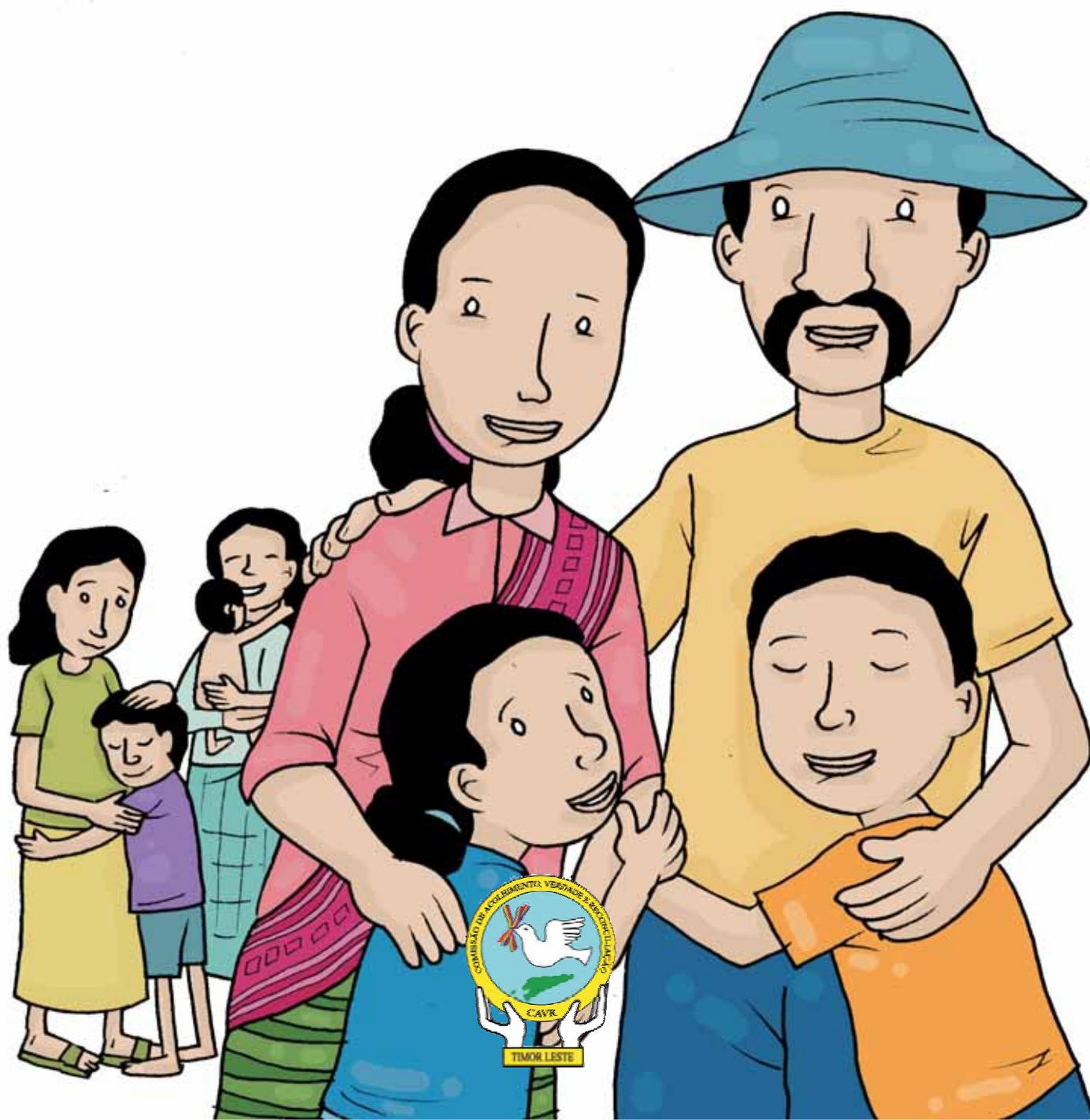


CHEGA!

Book 5 Snakes on the loose



CHEGA!

Book 5
Snakes on the loose

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2015

Chega!

Book 5: Snakes on the loose

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Authors

Galuh Wandita, Jose Luis de Oliveira, Hugo Fernandes, Sandria Komalasari, Dodi
Yuniar, Rev. Agostinho de Vasconcelos, Chiquito da Costa Guterres, Manuela
Leong Pereira, Jaimito da Costa, Geraldo Gomes, Pat Walsh, and Naomi Kinsella

Editor English edition

Pat Walsh

Illustrator:

IgnAde

Photography:

ICTJ, STP-CAVR

For further information on this book contact:

STP-CAVR

Rua Balide,

PO Box 144, Dili, Timor-Leste

Telp: (+670) 3311263 www.cavr-timorleste.org

and

Asia Justice and Rights (AJAR)

www.chegareport.net

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INTRODUCTION

Priscilla Hayner, March 2015

Timor-Leste, formerly known as East Timor, today represents the success of a movement for self-determination. We are able to watch with fascination as a new country takes root, matures, and takes its rightful place in carrying out international and national affairs.

However, this independence, finally fully achieved in 2002, came at a high price, after many decades of struggle against oppressive systems. Timor-Leste is a story that we can all learn from: its history includes colonial rule, resistance, internal conflict, occupation, further resistance, concentration camps and widespread death from famine. It finally had the opportunity to vote for its independence, but even this met a violent response from its former occupier.

The United Nations and others helped in the transition to statehood after the independence vote. Part of this effort was to help respond to the national desire for a full investigation into this history. The resulting truth commission of Timor-Leste, known as the CAVR (for its acronym in Portuguese), was an impressive body, and after several years of research and speaking with thousands of victims, it produced a stellar report. It stands out as a prominent example amongst the many truth commissions around the world to date.

This accessible, popular version of the report, in its five volumes, is one further step in setting a new standard for truth commissions. Like the full report, it is available in multiple languages. This English version should be especially useful for teachers and students in many parts of the world who can now more easily access this important story, with its universal relevance. It also provides a useful glimpse into how “truth commissions” undertake their work. This illustrated version should be useful to adults and adolescents, but could also be of interest to younger children. There are many parts of Timor-Leste history, for example, that show how war and conflict directly and negatively impact children and youth.

I commend the impressive efforts of those who have made this popular version of the CAVR report available, and hope this helps to reach the broader readership that the report deserves.

Priscilla Hayner is the author of *Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions*, and an independent expert on transitional justice, based in New York.

EDITOR'S NOTE TO TEACHERS

Welcome to this comic version of the Timor-Leste Chega! report.

The 5-part comic has been developed with East Timorese colleagues and the blessing of East Timorese leaders to make the full report available for practical use in the classroom, including being easily photocopiable! It is sincerely hoped that teachers of history, international relations, human rights, religious education and other subjects will find it useful. As it is also available in Indonesian (www.chegareport.net), teachers of Bahasa Indonesia might also find it a helpful language tool.

Why should schools and young people around the world study Chega?

Of the many reasons that could be given, I think the most important is the story of Timor-Leste itself. It is so improbable and amazing, it is guaranteed to excite and motivate young people.

The Timor story is also highly educational. It is informative in terms of events and players but, more deeply, in terms of the values it teaches. No-one could study Chega! without swearing off bullying, thinking twice about war and peace, and gaining a deeper insight into human nature and human rights and the latter's global importance in today's fractured, violent world.

Lastly, a word on the nature and use of the comic book.

Teachers should understand that Chega! is essentially a report on human rights violations committed on all sides in Timor-Leste over 24 years. It takes a particular, though fundamentally important, perspective. It is not a comprehensive academic treatise.

Teachers should also appreciate that as a human rights report, Chega! identifies perpetrators and victims and assigns guilt and that it does this regardless. The Indonesian military (not the Indonesian people) are prominent in this gallery of guilt but East Timorese and big name players in the UN, such as Australia, the US, UK and France, also qualified for this dis-honour board.

As a comic, the product also simplifies and presents its message in black and white. Teachers are strongly urged, therefore, to familiarise themselves with the full report and the compelling human stories it contains and to use it and the comic version hand in hand.

Pat Walsh
padiwalsh@gmail.com
www.patwalsh.net

LIST OF ABBREVIATIONS AND ACRONYMS

ABRI	Angkatan Bersenjata Republik Indonesia (Indonesian Armed Forces)
Apodeti	Associação Popular Democrática Timorese (Timorese Popular Democratic Association)
ASDT	Associação Social Democrata Timorese (Timorese Social Democratic Association)
Asosiasaun HAK	Perkumpulan Hukum, Hak Asasi, dan Keadilan (Association for the Law, Human Rights and Justice)
CAVR	Comissão de Acolhimento, Verdade e Reconciliação de Timor-Leste (Timor-Leste Commission for Reception, Truth and Reconciliation)
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CNRT	Conselho Nacional de Resistência Timorese (National Council for Timorese Resistance, established in 1998)
CPLP	Comunidade dos Países de Língua Portuguesa (Community of Portuguese Speaking Nations)
CRC	International Convention on the Rights of the Child
CRP	Community Reconciliation Process
Fokupers	Forum Komunikasi Perempuan Timor Lorosa'e (East Timorese Women's Communication Forum)
Fretilin	Frente Revolucionária de Timor-Leste Independente (Revolutionary Front for Independent Timor-Leste)
GPK	Gerombolan Pengacau Keamanan (Security Disturbers Movement)
Hansip	Pertahanan Sipil (Civilian Security)
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICRC	International Committee of the Red Cross
KKP-HAM	Komisi Penyelidikan Pelanggaran Hak Asasi Manusia (Commission for the Investigation of Human Rights Violations)
Kodim	Komando Distrik Militer (District Military Command)
Komnas HAM	Komisi Nasional Hak Asasi Manusia (Indonesian National Human Rights Commission)
Kopassandha	Komando Pasukan Sandhi Yudha (Sandhi Yudha Special Forces)
Kopassus	Komando Pasukan Khusus (Kopassus/Special Forces)
Koramil	Komando Rayon Militer (Military Command at the Sub-district Level)
Korem	Komando Region Militer (Military Command at the Regional Level)
KOTA	Klibur Oan Timor Asuwain (The Association of Timorese Heroes)
KUHAP	Kitab Undang-Undang Hukum Acara Pidana (Penal Process Code)
KUHP	Kitab Undang-Undang Hukum Pidana (Penal Code)

NGO	Non-Government Organisation
Pertamina	Perusahaan Tambang dan Minyak Indonesia (Indonesian Oil Company)
SGI	Satuan Gabungan Intelijen (Indonesian Intelligence Unit)
TBO	Tenaga Bantuan Operasi (Operations Assistant)
TNI	Tentara Nasional Indonesia (Indonesia National Defence Force) Tonsus Peleton Khusus (Special Platoon)
Trabalhista	Partido Trabalhista (Labour Party)
UDT	União Democrática Timorese (Timorese Democratic Union)
UN	United Nations
UNAMET	United Nations Assistance Mission in East Timor
UNHCR	United Nations High Commissioner for Refugees
UNTAET	United Nations Transitional Administration in East Timor

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MAP OF TIMOR-LESTE



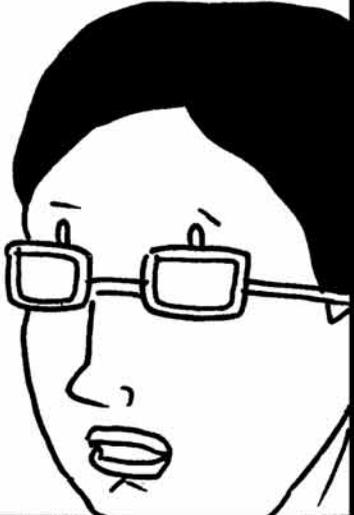


**CHAPTER 1
INTRODUCTION**

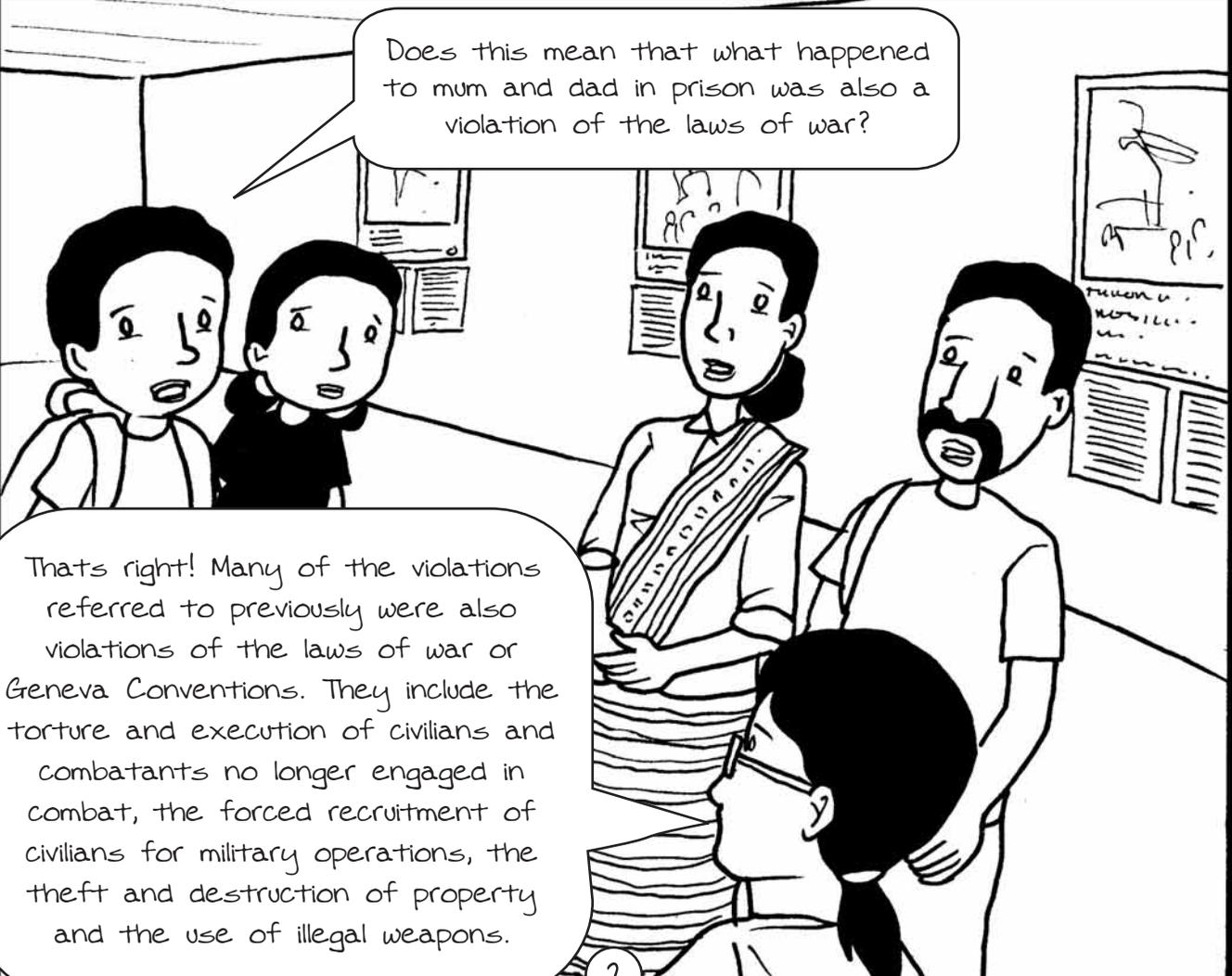




And also, what were CAVR's findings about violations of the laws of war?



Sure! One of CAVR's mandates was to write a report about human rights violations, including violations against international humanitarian law which are often called the laws of war.



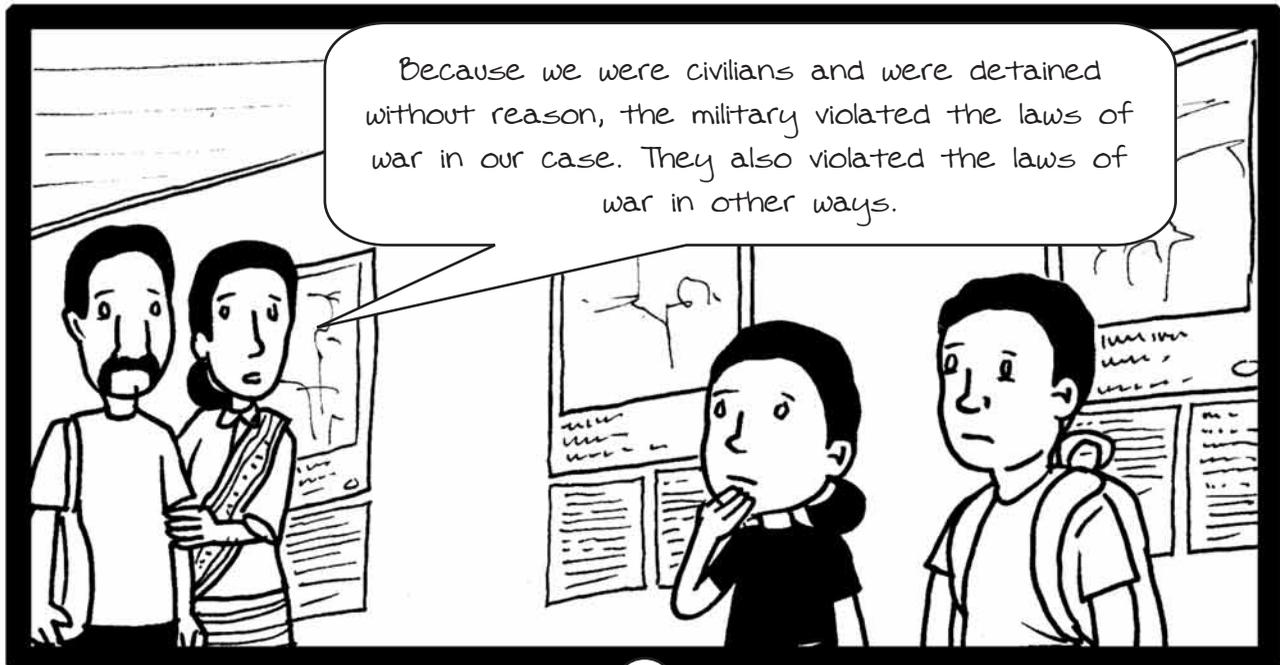
Does this mean that what happened to mum and dad in prison was also a violation of the laws of war?

That's right! Many of the violations referred to previously were also violations of the laws of war or Geneva Conventions. They include the torture and execution of civilians and combatants no longer engaged in combat, the forced recruitment of civilians for military operations, the theft and destruction of property and the use of illegal weapons.

