover and address.

Pérez Vásquez signals these ethical considerations and where appropriate, recognises and makes her research participants visible in a multitude of ways. From these, I am especially impressed by her chapter titles which transcend the orthodox academic standards. She creatively quotes her research participants in her chapter titles to give a thematic thread to the chapter and to shed light on the insights of her research participants. In doing so, Pérez Vásquez treats her research participants as knowledge-makers of postcolonial feminisms. She also uses a range of photographs from her field visits to give visibility to her research participants. Due to ethical standards of research with which, like all qualitative researchers, Pérez Vásquez has had to comply, she uses participant numbers to refer to her research participants. This practice can lead to denial of identity to research participants. Such denials remind me of W.H. Auden's poem 'The Unknown Citizen' where the life of an unnamed citizen referred to only by an alpha-numeric code is celebrated by constructing a marble statue.¹ His memorialisation and the denial of his individual identity occur in parallel. Committing his memory to the history and his erasure from history paradoxically coincide much like the research participants whose individualities are erased even when their stories are immortalised through research.

While provoking the thoughts of readers concerning ethical challenges, Pérez Vásquez also mounts a critical challenge to mainstream TJ literature. Assessing her data from a postcolonial feminist approach, she demonstrates that when applied to postcolonial / post-conflict states like Timor-Leste, TJ exhibits dissensions with contextual realities. In her view, this occurs as TJ is a mechanical design sold in packages as 'quick solutions to conflicts' which can be contrasted to TJ's modern origins that arose in response to Nuremberg and Tokyo trials of the

¹ Poem published in W.H. Auden, *Another Time* (Random House, 1940).

second world war (p.3.). When extracted from such loci of TJ theory and praxis, and applied to contexts like Timor-Leste, Pérez Vásquez says TJ can exacerbate the invisibility of and discrimination against certain sections of the populations due to the unquestioning assumptions that we maintain of TJ's capacity to provide justice. Such TJ postulates take for granted the tribulations of those who have endured structural injustices and discrimination experienced in intersectional ways. These harms continue to remain unresolved through laws, policies, politics, economics, and at societal levels, even within post-conflict TJ contexts. Timorese women experience how TJ processes overlook these complexities because TJ, according to Pérez Vásquez, predominantly represents a masculine human rights strategy that intervenes in the lives of the post-colonial subjects. When this is coupled with gender blindness in the design and processes of TJ, it culminates in obliterating women's realities and contributes to the perpetuation of discrimination against women.

Within this broader context, Pérez Vásquez makes two claims. First, she argues that women are required to meet a higher threshold in accessing justice processes. This claim is premised on her proposition that TJ is applied to domestic contexts notwithstanding the barriers found in the laws and policies of implementation, and at family and community levels. Her second argument is that the relationship between conflict-related violations and economic justice creates significant consequences for times of peace. She exposes how these ramifications arise in connection with what she calls TJ's insufficient attention to state-produced welfare structures, such as veteran pensions, that are established within domestic settings after a conflict. It is the burden of this central issue of barriers in the administration of TJ that Pérez Vásquez proceeds to discharge through the eight chapters of her book.

Pérez Vásquez begins answering this central question with a provocative story from which she forms a metaphor that runs through her work. She recalls how when one of her research participants was asked if she knew how to read and write, rather than saying 'yes' or 'no', she answered 'Yes, I went to the school of blind letters' (p. 1). This meant that the school was there, but she could not learn how to read and write because she could not see the letters. Pérez Vásquez uses this as a metaphor to say, similarly, 'transitional justice may also be there, but that due to intersectional forms of discrimination, it is only accessible for a few' (p. 1).

Using this metaphor, she uses Nancy Fraser's tri-dimensional model of gender justice which highlights the need for:

- better political representation of women and their interests in public decision-making;
- an understanding of the cultural dimensions of recognition, meaning 'revaluating disrespected identities and the cultural products of marginalised groups'; and
- the economic dimension of redistribution of income and the re-organisation of the division of labour.