Legal Basis

The four basic principles of the laws of war

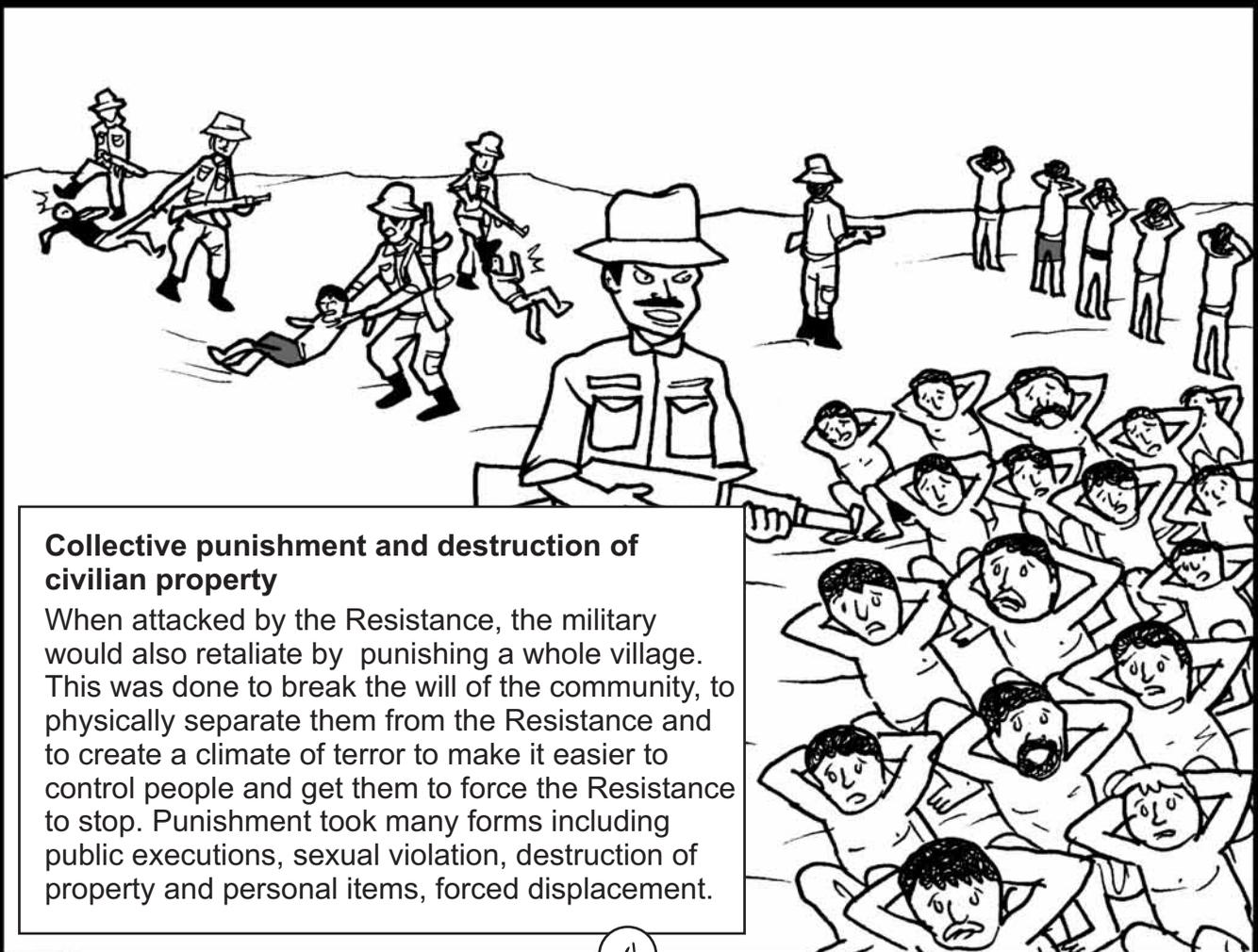
- Force used must be only what is necessary to achieve a legitimate military objective.
- All actions taken must be in accordance with principles of humanity
- Civilians and civilian objects can never be targeted by the military
- An attack that incidentally causes civilian casualties is only permitted if the harm to civilians and civilian objects is not excessive relative to the military advantage gained.



Violations of the laws of war by Indonesia

Not discriminating between civilians and combatants

Civilians were targeted and suffered indiscriminate attacks by the Indonesian military throughout the war. The military killed unarmed civilians, committed sexual violations, burned down homes, seized people's land and property, and forcibly displaced communities.

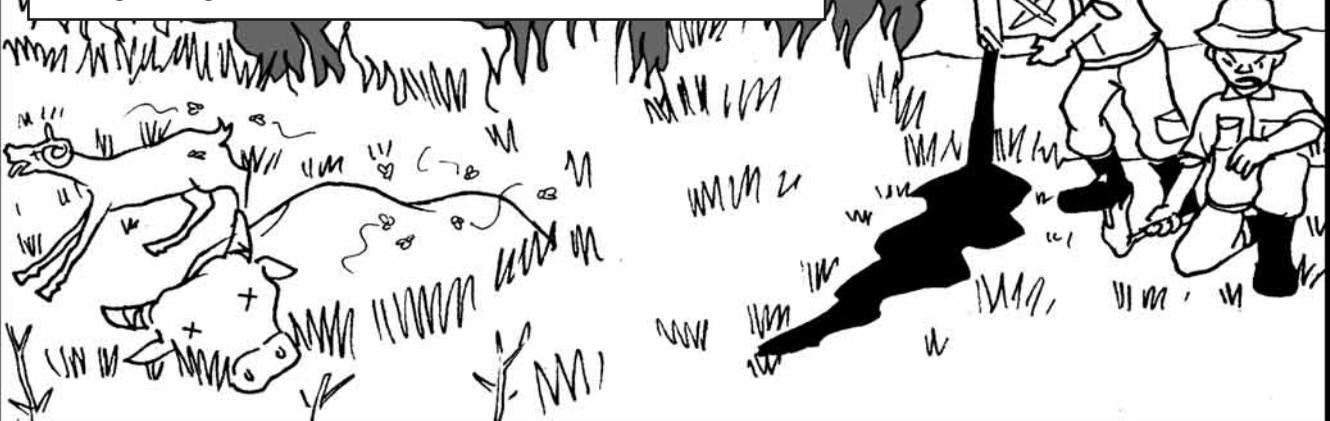


Collective punishment and destruction of civilian property

When attacked by the Resistance, the military would also retaliate by punishing a whole village. This was done to break the will of the community, to physically separate them from the Resistance and to create a climate of terror to make it easier to control people and get them to force the Resistance to stop. Punishment took many forms including public executions, sexual violation, destruction of property and personal items, forced displacement.

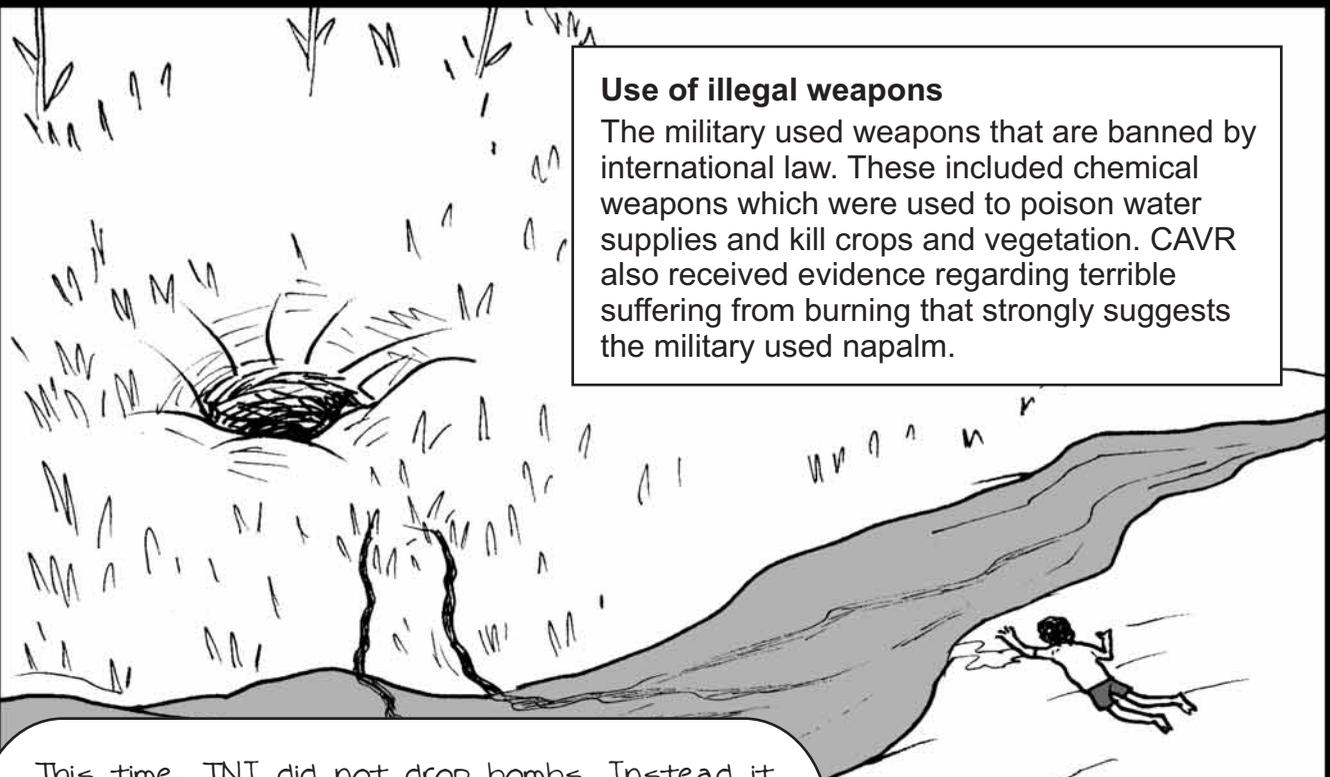
Destruction of food

Food sources were deliberately and systematically targeted for destruction by the military. This included the destruction of gardens, burning of crops and slaughtering of livestock.



Use of illegal weapons

The military used weapons that are banned by international law. These included chemical weapons which were used to poison water supplies and kill crops and vegetation. CAVR also received evidence regarding terrible suffering from burning that strongly suggests the military used napalm.



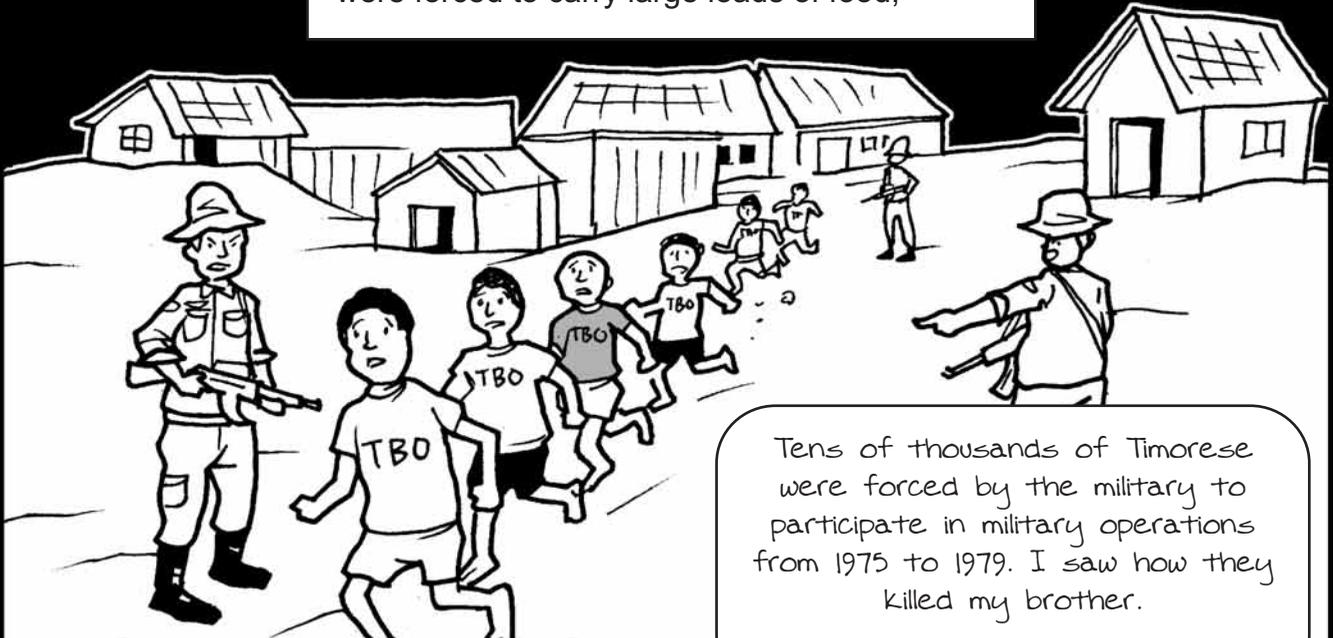
This time, TNI did not drop bombs. Instead it loaded poison into water drums, carried them on planes and dropped them on Lesumau. This caused contamination of all food supplies. Villagers would pick leaves and vegetables, cook and eat them, then die. They would drink water and die. They would dig up cassava roots 15 centimetres deep to eat, then die.

(Testimony to CAVR by Augusto Soares on the situation in Lesumau near Ermera 1977-78)



Forced recruitment

The military forced tens of thousands of men, women and children people to assist with their military operations, particularly 1975-1981. They were forced to carry large loads of food,



Tens of thousands of Timorese were forced by the military to participate in military operations from 1975 to 1979. I saw how they killed my brother.

(Witness)

In 1980, I was recruited as a TBO. During those two months, I witnessed my own sister raped and made into a sex slave by ABRI soldiers.... When we were operating in the forest, I had the chance to help a Falintil member by giving him food... I was kicked with army boots and they threatened to shoot me. They then added more to the load I had to carry....

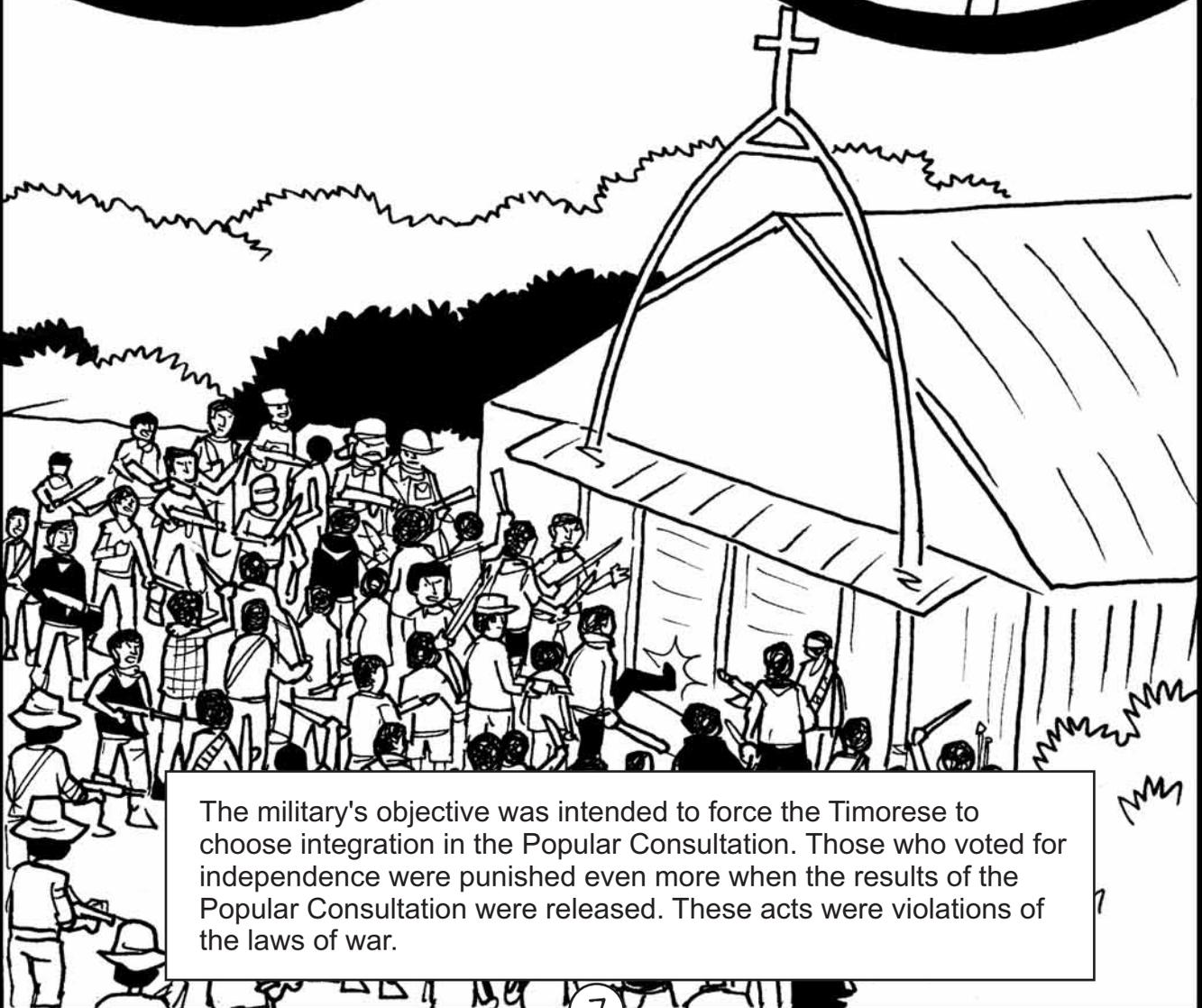
(Witness testimony to CAVR)



The military committed serious and systematic human rights violations before and after the Popular Consultation vote in 1999.



The violence and destruction in 1999 was a systematic attack by heavily armed and organised military and militia groups on generally unarmed and defenceless civilians. This was not a conflict between two armed groups because for most of the time Falintil was cantoned or confined to base and not an active party to the conflict.



The military's objective was intended to force the Timorese to choose integration in the Popular Consultation. Those who voted for independence were punished even more when the results of the Popular Consultation were released. These acts were violations of the laws of war.

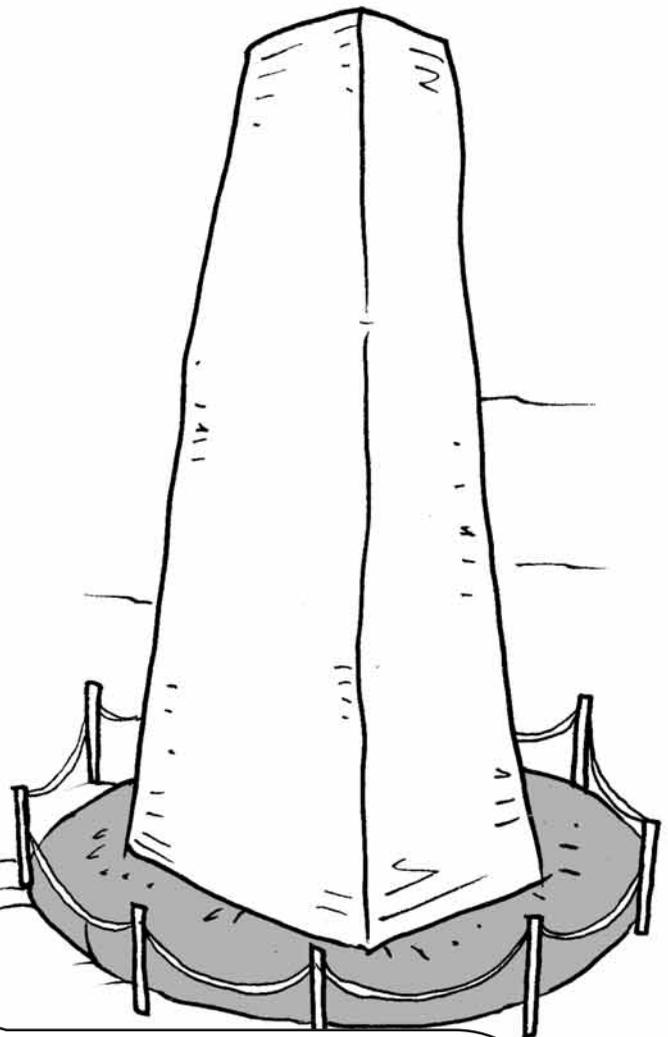


Let me share what people told CAVR about war crimes committed by Indonesia.



When we ran an operation in Mount Kablaki in 1979, the Kodim Commander gave us instructions to shoot anyone we came across, both civilians and Falintil.

(Former TNI soldier)



In 1978, the Indonesian military encircled Mount Matabian and tightened this 'fence' trapping civilians on the mountain. Many died from the bombings, starvation or when they got lost on the mountain. About 100 people from our village died on Mt Matabian.

(Testimony to CAVR by the community of Defawassi, near Baucau)



When ABRI attacked Ossu in the dry season in 1976, my wife Ceverina, my son Arlindo and I were in Basilau, Osso-Gori.... We fled to Mount Builo, Ossorua. ABRI entered Ossu and continued their advance. They built a post near my land in Loilubu, Ossurua. During a patrol, they burned my house in Basilau. ABRI abandoned the post after about a month. When I found out that ABRI had left, a brother-in-law, Patricio, and I returned to see my coconut trees. They were all destroyed. ABRI cut down all the banana trees to build a post. They also cut down all 300 coconut trees. Only one tree was left intact.

(Testimony to CAVR by Jose da Silva Amaral)



Around 400 people died (from poisoning) Most who died came from the village of Katrai Kraik [Letefoho, Ermera], including all the villagers from one part of the village except for one elderly woman and her daughter. Now they still live in the village of Katrai Kraik.

(Testimony to CAVR by Augusto Soares)



On 20 August 1981, Vicente was sick with malaria and he went to seek treatment in the town of Baguia. When he arrived, there were many TNI troops from Battalion 521 with members of Hansip.... (they) captured Vicente and other civilians and youths. Battalion 521 ordered the young men to become TBOs, carrying backpacks and weapons to the forest... On 12 October 1981, I heard... that Vicente and other friends had died in Uatolari [Viqueque]... To this day, I still don't know what caused Vicente's death and where he was buried.

(Testimony to CAVR by Francisco Antonio Menezes)



Was Indonesia the only one to commit war crimes?

Unfortunately not! As we heard before, all groups committed violations, though the Indonesian military committed the most.

Violations of the laws of war by Fretilin/Falintil

Fretilin/Falintil also committed war crimes. CAVR determined that the laws of war applied to both parties to the conflict and that the Resistance was also bound to comply with these laws.

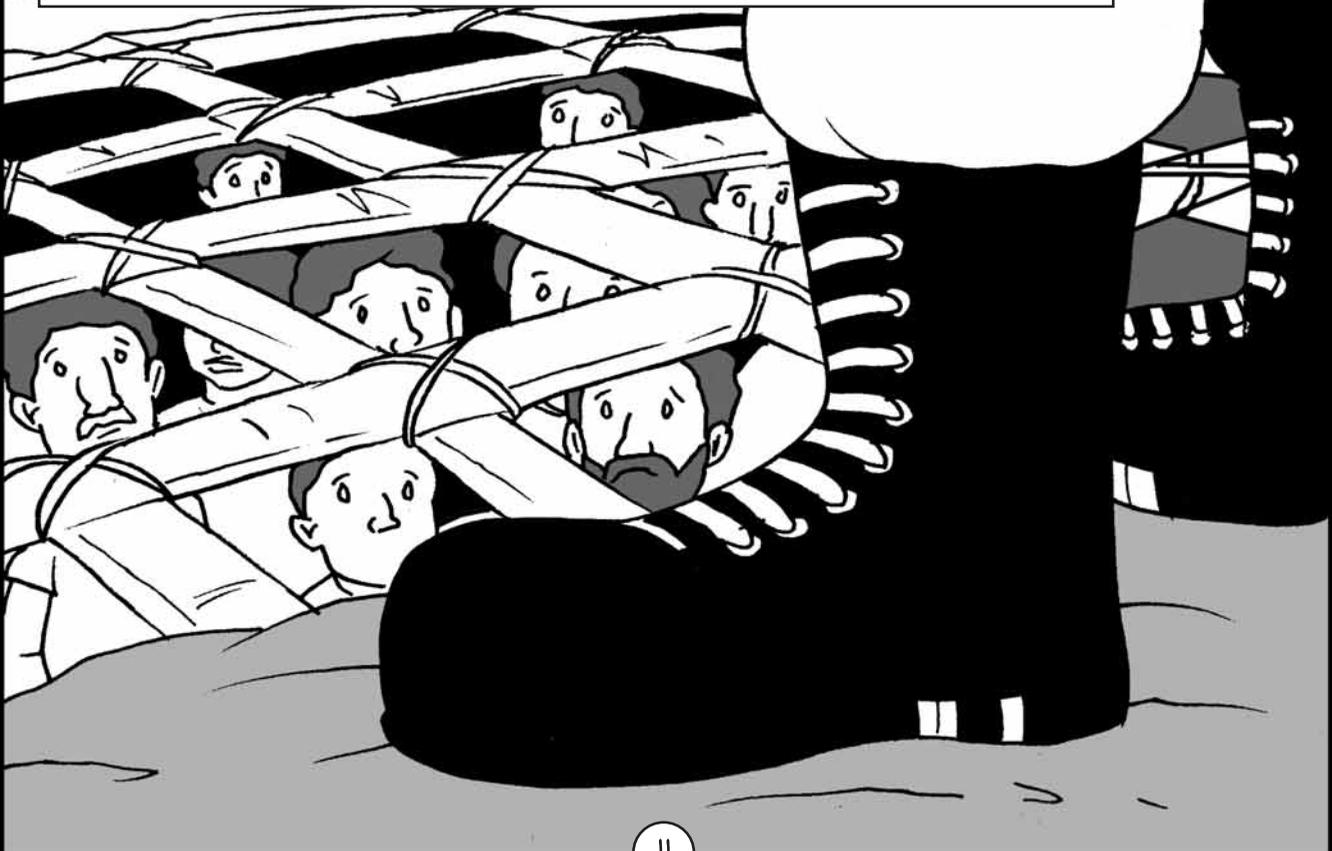
Why?

Because Falintil had a command structure and they differentiated between Falintil members and normal civilians. Falintil also carried weapons, wore uniforms, insignias and other distinctive features and generally conducted military operations in accordance with the laws and customs of war.

But in fact Fretilin/Falintil did violate the laws of war.



- In January 1976, after the Indonesian invasion, Fretilin executed members of UDT, Apodeti and civilians whom they had detained.
- The Resistance killed people suspected of collaborating with the enemy and burned down the houses of people who surrendered. It also targeted the population and tortured people cruelly by detaining them in holes in the ground, beating, and burning.





We were in the middle of war.... when we ran from our enemies... we took those we had imprisoned, our enemies... We said, 'They are close.... We don't have too many choices. There's no transport, no food, not much medicine, none of this'. Some of our prisoners were already seriously sick, many were very weak. So we had to look at this. Do we leave them here alive? Do we run alone and leave them? Or do we kill them and then run?... Is it better if he dies or we die?... Therefore, some of them took a decision that we kill them, so that the enemy could not endanger us. Perhaps this opinion was commonly held, more or less commonly, by leaders at all the levels.

(Testimony to CAVR by Francisco Xavier de Amaral, Former President of Fretilin)

In 1982, a member of Falintil came to suku Lore I, Lospalos. That Falintil soldier forced his way into Cecilia Sarmiento's house. Even though Cecilia was screaming, no-one was brave enough to help her. The member of Falintil dragged Cecilia outside and burnt down her house. Cecilia's husband, Marcos, was at the Siskaming Post and ran to help, but wasn't able to. Cecilia's husband was tied up by the Falintil soldier and just watched as the soldier killed Cecilia with a machete and threw her body into the fire.

(Witness testimony to CAVR)

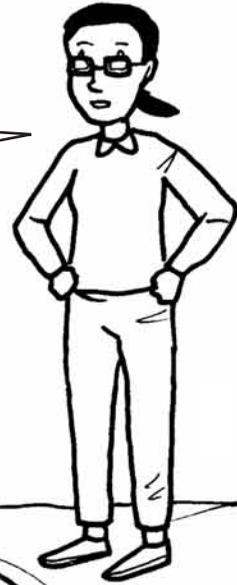


Conclusion



The Indonesian military and Fretilin/Falintil both committed war crimes and caused people a lot of suffering. Of the two sides, however, the Indonesian military and their militia auxiliaries were the principal perpetrators and committed far more crimes than the Resistance.

CAVR found that the actions of members of Fretilin/Falintil in hundreds of cases of detention, torture and killings of civilians, prisoners, the wounded and the sick were violations of their duties under the Geneva Conventions or laws of war.



CHAPTER 2 POLITICAL TRIALS



Before you were imprisoned, were you put on trial?

No. We and others were just locked up. There weren't any trials then.

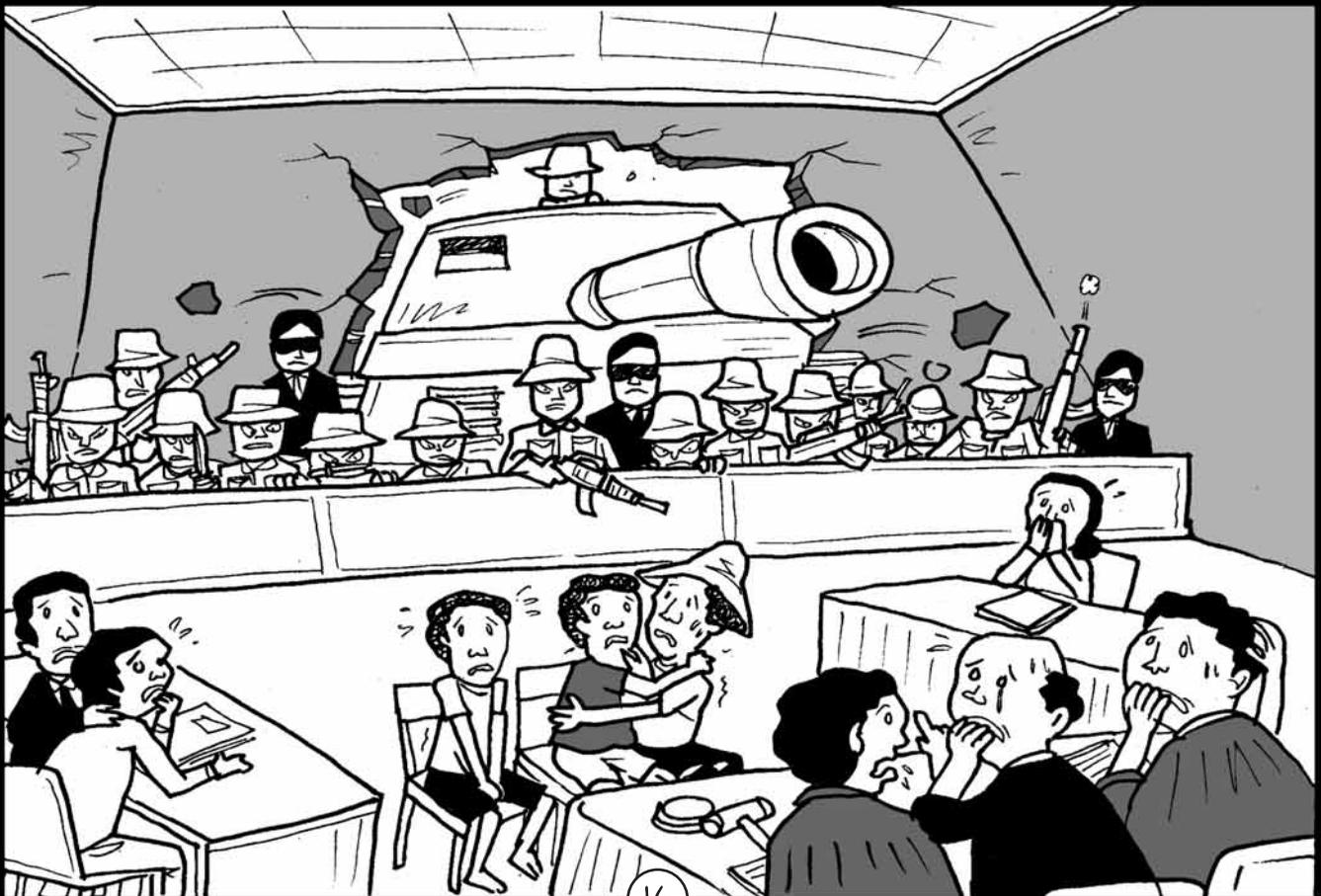
During the occupation there were trials for some Timorese political leaders and activists but they were not fair trials. They were 'show trials' set up to give a good impression.



Indonesian courts began to operate in Timor-Leste as early as 1976-77, but only for criminal cases. Not until 1983 did Indonesia, as part of its policy of 'normalising' Timor-Leste, start using the courts for political offences such as subversion and treason. Several hundred Timorese were tried and convicted during the next 16 years. But the trials simply complemented Indonesia's military objectives and were part of the overall strategy to defeat the Resistance.

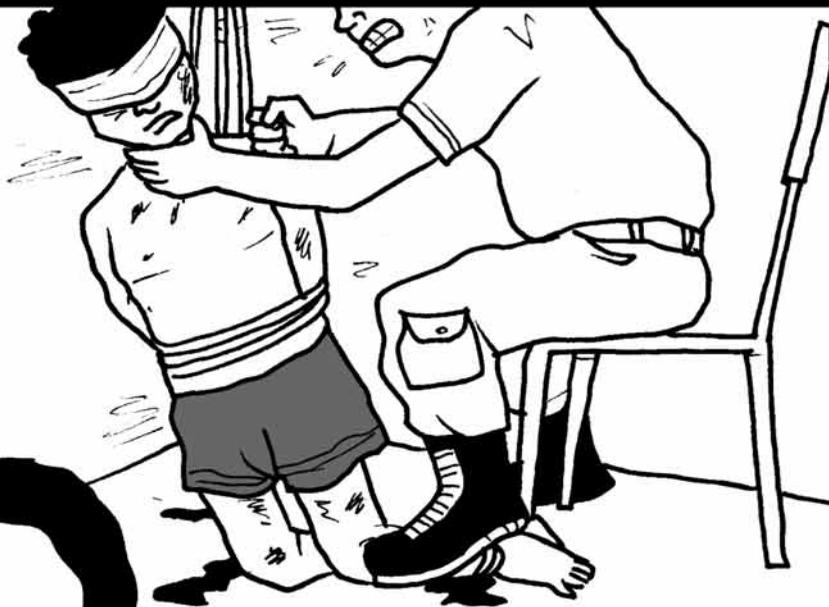


Whether innocent or guilty, if people were suspected of involvement in the resistance, they were tried, then put in prison. No one was ever found not guilty! At court, defendants were forced to admit things they had never done.



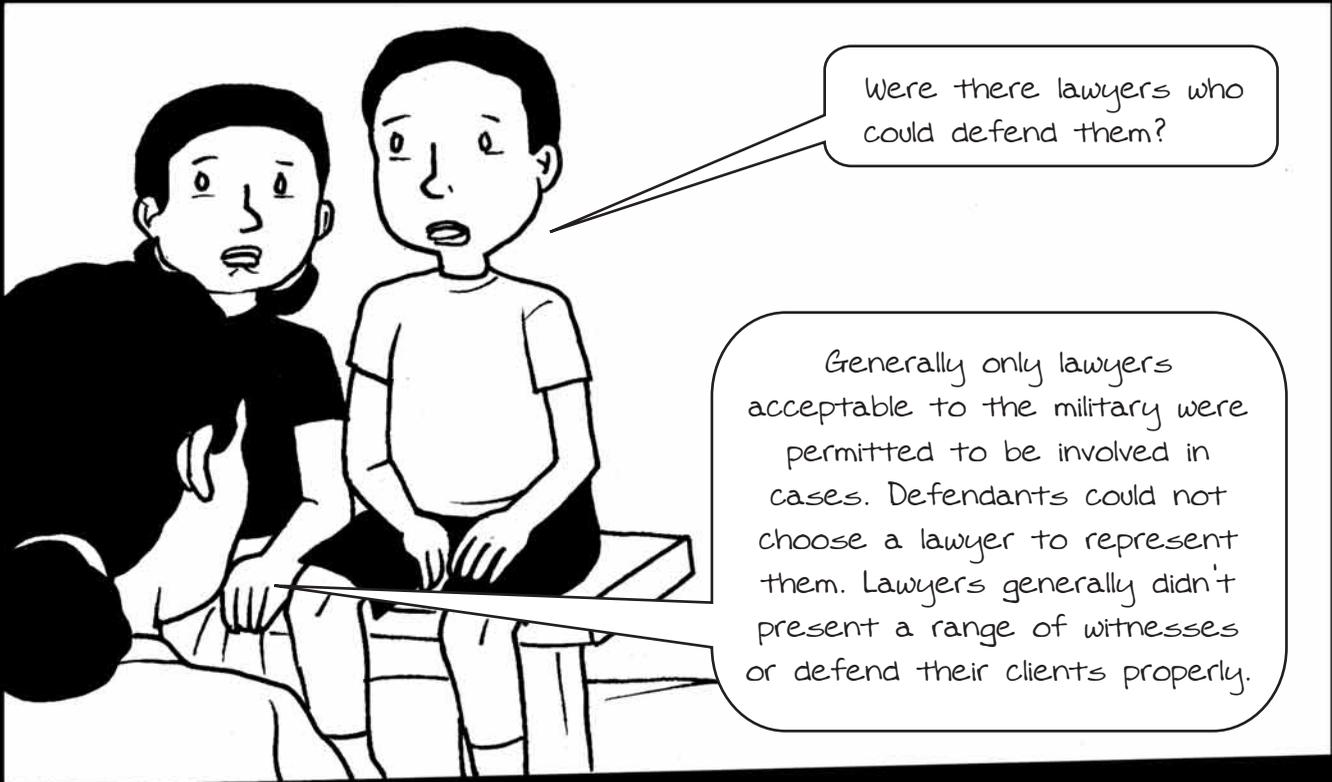
That sort of thing is a violation of human rights. CAVR found that false evidence was used to prove that the defendant was guilty.