Pérez Vásquez's in-depth reflections are on the first dimension of the above model, and her overall conclusions also take cognizance of the third dimension. However, she does not offer the reader a nuanced exploration of whether women perceive themselves as disrespected identities and cultural products of marginalised groups, which, if provided, would have aligned her work with the second dimension of Fraser's model as well. Although Pérez Vásquez notes that her deeper engagements are with the first dimension (p. 3), the limited exploration of the second dimension is striking for three reasons. First, the methodological choices she has made in this monograph. She claims her analysis is generated through postcolonial feminist approaches (p.15; p.241). Therefore, an intentional engagement with how Timorese women perceive their identities, intersectionalities, and ontological dependencies that arise in connection to, for instance, ethnicity, language, and political factionalism of Timor-Leste could have added value to Pérez Vásquez's feminist interventions. To the readers, this analytical limitation becomes observable because it contrasts with Pérez Vásquez's own acknowledgement that identities can be gendered (p.75), and because she concedes that exploring women's identities is an important component of women's law research (p.117).

The second reason why the insufficient engagement with the second dimension of Fraser's model becomes intriguing is because Pérez Vásquez, though not assessing women's perceptions of identities, has assigned substantial weight to women's perceptions of justice (see her appendix of interview questions, pp.250 - 251). This demonstrates that her research *did* employ women's perceptions as an analytical tool, though not in relation to what they

thought of their own identities. This makes the reader contemplate if the perceptions of justice would have been articulated differently by research participants had they been prompted through interview questions to factor in intersectionality of women's gendered identities.

Third, the exclusion of the second dimension is also puzzling as the tri-dimensional model of Fraser is a connected whole. Pérez Vásquez's own analysis provides testimony to how the first and third dimension are inherently linked to the second. Hence, this gap leaves room for analysing how Timorese women's perceptions of access to TJ could be nuanced if the ways inequalities intersect are considered in assessing their identities. Further research could consequently be generated by exploring these ontological elements that have remained unassessed in this monograph.

Notwithstanding these concerns, Pérez Vásquez's attention to the contextual realities that bear on its TJ process is commendable. Particularly, in Chapter 2, she provides a concise, yet comprehensive history of Timor-Leste, inclusive of its colonial legacies, Timorese experiences of the impact of international legal frameworks, and how both colonialism and international law matter in the context of Indonesian interventions that led to large-scale human rights violations. She uses this chapter as a background that helps the reader understand Timorese TJ process more vividly.

Building on this background, Pérez Vásquez reflects on silence and memory as a part of TJ in Chapter 3. She shows how silence and memory are interwoven with invisibility and discrimination against women. The chapter is significant for it demonstrates that (often politicised) official memories inhibit individual memories and narratives thereby suppressing victim visibility. She contends that such suppressions emanate from the hypermasculinisation of society and national identity that create a continuum of violence against women. However, all women do not follow the same path in coming out of this continuum. For instance, Pérez Vásquez shows that she met with research participants who expressed interest in learning a skill, 'an activity that is sustainable' as opposed to talking 'over and over again' of traumatic events they had experienced (p. 89). Their choice appears like 'silence'. Nevertheless, learning

something sustainable and deciding whether or not they want to relive their past trauma is an awakening of their agency. It challenges the 'Western idea that talking is healing' (p. 89). Pérez Vásquez suggests these choices, which may overtly appear to be a form of silence, are not representative of disengagements with TJ processes. She claims that they are in fact alternative TJ engagements that affirm and perhaps even reclaim women's agency by letting them redefine what justice means to them or how they wish to access justice. Given that this contains nuances concerning the politics of memory and talking therapy as a part of TJ, there is potential here for a more robust substantiation of this line of argument. It could possibly build on Lia Kent's work on Timor-Leste² with which Pérez Vásquez has only cursorily engaged with in the present monograph.