Intelligence agencies also influenced the legal process. If the prisoners refused to cooperate or acknowledge their guilt, they were interrogated and sometimes tortured.

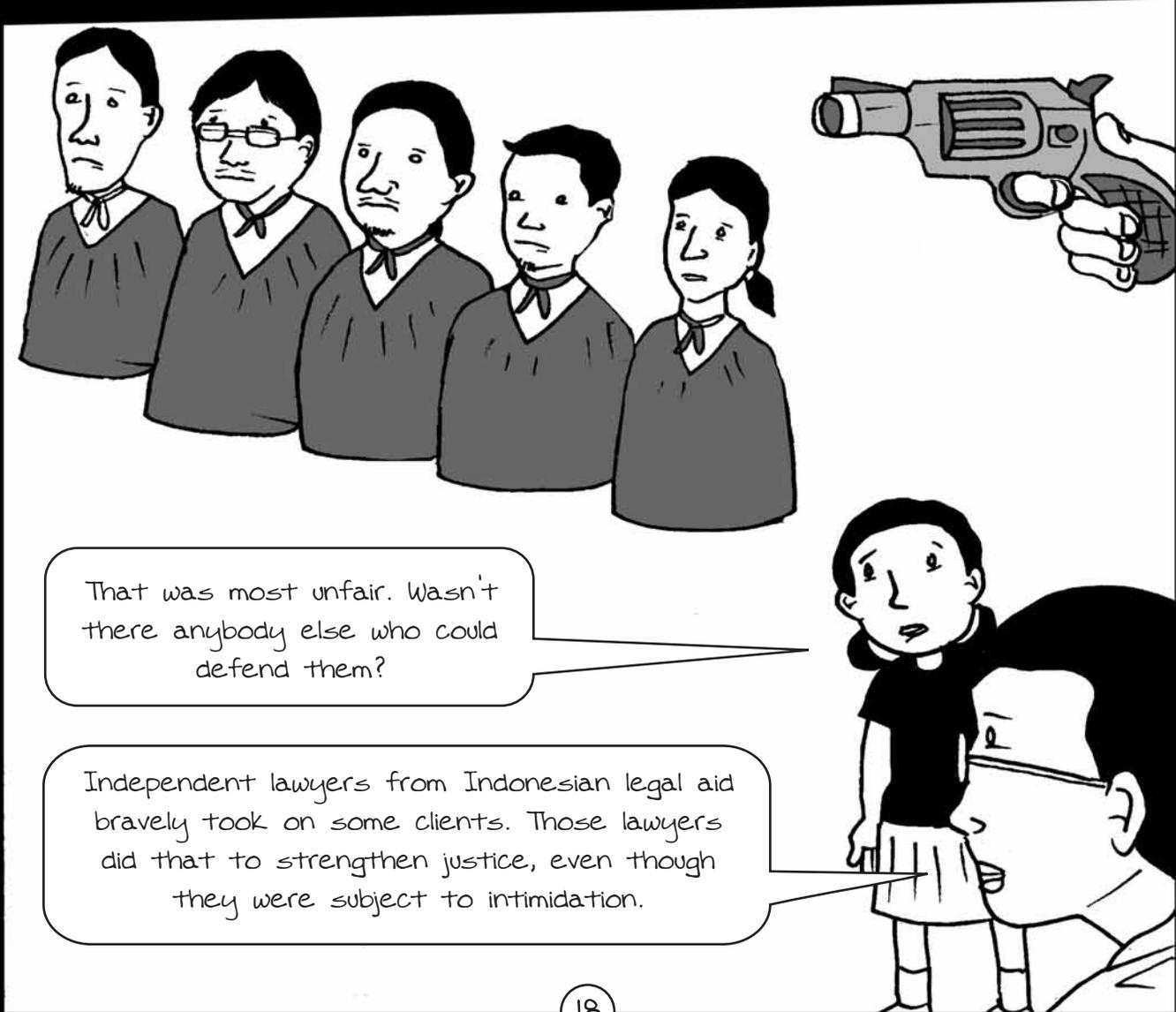


Defendants weren't told that any information they gave could be used against them in the trial or that, according to Indonesian law, they had a right to be accompanied by a lawyer.



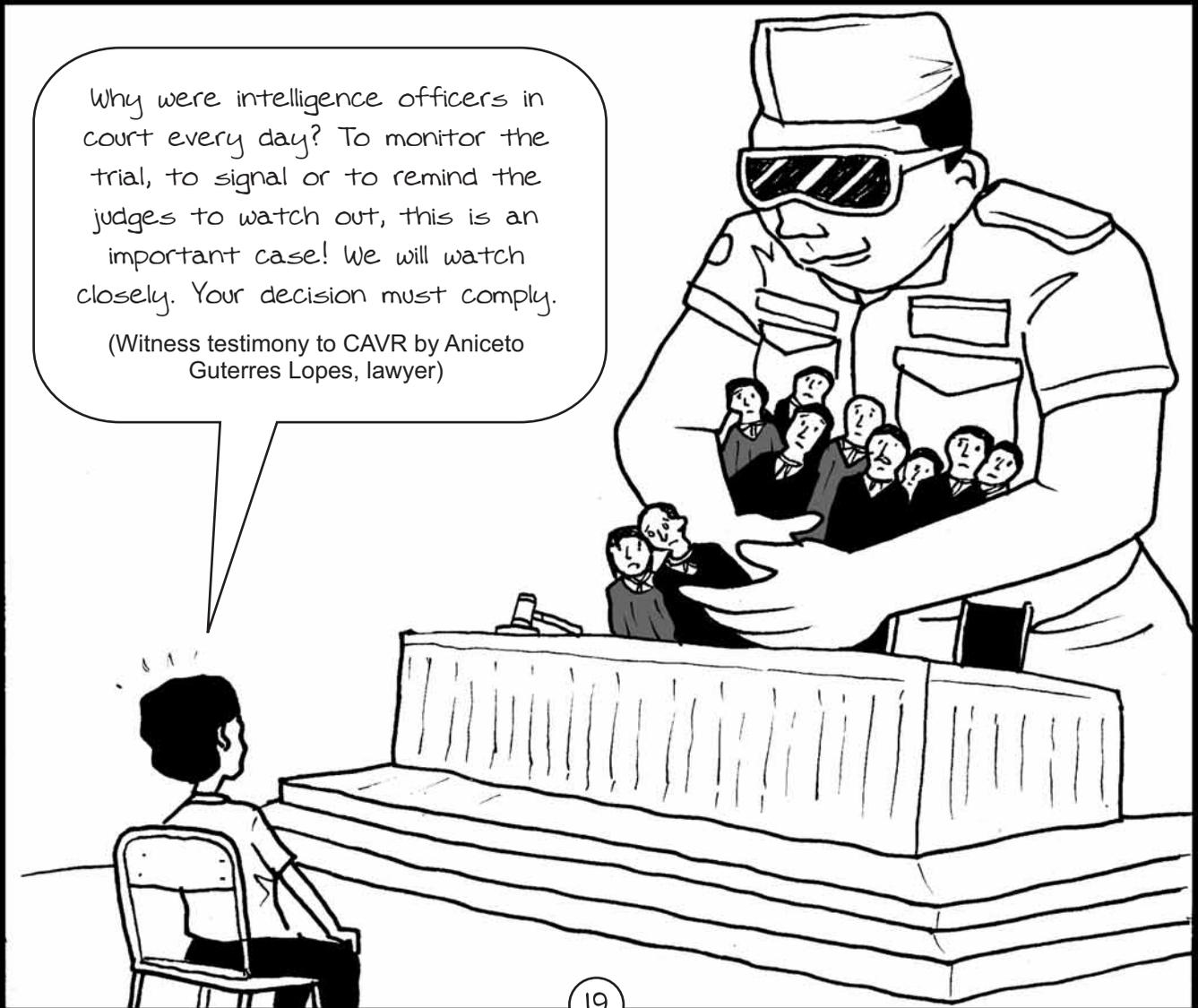
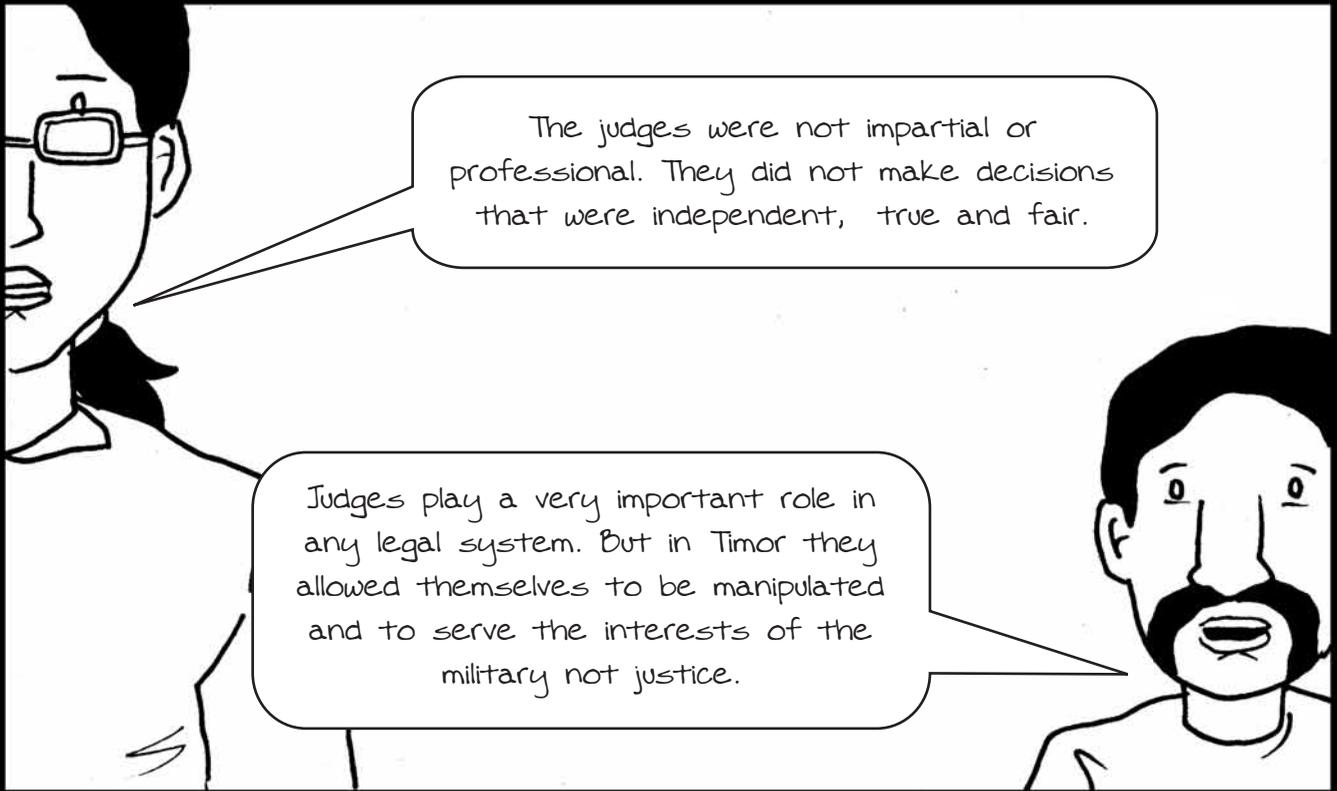


Generally only lawyers acceptable to the military were permitted to be involved in cases. Defendants could not choose a lawyer to represent them. Lawyers generally didn't present a range of witnesses or defend their clients properly.



That was most unfair. Wasn't there anybody else who could defend them?

Independent lawyers from Indonesian legal aid bravely took on some clients. Those lawyers did that to strengthen justice, even though they were subject to intimidation.



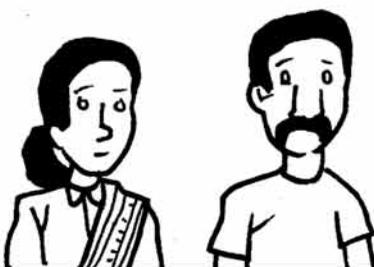
Legal basis



Article 10 of the UN Declaration on Human Rights states:

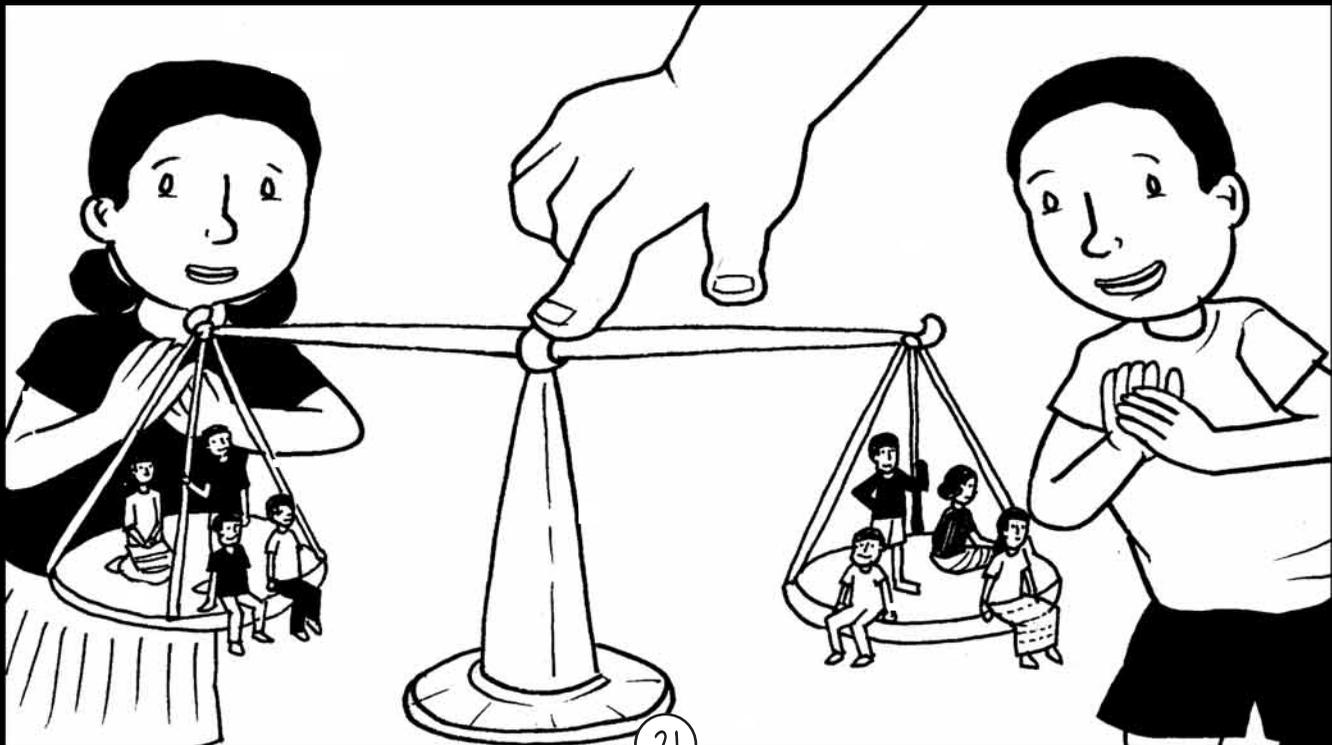
Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

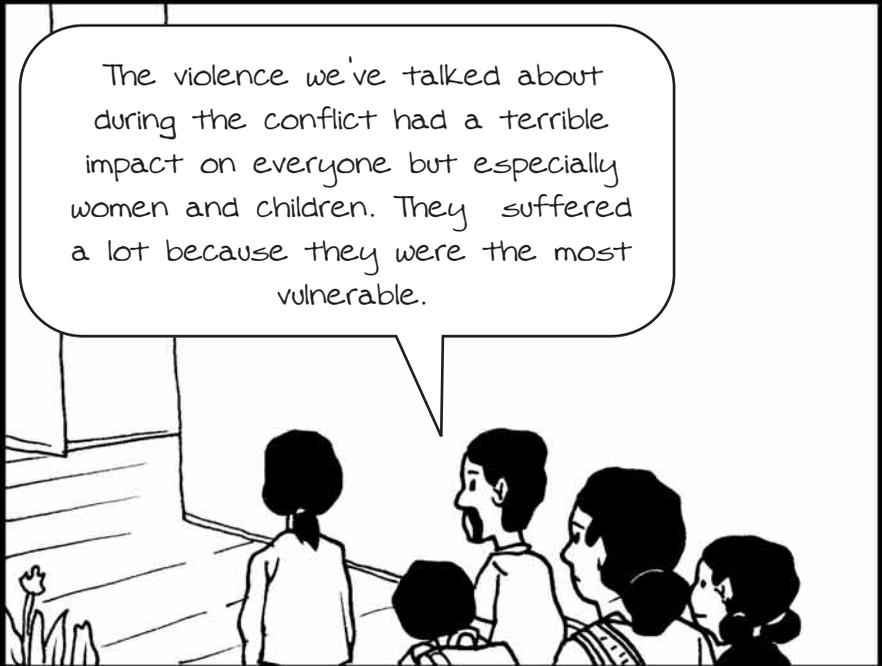
Some of Indonesia's own legal code also has provisions to protect the rights of defendants such as the right to independent lawyers, to be free from intimidation, to appeal a judgement and so on. These laws were also violated in Timor.





- To be promptly informed of the nature and cause of the charge so that the defendant can understand what is alleged;
- To adequate time and facilities to prepare a defence and to have access to a lawyer of their choice and to relevant documents;
- To be tried without undue delay;
- To defend oneself or engage legal assistance and examine witnesses;
- Not to be forced to admit guilt.





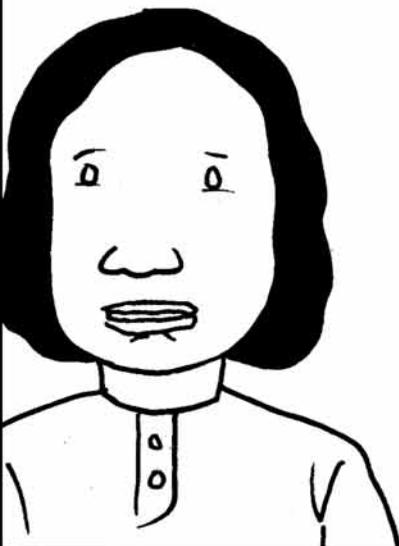
CHAPTER 3 SEXUAL VIOLENCE AND RAPE





This is Augusta. Her younger sister was a victim during the occupation. Her sister died when the Indonesian militia attacked their community after the 1999 Popular Consultation.

I cry when I remember what happened!



She was the same age as you. She was a playful child, but after she was detained, tortured and raped, she cried every day because she was in pain.

During the war, women suffered sexual violence.

What sort of violence is that, mum?

Rape, sexual harassment and sexual slavery are all forms of sexual violence.



Like what happened to my younger sister. After they detained her, some military forced her to live with them. My sister had to go with them because they threatened to kill her and all of us if she refused. My sister lived that way for some years and had two children. When the soldier responsible returned to Indonesia he just left my sister and her two children.

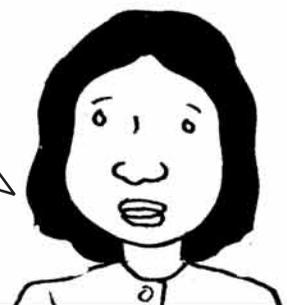


But, why did your sister's husband just leave?

That soldier was not Augusta's sister's husband. Augusta's sister was forced to live with him. The soldier treated her like a slave, so he just discarded her when he didn't need her anymore.



Like in other countries, victims of sexual violence in Timor don't want to talk about their experiences. There are cultural and privacy factors that inhibit them from speaking up.

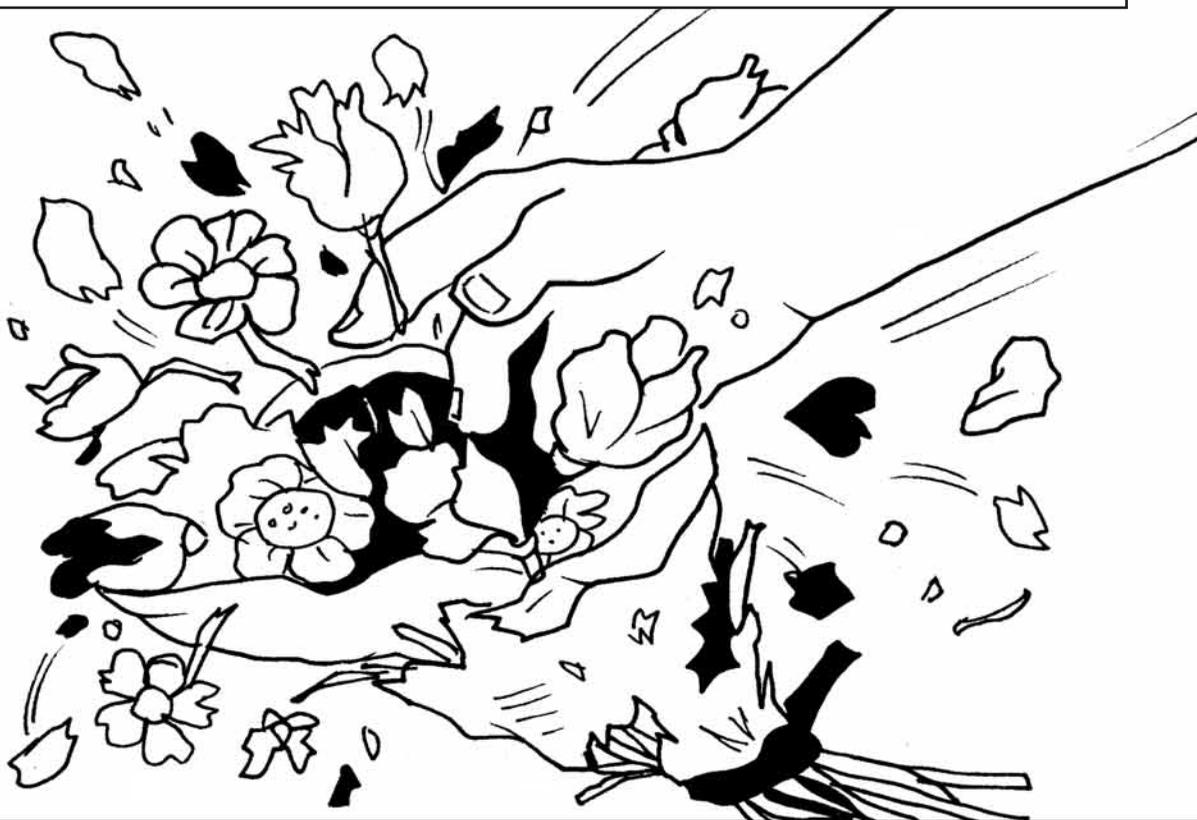


Despite these inhibitions, CAVR received testimonies from victims of sexual violence committed by the Indonesian military, UDT, Apodeti and Fretilin.



Report of the UN Special Rapporteur on contemporary forms of slavery

Sexual slavery is a situation in which a person is claimed as the 'property' of another person, including situations where women and girls are forced into 'marriage', domestic servitude or other forced labour that ultimately involves forced sexual activity.



As Timorese, we need to think of those women and children as victims of a terrible crime. We shouldn't discriminate against them. We should support and strengthen them.



Human rights notice board

That's right. We shouldn't discriminate against victims of sexual violence because that was not their choice. We shouldn't discriminate against anyone, not least women who are victims of sexual violence, because all people have:



The right to freedom from torture

Sexual violence and other forms of sexual violations, including mental and physical torture, are considered very serious crimes.

The right to freedom from slavery

No-one has the right to make someone else their property and sell or buy people like material things. Slavery also occurs when a person claims another as their 'rightful property' and totally dominates them, for example, by preventing their freedom of movement or forcing them to work in bad conditions or without a wage.

Sexual slavery occurs when someone is claimed as property and is forced to have sexual relations or raped. Sexual slavery also includes being forced into marriage, to work in the home or other compulsory work that involves sexual violence. CAVR heard reports from many women who were forced by the military and militia to become their 'wives'.



Rights during armed conflict

Women in particular have the right to live free of rape and other forms of sexual violence, even when they are directly involved in armed conflict.

The right to security

Everyone has the right to live without fear for their security and safety. It follows from this that everyone has the right not to be detained or punished without an appropriate legal process; the right not to be beaten; the right not to be ill-treated, including rape and sexual abuse. Female prisoners must be kept separately from male prisoners and protected from sexual violence.



Reproductive rights

Women have the right to control their own bodies and to make their own decisions about giving birth. Women cannot be forced into pregnancy or child birth, and cannot be forced into sterilization, using contraception or abortion. Women have the right to receive reproductive health treatment, including women who are victims of violations.



Rape by Fretilin/Falintil and UDT

Members of Fretilin and UDT committed rape during the internal conflict from 1974 to 1976

But CAVR didn't find many cases of this and this indicates that these rapes were not carried out systematically.

Two Falintil soldiers... put a rope around my throat, laid me down on the river bed, and held a knife to me, threatening to kill me.... They took turns raping me... for four hours. I went home feeling scared and with a searing headache. I could barely walk.... I still took food to Falintil and on 20 March 1997... I was captured by Rajawali troops. Their commander... holding an AR-16 gun, stripped and raped me.

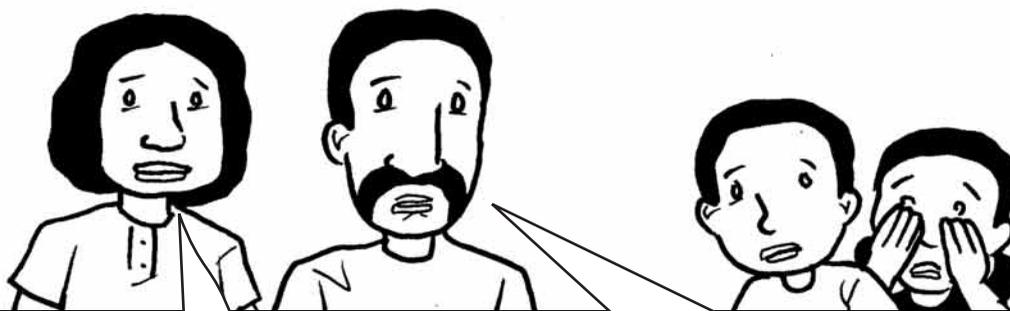
(A member of Falintil who was being sheltered by her parents in their home) suddenly threatened me with a knife.... I begged for mercy three times to stop him... but he raped me for one hour.... After he raped me I fainted. I cried because I was still a virgin.

(Victim testimony to CAVR by GA, Uruhau, near Ermera)

(Victim testimony to CAVR by FA, Lisapat, near Ermerat)

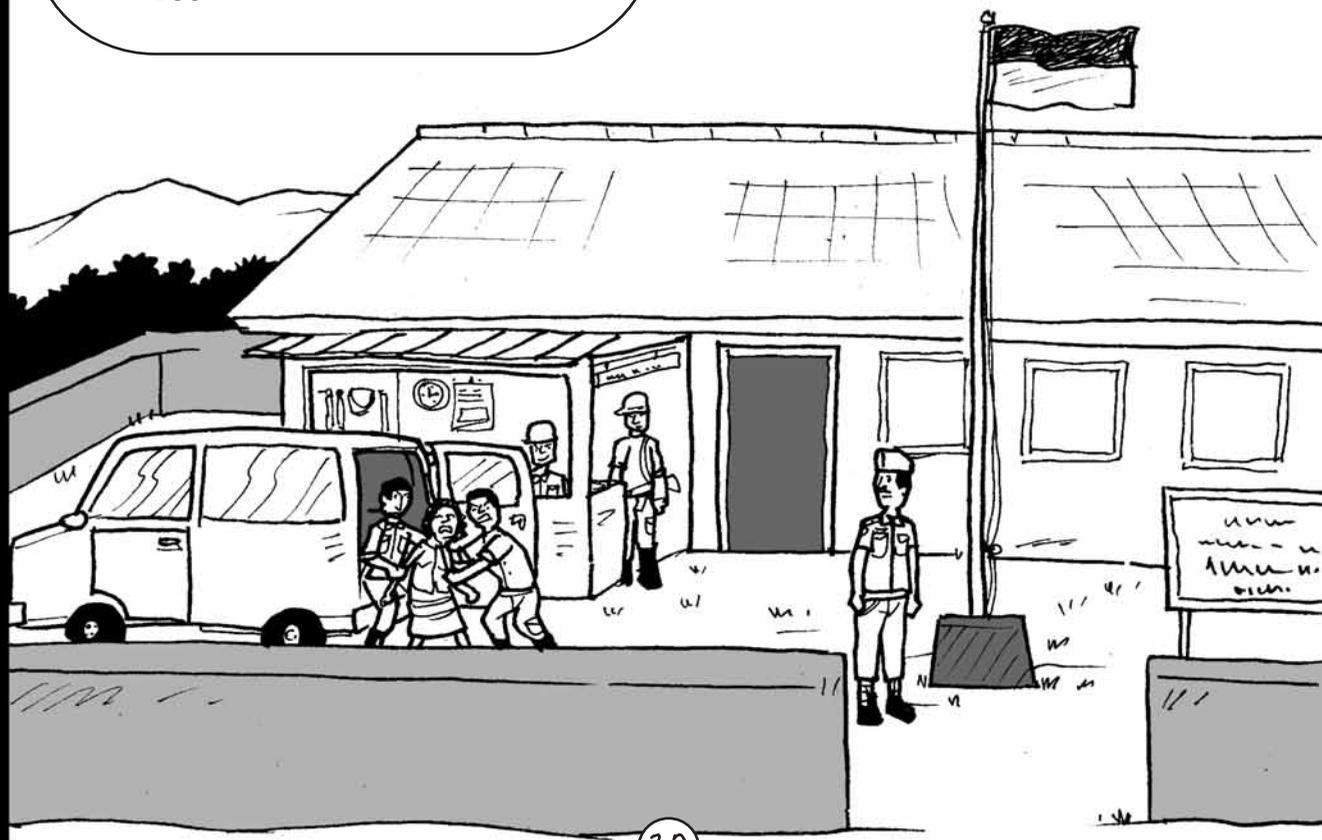


Sexual violence by the military



From 1975 to 1999, the Indonesian military and their auxiliaries were involved in widespread and systematic acts of sexual violence against East Timorese women. Rape and sexual violence occurred in many places, including military installations. CAVR reached this conclusion after considering the testimony of over 800 victims or witnesses.

Because these crimes were part of a military strategy they were ok by commanders and officials. In many cases they were also involved.

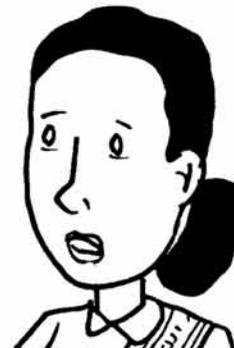


Rape as a planned act of violence

Military strategy?



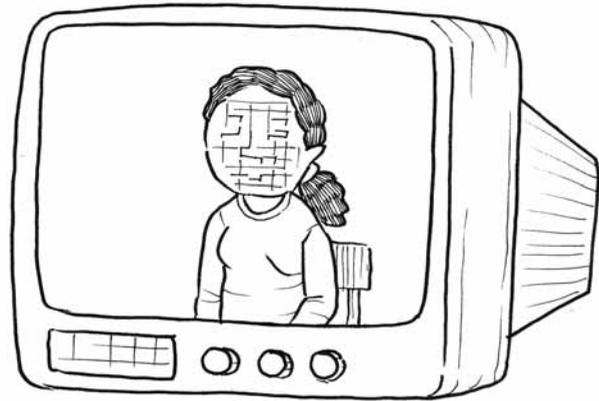
That's right, because rape and torture were other ways of attacking the women's husbands and siblings who were hiding.



The Indonesian military and police raped women whom they thought were related to or knew the whereabouts of guerilla fighters. Rape was also used as a threat when interrogating families of the Resistance.



TNI didn't care if the women they raped were married or not. What mattered was that she was Timorese, not from another Indonesian province. Usually they sent TBOs or auxiliaries to get women and bring them to be interrogated, tortured and raped. Security posts established to provide safety were in fact also places to violate women.



It was the middle of the night, four Hansip came to our place. They asked me: 'Where is Tomas your husband?'... (I said) 'I do not know where'.... Then they took me outside... and took turns raping me... until morning without stopping... When they finished I was crying but they said "We did it so your baby will come out quickly". After saying that they left me... For over two hours I bled profusely. I was aware that I was about to give birth. . I went to ask if I could use the kitchen of those who lived close to the Koramil.... I gave birth on 18 September 1982 at 10 am.

(Victim testimony to CAVR by TH)

Sexual violence during the war

The military and their Timorese partners used sexual violence to express their hatred for the Resistance.



Many people committed sexual violence, including at schools and government offices.



Timorese men in detention and civilians were also raped.



For example, after Falintil attacked the ABRI post in Dare and Mau Chiga in 1982, the military separated the women from the community. The women were detained and terrorised including with sexual violence. This went on for several months and was carried out by officers, regular soldiers and auxiliaries



Sexual slavery

Throughout the occupation, it was common practice for the military to force Timorese women into situations of sexual slavery without fear of being held to account. These women, who were sometimes detained for many months and sometimes for years were often raped daily or on demand by the officer who had 'ownership rights' and could pass them on to other officers at the end of a tour of duty. They were also forced to do menial domestic work. As a result some women had children to multiple soldiers who then left and did not take responsibility for their offspring.



Sexual violence was used to scare people into submission and take away any hope of independence.

CAVR concluded that the practice of procuring, raping and torturing women was conducted openly, without fear of any form of sanction, by senior military officers, lower-ranking military personnel, civilian officials, police officers, teachers and members of auxiliary groups.



Timorese women who were related to Fretilin and Falintil were particularly vulnerable to sexual violence.

Sexual violence not only harmed the victims, it was also intended to demonstrate the high human cost of resisting and to make integration a less painful alternative.



There was a member of Hansip who also worked for the suku and was married. He wanted my younger sister to become his second wife. My little sister didn't want to, then he threatened her with a gun and raped her. We took the case to the Koramil Commander, but he just stayed silent. The Hansip officer just said, 'This is punishment in return for the bullets. We are free to rape Fretilin supporters'. My sister died in 1999.

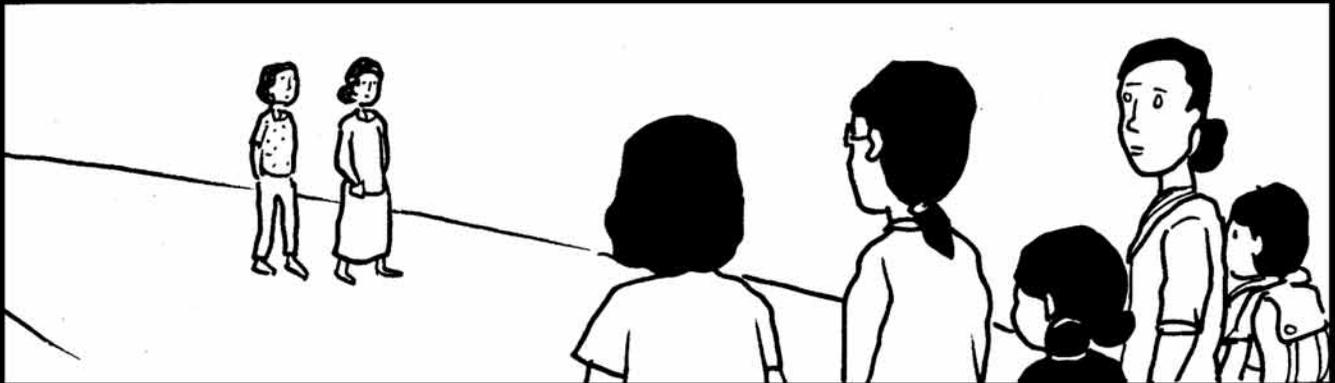
(Witness testimony to CAVR)

At the TNI barracks, troops raped me continuously for four days. They threatened to kill me if I refused. This was all because my husband was a Falintil guerrilla fighter. I was under a lot of pressure until eventually I just gave myself over to a Babinsa who wanted to marry me.

(Witness testimony to CAVR)



Impact of sexual violence on victims



My mother, father in-law and the head of the community or xefe aldeia forced me to accept the soldier who wanted to marry me to save all the people of our aldeia. But I refused. They continued to force me and wouldn't do anything to help me. Then after I married the soldier, people suspected that I was an informer. People thought that I was a bad person because I lived with three men.

Even though the community talked badly about me and kept away from me, my husband's family and my own family supported me, so I could stay strong. The church refused to baptise my children. It was only after independence that they finally baptised my children.





I remember that after the soldier left my sister behind, the neighbours talked nastily about her. But she was patient with them out of concern for her children who hadn't done anything wrong.

They must have suffered terribly....

Because of this I want to say again that we can't discriminate against them. We must support them!