After analysing gendered perspectives of silence and memory in Chapter 3, Pérez Vásquez exposes four gendered administrative complications of TJ in Chapter 4. These relate to investigations, forensic and medical expertise, post-conflict international relationships between states, and the public-private dynamics that affect TJ within the state. Pérez Vásquez says one primary challenge in investigations stems from investigators refusing to visit sites of violence or locations where victims reside. For instance, this had happened in Timor-Leste when investigators were unwilling to leave their comfort zones and travel to the municipalities from Dili – the capital. Second, she critiques the UN for not having processes in place for obtaining the services of forensic and medical experts to deal with allegations of sexual violence. She notes however that such expertise was available when dealing with the deceased. This commentary raises the poignant question of whether a living woman's search for justice has lesser value in TJ processes, which appear to employ more sophisticated forensic strategies when dealing with the dead. Third, the Timorese government's attempt to develop a diplomatic relationship with Indonesia has resulted in the undermining of the Timorese TJ process. Together, these three points reveal how administrative issues in TJ obstruct women's access to justice. Fourth, Pérez Vásquez explores how the public and

² See, Lia Kent, 'Engaging with 'The Everyday': Towards a More Dynamic Conception of Hybrid Transitional Justice' in Joanne Wallis et al, *Hybridity on the Ground in Peacebuilding and Development: Critical Conversations* (ANU Press 2018) 145; Lia Kent, 'Sounds of Silence: Everyday Strategies of Social Repair in Timor-Leste' (2016) 42 *Australian Feminist LJ* 31; Nicole George and Lia Kent, 'Sexual violence and hybrid peacebuilding: how does silence 'speak'?' (2017) 2 *Third World Thematics: A TWQ Journal* 518; and Lia Kent, 'Local Memory Practices in East Timor: Disrupting Transitional Justice Narratives' (2011) 5 *Int'l J of Transitional Justice* 434.

private dynamics work in Timorese society where the pressures within the family, that is – the ‘private’, prevent the women from accessing TJ institutions – the ‘public’.

Building on these, Pérez Vásquez moves to the second half of her monograph where her feminist interventions become more defined. Among these, Chapter 5 ‘Women, Truth, and Reconciliation: Here Comes the Victim’, is emotion-evoking. In it, Pérez Vásquez presents how the testimonials before TJ institutions have attracted double victimisation for Timorese women. When women expose their traumas before these institutions, they are legally defined as victims. Then when such women are seen in society, others point and say, ‘here comes the victim’ (p. 160). What this leads to is a feminisation of victimhood (p. 162). For instance, she says a tortured man would not be considered a victim and be treated more as a hero who has made sacrifices during the conflict. Yet, the paradox here lies in how access to reparations within TJ are targeted at men. As Pérez Vásquez skilfully shows in Chapter 6, this arises from the societal perception that ‘men were the most affected’ (p. 178). Within that context, it is thus ironical to label women who have experienced (particularly sexual) violence as forever victims or ‘mistresses of the *bapas*’³ (p. 213) whose self-worth is considered to have been forcefully taken by Indonesian men. There is a distinctly gendered ‘us versus them’ narrative here that merits further inquiry as it may generate a discourse on the worth of a woman’s body being assessed in relation to the ethnicity/nationality of the perpetrator who commits such violence.

Having drawn the reader’s attention to these gendered problems within TJ’s administration, Pérez Vásquez reminds us that there *are* benefits in TJ if we can ensure that existing discriminatory dynamics are not perpetuated and exacerbated through TJ processes. In other words, gendered challenges of access to justice in TJ do not mean that one should throw the proverbial baby out with the bathwater – rather, it is a plea to make TJ work by effectively addressing TJ’s gaps. Pérez Vásquez’s data, though based on Timor-Leste, accordingly, generates nuances that can be applied to critiquing and reformulating TJ processes more generally irrespective of where it is applied. She demonstrates this possibility by using many

³ Indonesian men.

comparative examples throughout the monograph. Pérez Vásquez inspires intellectual inquiry and provides an affirmative way to think of TJ through her impressively documented monograph that is well-situated in literature. It is an excellent critical intervention that helps rethink women's access to transitional justice globally.