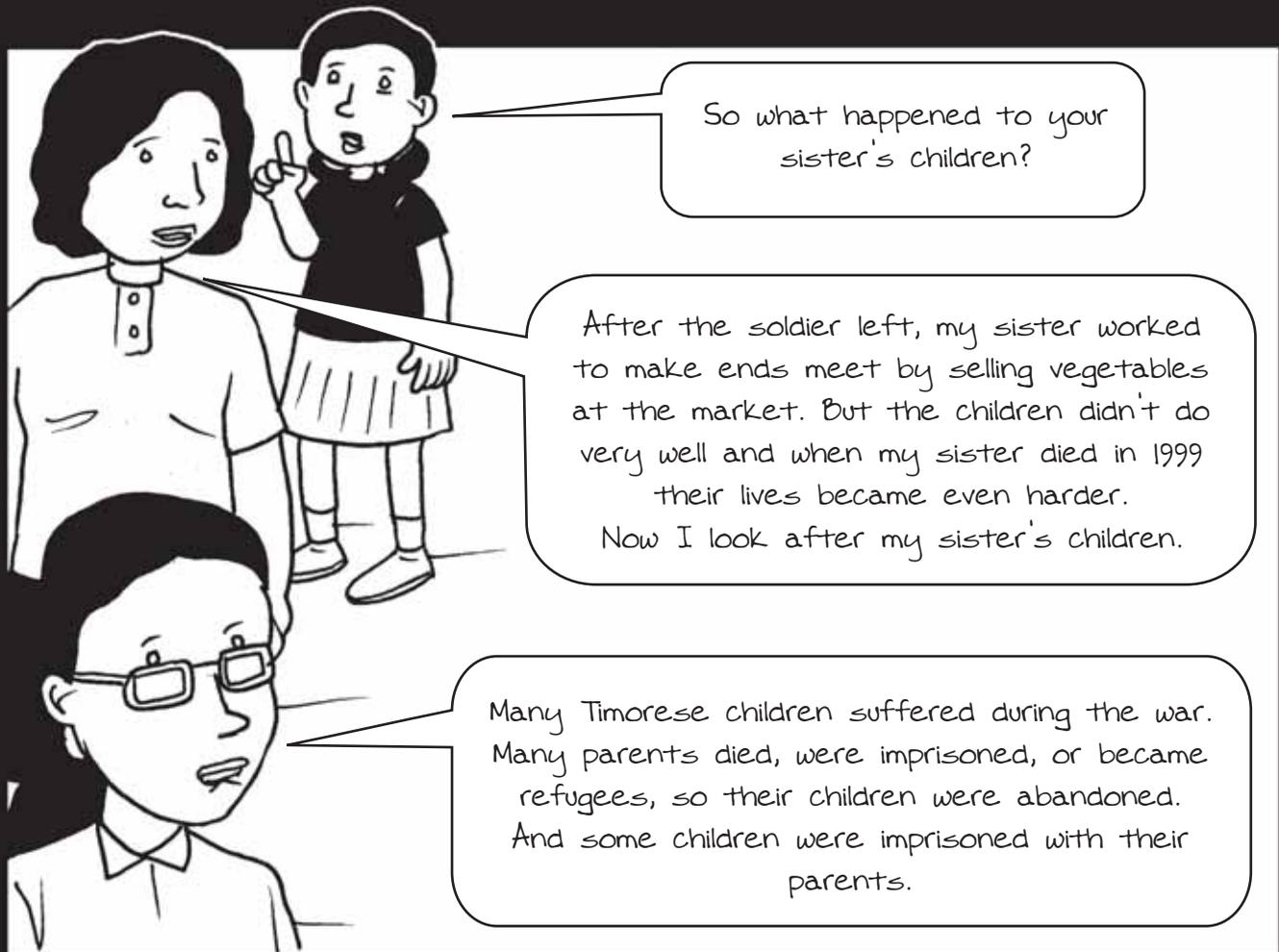
Yes. We shouldn't think that victims of sexual violence are wrong or responsible for the terrible things that happened to them.

Indeed. Especially because sometimes people avoid them and they have been treated badly by their own family, community members and the Catholic church. Misunderstandings about sexual violence affect people's perceptions and hurt the dignity of these victims.

We must think of the women who were violated and their children as victims of crimes.

CHAPTER 4

VIOLATION OF THE RIGHTS OF CHILDREN



For example, children suffered terribly from famine and disease.



Throughout the occupation, the broad range of violations committed against adults by agents of Indonesia were also committed against victims who were legally children, i.e. under 18. Children were commonly ill-treated, killed and forcibly displaced. With few exceptions, perpetrators of this violence were not punished or disciplined.

CAVR gave special attention to children because they are an extremely vulnerable group in the community and suffered a lot from the conflict.

Children were left without family members to support them and were therefore vulnerable to abuse, kidnapping, or forced recruitment. The use of children as TBOs endangered their lives, their health and their future prospects.



East Timorese children also experienced unique forms of torture. For example, only children were kidnapped and taken to Indonesia against their parents wishes. It isn't clear if this was official policy or not. However there is a lot of evidence that high level officials didn't attempt to prevent it and were sometimes involved in it.



Human Rights Notice Board



My teacher at school said that all children have the same rights as adults, like the right to life, the right to freedom from torture, and other rights.

Yes, I heard that too. My teacher also said that children have special rights because they are more vulnerable compared to adults and so need special protection. She also said that under the Geneva Conventions Indonesia had duties towards children like evacuating them from the field of conflict and that by signing the Convention on the Rights of the Child in 1990 Indonesia accepted further obligations to children.



All children have these rights:

- **The right to education and health**

All children have the right to receive an education and health care when they are sick or injured.



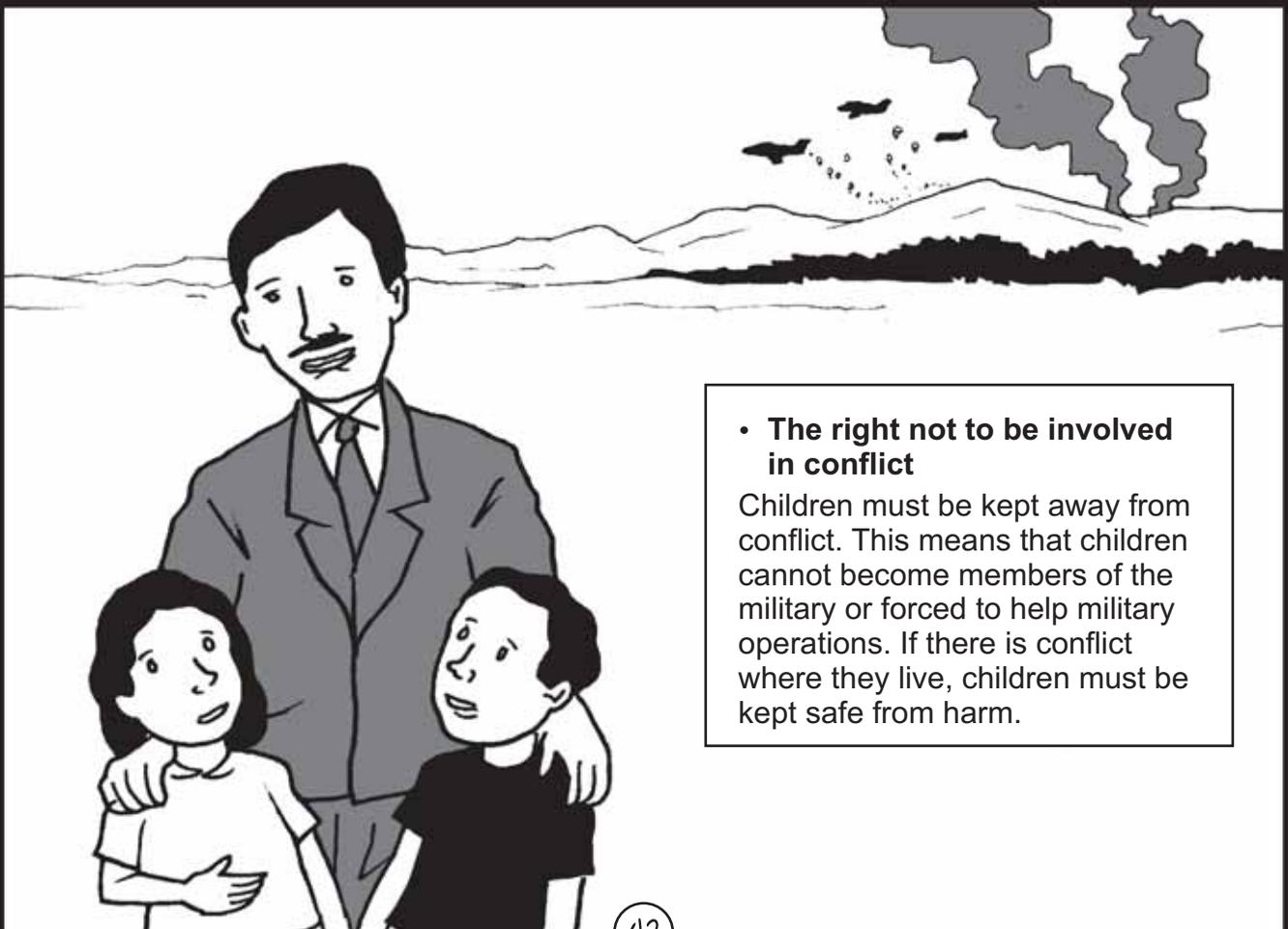
- **The right to a name, a nationality, and to parents**

All children have the right to have their birth registered and be given a name and nationality. All children have the right to know and be raised by their mother and father. Children cannot be removed from their parents, except in situations where a government agency is competent to decide that a child will be better off if raised by another person. Children who are removed from their parents have the right to have a relationship with their mother and father if they want to.



- **The right to receive treatment and protection**

The government has a duty to guarantee that children without parents (orphans) are able to receive an education, a home, and health care.



- **The right not to be involved in conflict**

Children must be kept away from conflict. This means that children cannot become members of the military or forced to help military operations. If there is conflict where they live, children must be kept safe from harm.

Child recruitment

Which groups recruited children?

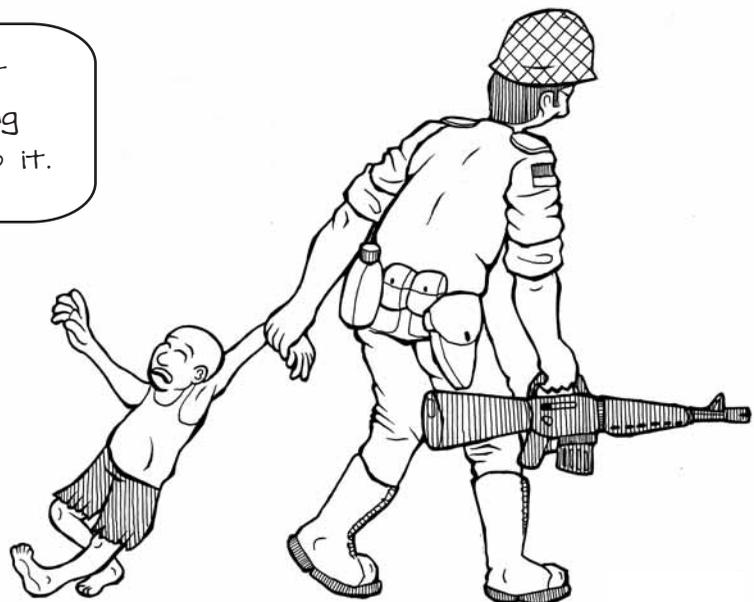
Everyone involved in the conflict used children as part of their strategy. However the Indonesian military recruited children the most.



The military recruited several thousand children from 10 years old up to work as TBOs in military operations. Most recruitments occurred from 1976 to 1981. Child TBOs were not paid.



High-level officers knew that individual military were recruiting children but did nothing to stop it.





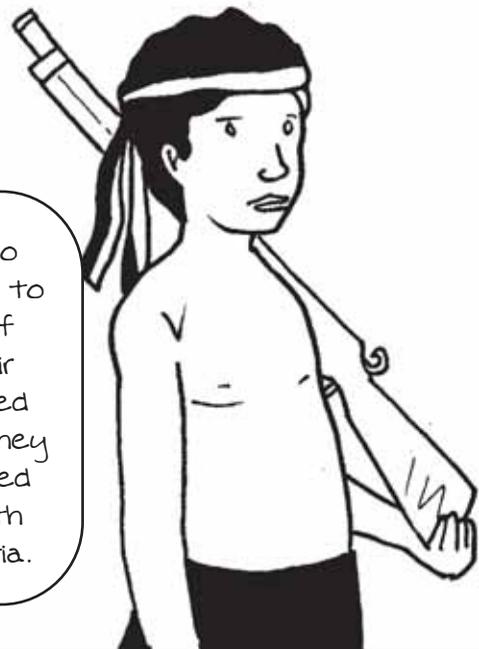
Children also served in the Resistance but were not forcibly recruited. Children got involved out of patriotism or because they found themselves in conflict zones.

Many faced challenges after their service including adjusting to civilian life and being targeted as pro-independence sympathisers by the military.



Children were also recruited into the militia groups who terrorised Timor in 1999.

Almost all the children who were recruited were forced to join through intimidation of either themselves or their families. Some children joined voluntarily usually because they or their families supported integration and agreed with the objectives of the militia.



We would walk for up to 12 hours every day, beginning at 5am, carrying heavy loads through the forest. I was 8 years old at the time....
If we died it didn't matter.

(Joao Rui, testimony to CAVR)



The leader of Sakunar told us that all the young people had to be involved in the militia and that if they refused, they would be shot. I obeyed their instructions because I was afraid to die. Their instructions were that we had to burn houses because the owners were from pro-independence groups.... In Kefamenanu in West Timor, there were many under-18s in the Sakunar militia. There were 50 to 60 youth, from 14 years upwards, mainly from Kefa. Most of them looked afraid. Their commanders could order them to do anything, and if they did not do it they were beaten badly... Since I became involved in the militia I didn't learn anything valuable. I only learned about cruelty - the way to kill, destroy and burn everything in Timor-Leste.

(Testimony by Antero, militia member)



Detention and killings



During the internal conflict, children were detained by UDT and Fretilin. Most detentions were carried out by the Indonesian military usually either because the children or their families were suspected of contacting the Resistance in the forest or, in later years, because of their involvement in clandestine activities.

The Indonesian authorities used torture and ill-treatment regularly in their dealings with children throughout the occupation.





Children were killed in the course of massacres, military assaults and other violence in the same way as adults. Children were not specifically targeted by any side.



Lots of children were arrested and taken to the SGI (intelligence) in Farol. They were punished by being blindfolded and handcuffed, they were stripped naked and beaten with iron bars, and also given electric shocks. After one week they were taken to Balide Prison. There they were stripped naked and put into a prison cell that was full of human faeces. They laughed at themselves because they were sitting on top of faeces that were covering the floor. Some of them were taken away by troops and were never seen again.

(Testimony by CAVR staff member)



Sexual violence

The military, militia and others in positions of authority used sexual violence against children both strategically and opportunistically throughout the occupation. Girls were victims mainly in refugee camps or in detention.

Girls were targets for exploitation, extended periods of sexual slavery, and rape.



We had to go to the Kodim Commander every night until the morning. (I had a friend who was pregnant and had to have an abortion). This behaviour finally ended when the Commander became the Viqueque Administrator and brought his wife over from Java. I was very ashamed in front of my friends and in the end I had to leave school.

(Testimony to CAVR)

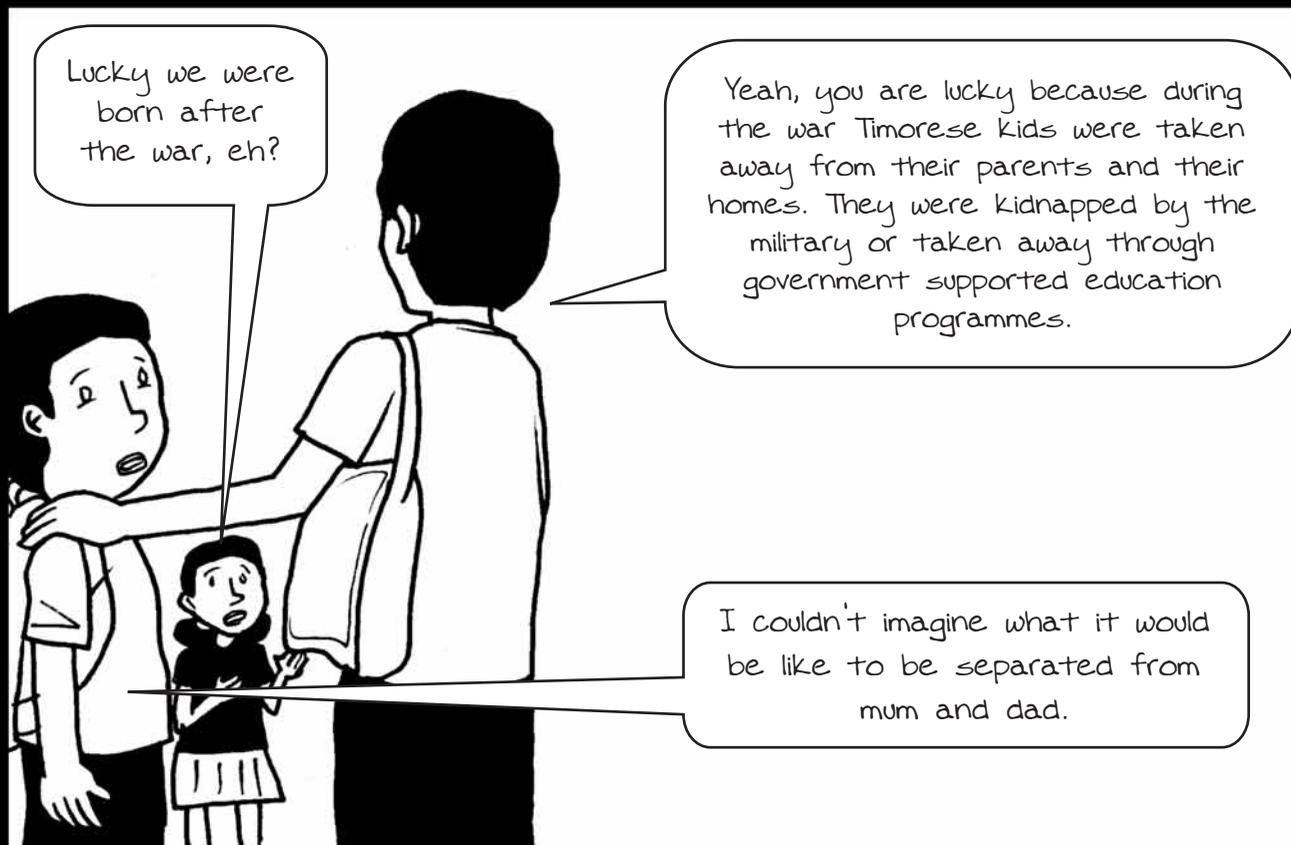


I ran to the Suai Church with my two young nieces on 5 September 1999. The next day, the church was attacked by a group of militia, troops and government officials. My youngest niece was killed in front of her older sister. We stayed at the Kodim for one week.

There, in front of me and the Administrator, a militia member took my niece and said that my niece was his war prize. She was under tight security and had to sleep with the militia's other two wives. When I saw her again she just cried all the time. She went to the hospital because she was so weak and she was pregnant. I received permission to visit her there but with tight militia security. Her family wanted her to come home but they were scared.

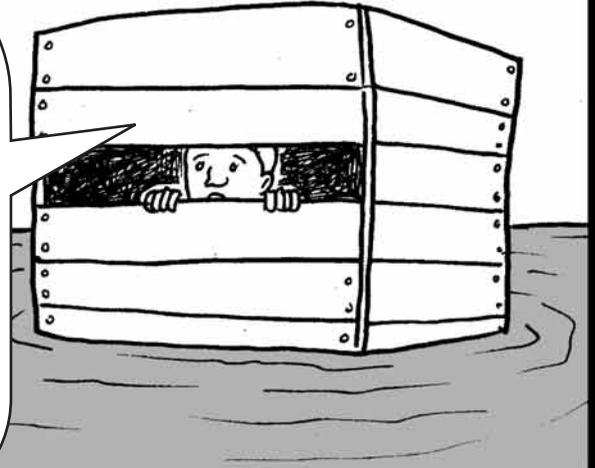
(Testimony to CAVR)

Forced displacement



When the army was ready to leave, after their tour was over, they took five children, including me, and put us in crates. We were put in crates, one per crate, like chickens. I remember there was one family, who worked for the Red Cross, who searched for their children - they were afraid their children had been taken by the soldiers. They found us and we were all let go. Members of that family were then beaten but we weren't found again.

(Maria Legge Mesquita, testimony to CAVR)



Sorry, I have to go. I can't keep chatting with you.

Thanks, it's been great talking with you.



CHAPTER 5

ECONOMIC AND SOCIAL RIGHTS

Human Rights Notice Board

Mum, there were so many different types of violations committed against the Timorese by different groups, yeah?

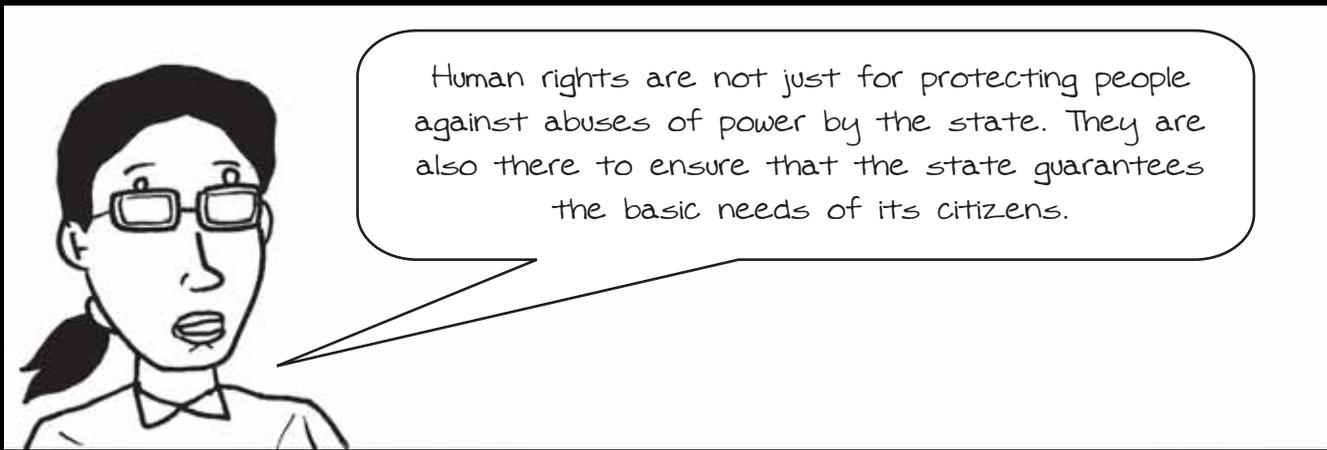
Yes, there were, and over a long period too.

Has the history we've looked at so far covered all the violations that occurred?

No, there's one more group of violations we have to look at - those that abused social and economic rights.

Violations of social and economic rights?





CAVR found that there was widespread violation of the Timorese people's social and economic rights during the Indonesian occupation. While it is not often spoken about, the impact of these violations was felt deeply and over a long period of time.



- The rights that were violated are:
- The right to an adequate standard of living, including food, clothing, housing and the continuous improvement of living conditions
 - The right to freely manage and dispose of natural resources
 - The right to housing and land
 - The right to access food sources
 - The right to good mental and physical health
 - The right to an education
 - The right to work and choose one's own work

Will you please tell us a bit more about these rights and how they were violated.

Sure, you can see an explanation



a) The right to an adequate standard of living

Indonesia made significant economic investment in Timor-Leste's development, but security and military interests were a bigger priority than the needs of the Timorese people. For example, transport, communication, and state administration were given more priority than agriculture. As a result, Timor was the poorest province in Indonesia at the end of the occupation.

Come on work harder!
This road is going to
be used to chase
Fretilin!

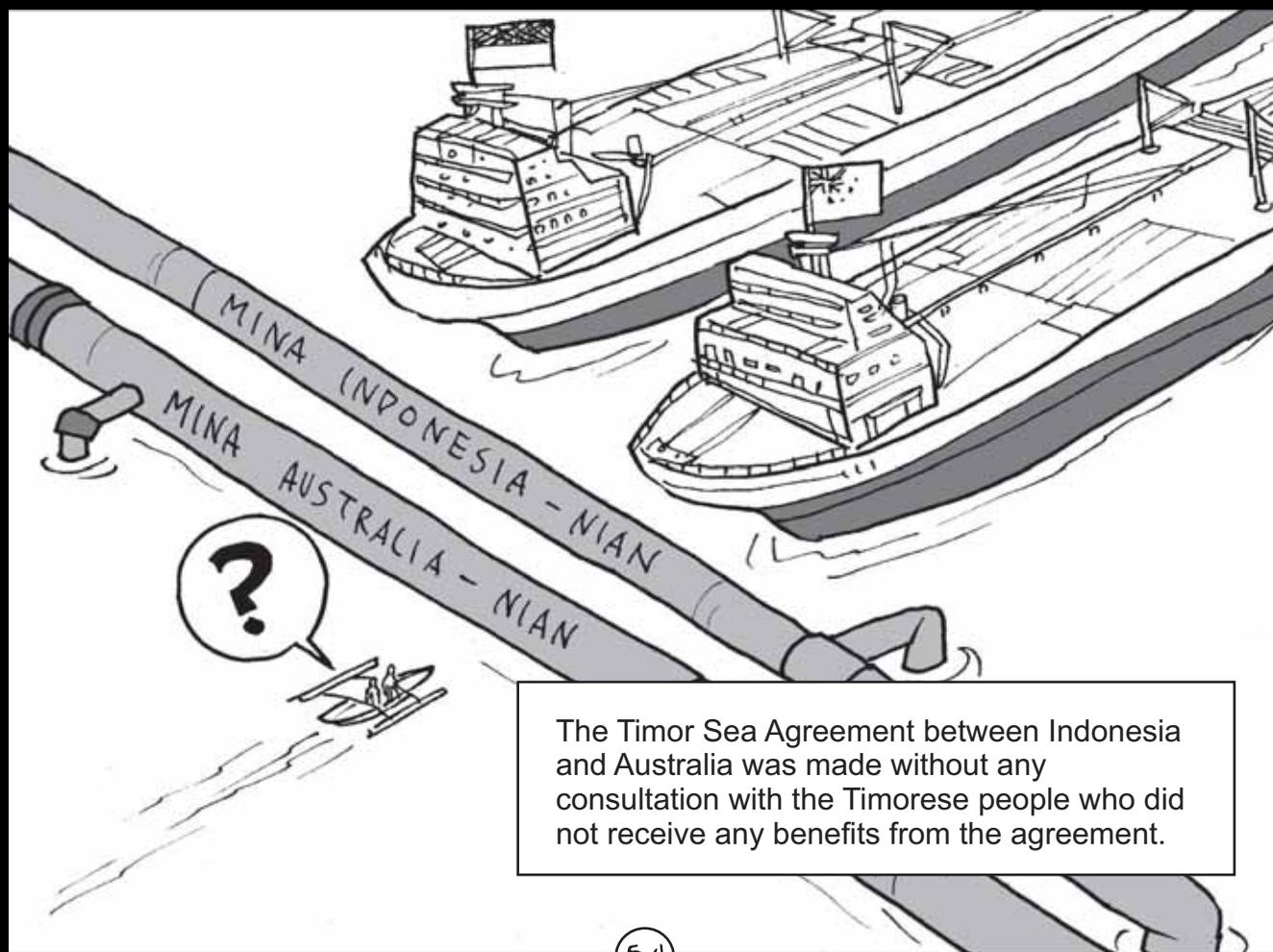


b) The right to manage natural resources

Timorese who owned coffee plantations received only a very small return from the commercial firms directly connected to the Indonesian military and government. Indonesia also exploited other natural resources including logging sandalwood and other trees without regard to sustainability and by failing to regulate the exploitation of these resources by others. These activities were harmful to the well-being of the population and sometimes used to fund military operations in violation of the duties of an occupying power under international law.

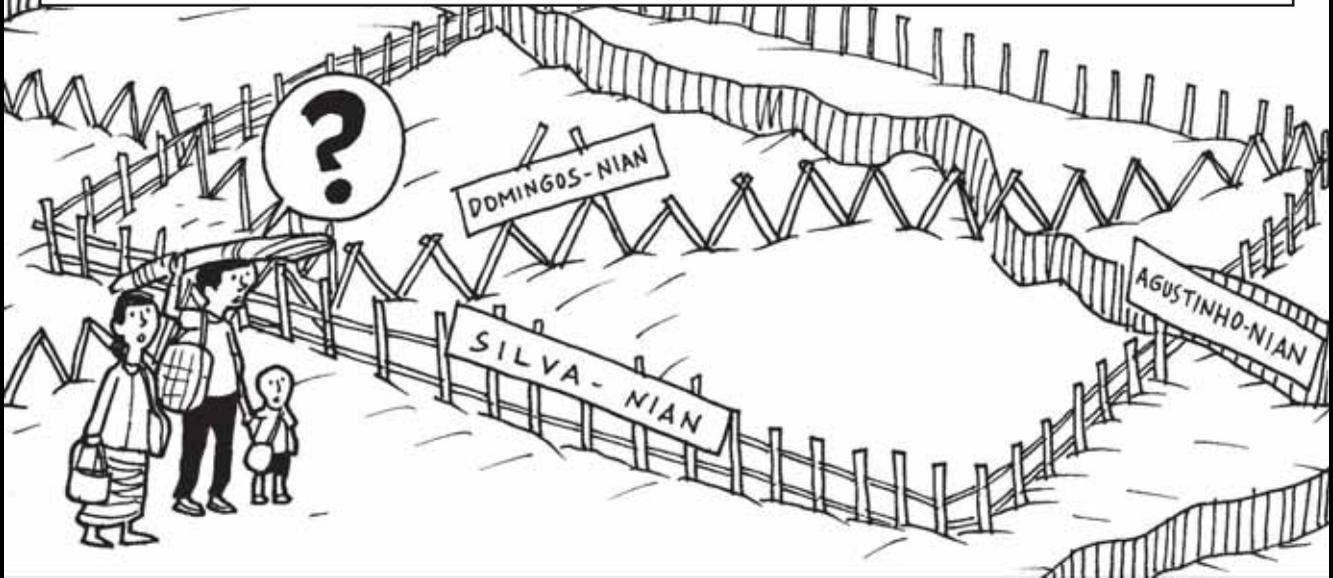
There were something called "coffee fee" funds. Farmers were paid 150, 200, 300 rupiah max [per kilo]. Then there was a "fee" paid directly to district and provincial level officials and the military (the Muspida Tingkat I and II and the Muspika). There was about Rp3bn from these fees that was divided up between the governor, the prosecutor, the military commander and so forth.

(Testimony to CAVR by Mario Carrascalão)



c) The right to housing and land

Displacement, looting, and destruction of houses by Fretilin and UDT during the civil war and by Indonesia violated the right to housing. Landholding arrangements and land-use were seriously disrupted throughout the conflict. The repeated forced displacement of people, redrawing of administrative boundaries and non-recognition of customary practices by the Indonesian authorities – mainly for security reasons – left a lot of people landless and a legacy of complex land disputes.



We have moved you here so that you can live well!

These soldiers are so stupid! Making us plant food on land full of rocks!

Even mice wouldn't live here.

Hey, let's get out of here!



d) The right to access food sources

Timor-Leste's climate and the uneven quality of its soil mean that it is never easy for people to support themselves. Survival depends on the ability to move freely to gain access to food sources. In addition to official neglect of agriculture, the Indonesian authorities also took security measures that worsened the chances of making a living primarily by forcibly settling people, often in infertile areas, and restricting movement.

e) The right to enjoy good mental and physical health

Although Indonesia set up a system of health clinics and health care, the health of Timorese people was very poor. Many factors contributed to this. These included the impact of extreme violations on health, lack of trust, general poverty, sub-standard services due to the lack of expertise and commitment on the part of health personnel assigned to Timor-Leste, and the subordination of health needs to security considerations demonstrated, for example, by forced settlement in places full of disease to make it easier to control communities.



The conduct of the Family Planning programme violated health principles including freedom of choice. The programme contained a strong element of compulsion, which was reinforced by a target-driven approach and direct military involvement, and failed to provide adequate information about the procedures and the side effects of the birth-control methods in question.



I can say that the programme was "compulsory" because that was how it was organised from above... Whatever they might want, the East Timorese had to take part in the programme just like in any other province. ABRI's involvement in the promotion of birth control was based on a directive from the Udayana [regional] commander. The Babinsas [village-level NCO] and Bimpoldas [village-level policeman] became Village Family Planning Assistants and received Rp3,000 a day from the BKKBN. When they were promoting family planning in the villages, they wore their military uniforms.

(Testimony to CAVR by John Fernandes, head of the National Family Planning Programme, BKKBN)

f) The right to education

Indonesia built an extensive school system but, despite this improvement in infrastructure compared to Portuguese times, the right to education was violated throughout the occupation. The factors responsible for this included disruption from the on-going violence and displacement, uneven standards of service, and the use of education to Indonesianise the population and ensure that pro-independence sentiment did not take root in a new generation. Teaching children skills to fulfil their potential and enhance their prospects was secondary to imparting propaganda and indoctrination.



g) The right to work and to choose one's own work



Conclusion

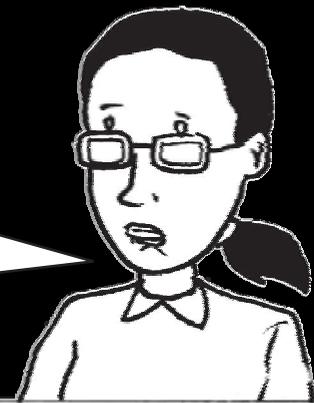
Does this mean that all of the Timorese people's rights were violated?

I am afraid so. But what we've focussed on here are the serious violations that definitely occurred.

And the violation of their economic and social rights because the Timorese people were not respected as human beings.

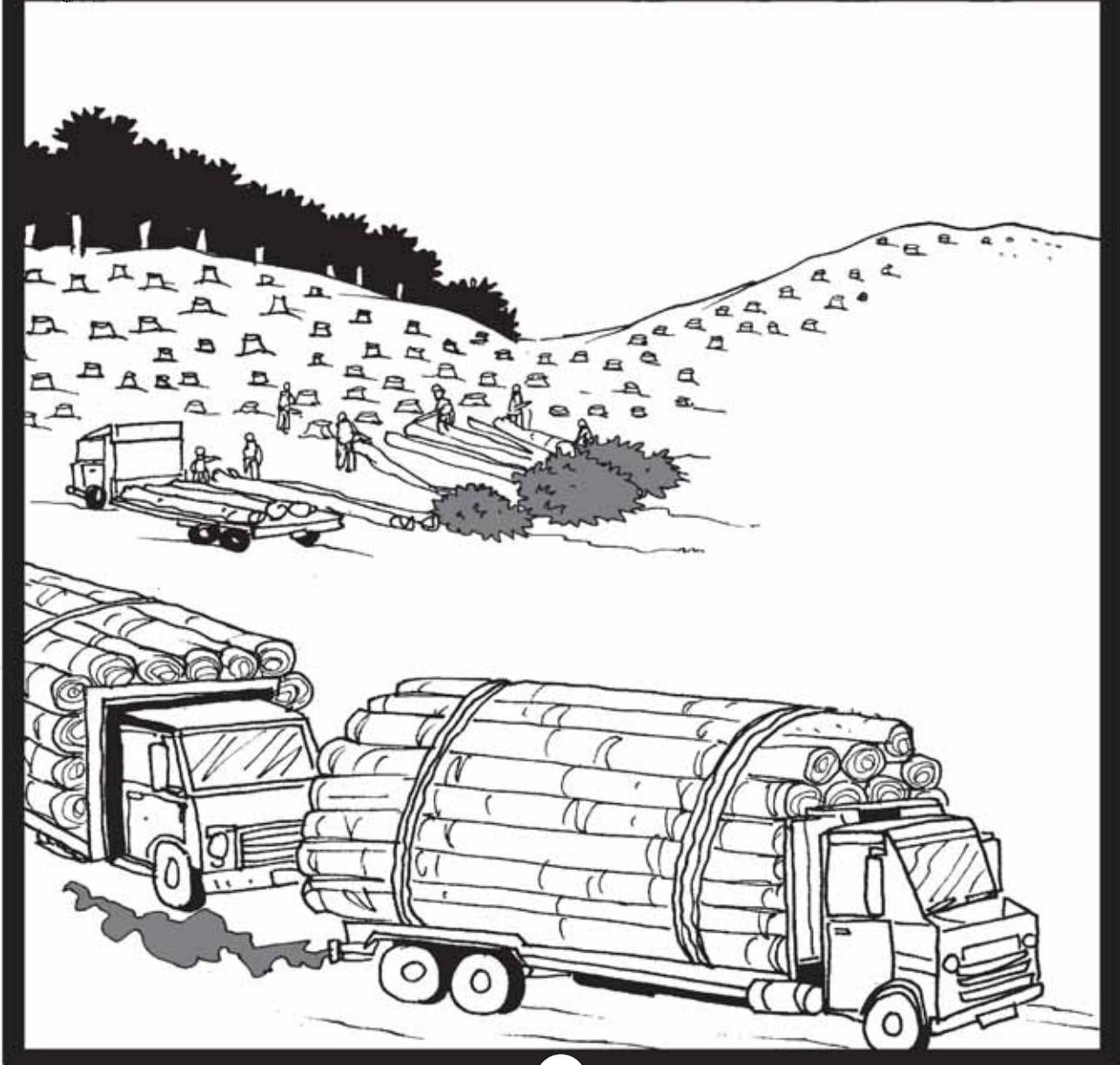
Indonesian propaganda always said that Timor was backwards because of Portuguese colonialism and that it would be much better off as part of Indonesia.

CAVR says that Indonesia made significant investments in Timor-Leste, especially in infrastructure. However, despite these improvements the social and economic rights of the East Timorese people were consistently violated throughout the occupation.



The massive violations of civil and political rights and humanitarian law directly affected social and economic rights. For example, detention, rape and torture had a direct impact on health, education and victims' ability to make a living. Countless times impoverished farmers lost all their possessions as a result of military operations. Constant displacement for military reasons caused famine and widespread death.

The impact of these violations was significant and long-term. While the military and its friends enriched themselves by exploiting Timor's natural resources and Australia and Indonesia profited from gas and oil that belonged to Timor, Timor's environment was victimised and neglected. At the same time, the mental landscape of many Timorese was also despoiled by the violence.



CHAPTER 6 EPILOGUE

I want to become a judge even more now. I want to help heal these old wounds and build a better Timor.



That's good... everyone can help heal these wounds as well as the leftover conflicts that are still going.

Is there still leftover conflict?

Unfortunately there is. There are still Timorese who avoid each other because of ideological and ethnic differences.



We should all be united in a strong bond for our country and our families.



Yes. CAVR invited all the different groups in Timor-Leste to embrace our brothers, sisters, and the children who have not yet returned so we can all help with nation building.



BE CAREFUL!
I'M SCARED!
I'LL GET YOU!

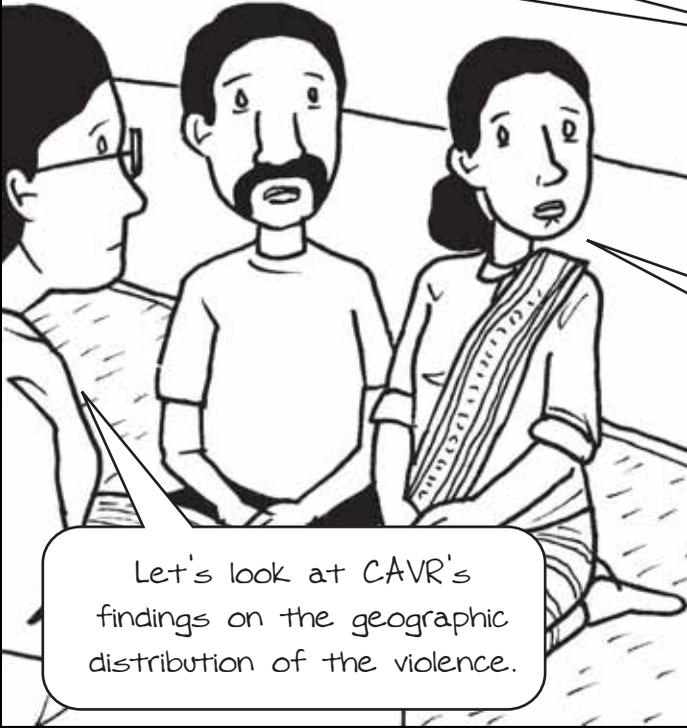


Dad, mum, there are people fighting outside! They are arguing over who suffered more during the war. Did people in the west or people in the east fight harder?



They are getting all worked up over nothing. We should be learning from our history instead of fighting each other.

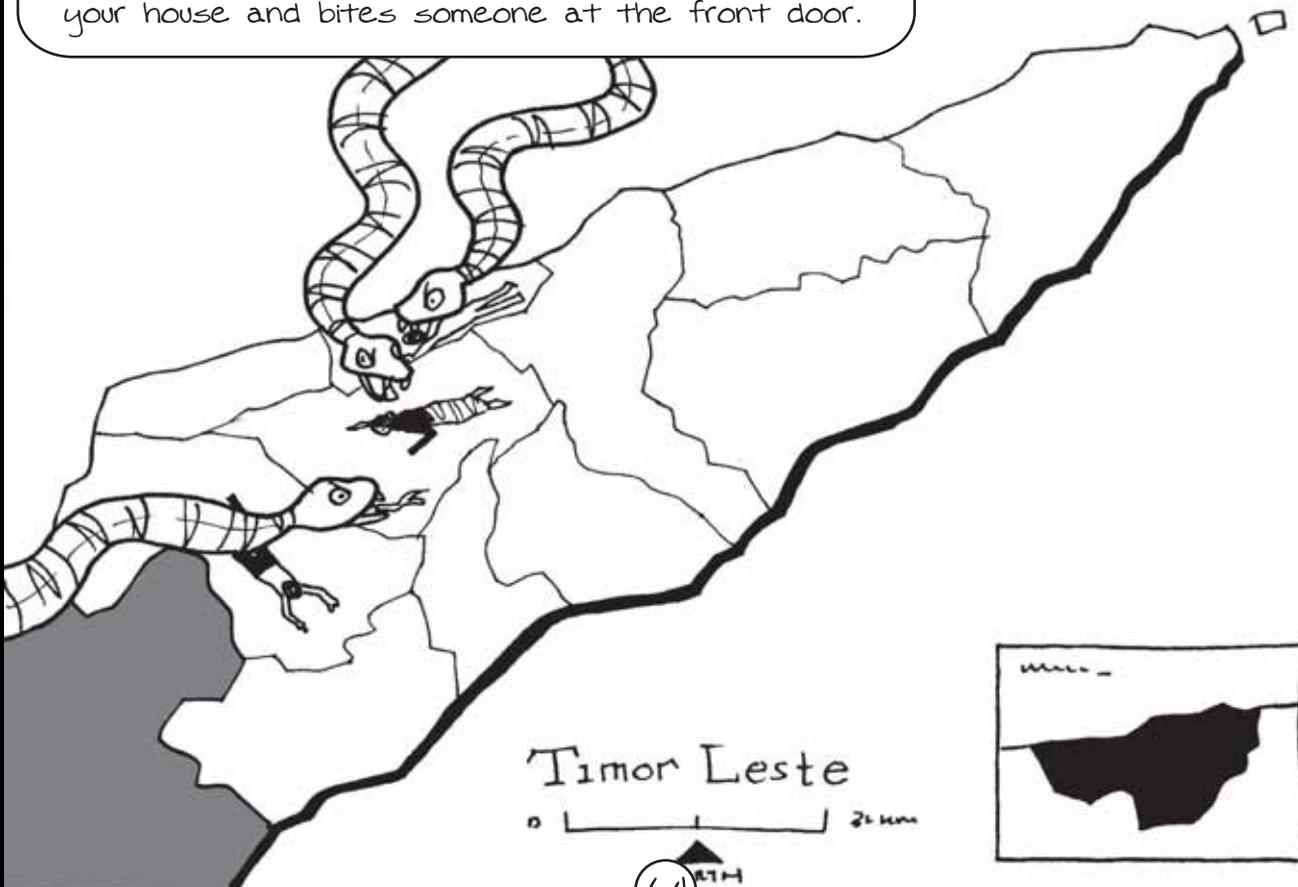
Let's look at CAVR's findings on the geographic distribution of the violence.

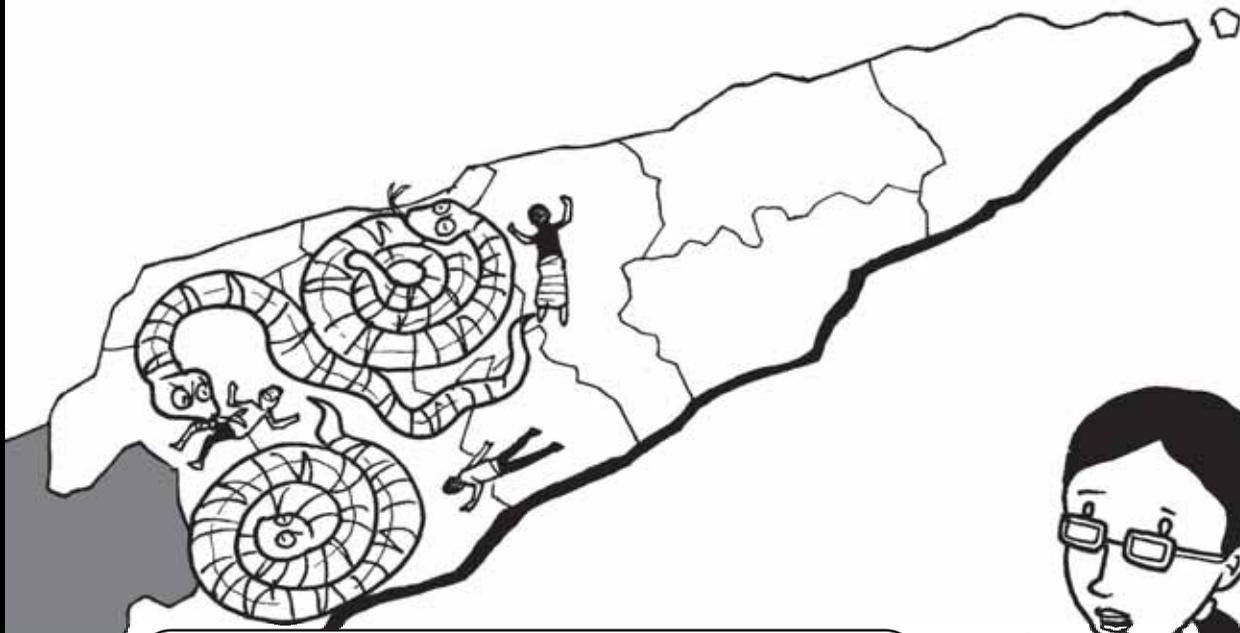


Killings



Indonesian troops came across the West Timor border land attacked communities in the western and central districts like a snake that comes into your house and bites someone at the front door.



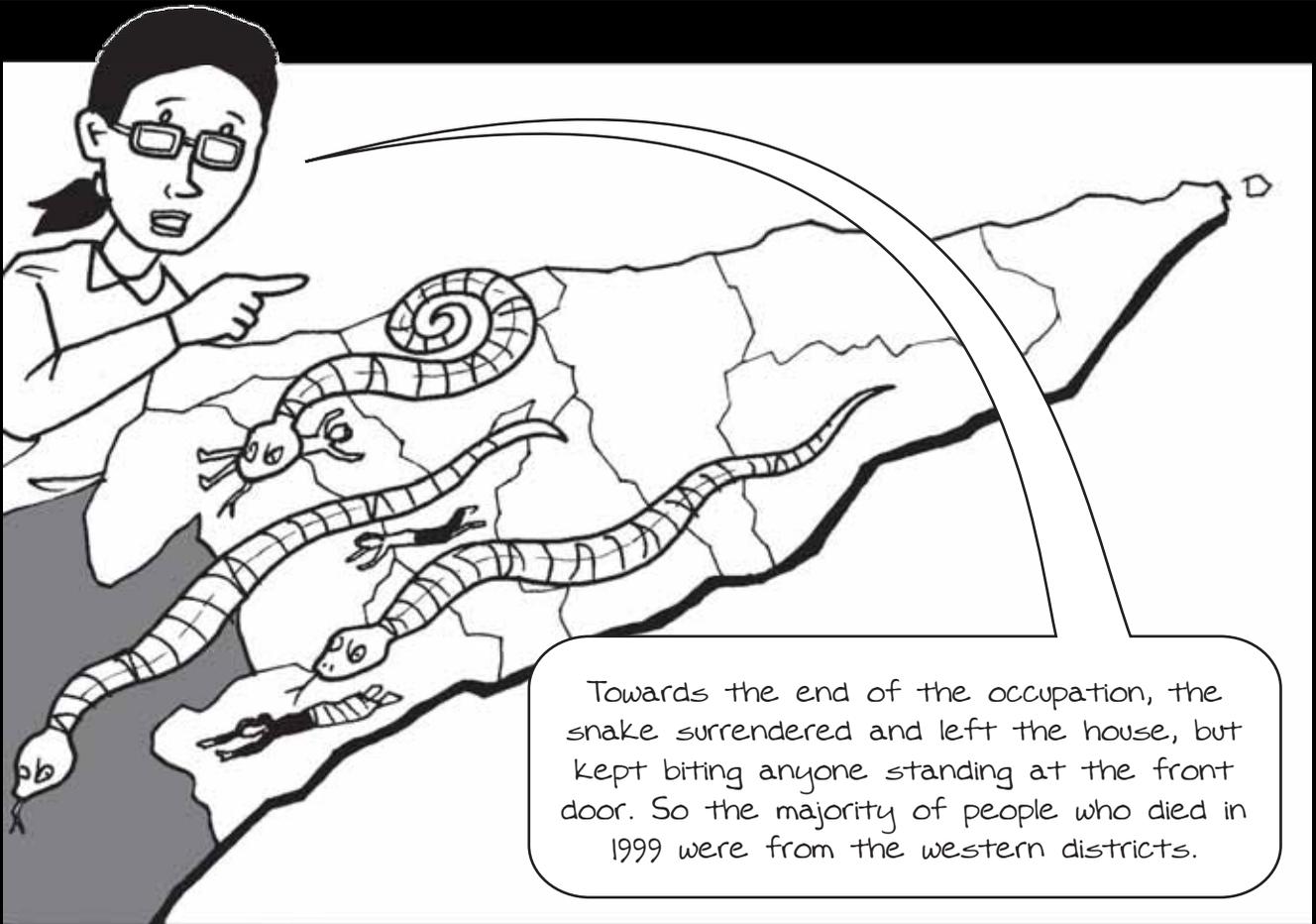


CAVR's research shows that most people who died during the invasion were from the western and central districts.



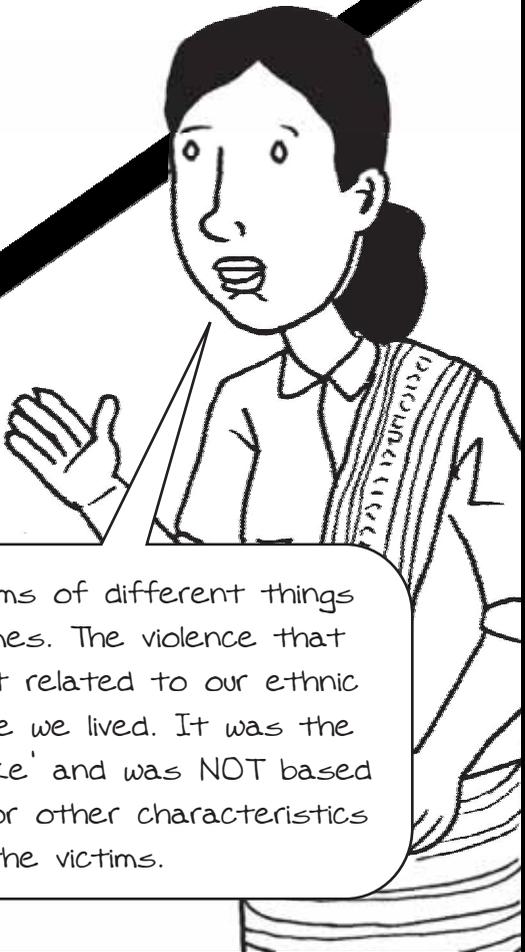
Then, between 1978 and 1981, the Indonesian troops concentrated on killing people in the central and eastern districts, like a snake that made a nest in the kitchen and bit anyone going past.





Towards the end of the occupation, the snake surrendered and left the house, but kept biting anyone standing at the front door. So the majority of people who died in 1999 were from the western districts.

CAVR says that its research shows that most deaths during the period of the conflict 1975 to 1999 were in Ermera, Baucau, Lautem and Manufahi.



We were all victims of different things at different times. The violence that occurred was not related to our ethnic identity or where we lived. It was the work of the snake' and was NOT based on the identity or other characteristics of the victims.

Forced disappearances

Let's turn now to the pattern of enforced disappearances that occurred.



As you've said already, the military used forced disappearance to destroy the Resistance. It was intended to eliminate those involved in the Resistance and to consolidate Indonesia's total monopoly of Timor-Leste.



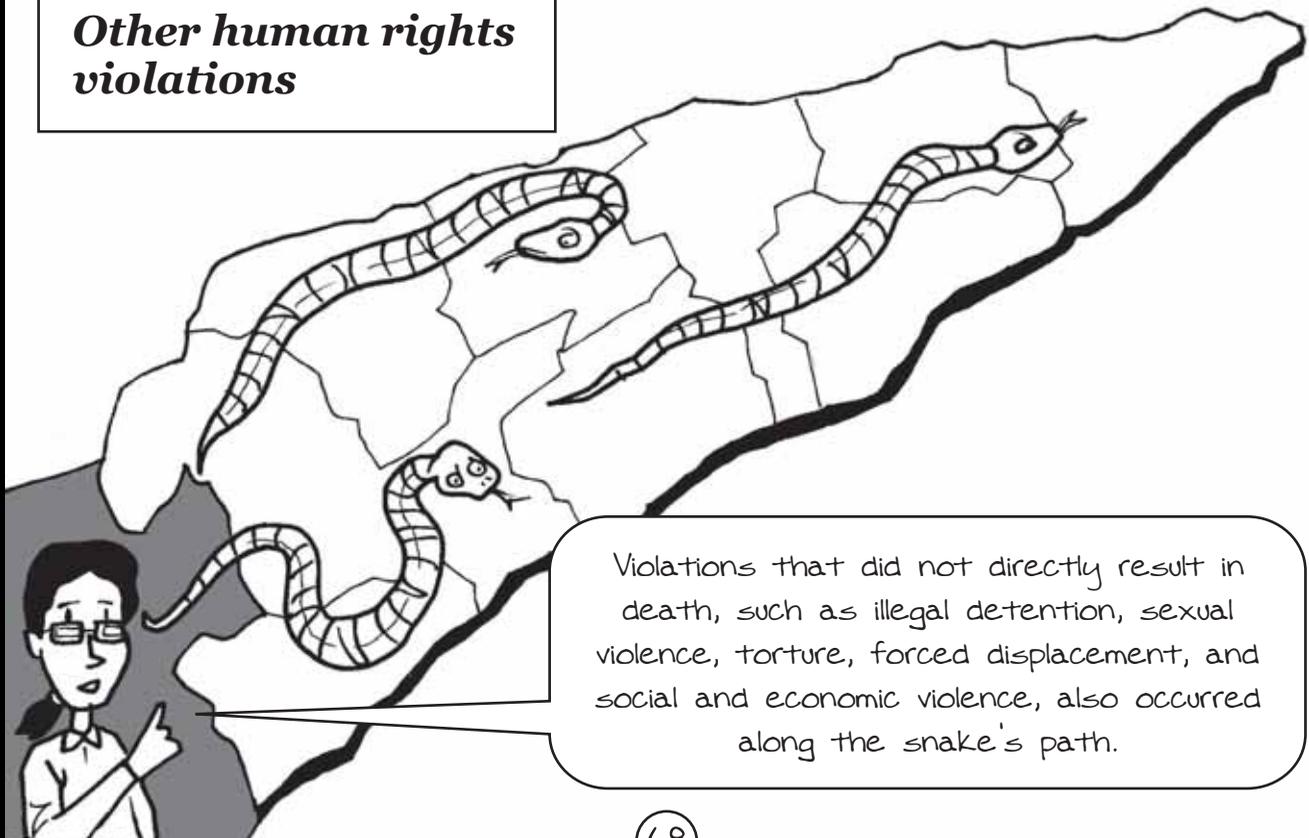


CAVR says that forced disappearances generally occurred between 1978 and 1980, and then 1983 to 1984. The majority of victims lived in the eastern districts, but there some victims from the western districts in places where resistance was still strong.



In reality, resistance was strong right across Timor-Leste but it varied from time to time. That's clear from the Popular Consultation in which 78.5% of Timorese from all parts of the country voted for independence.

Other human rights violations

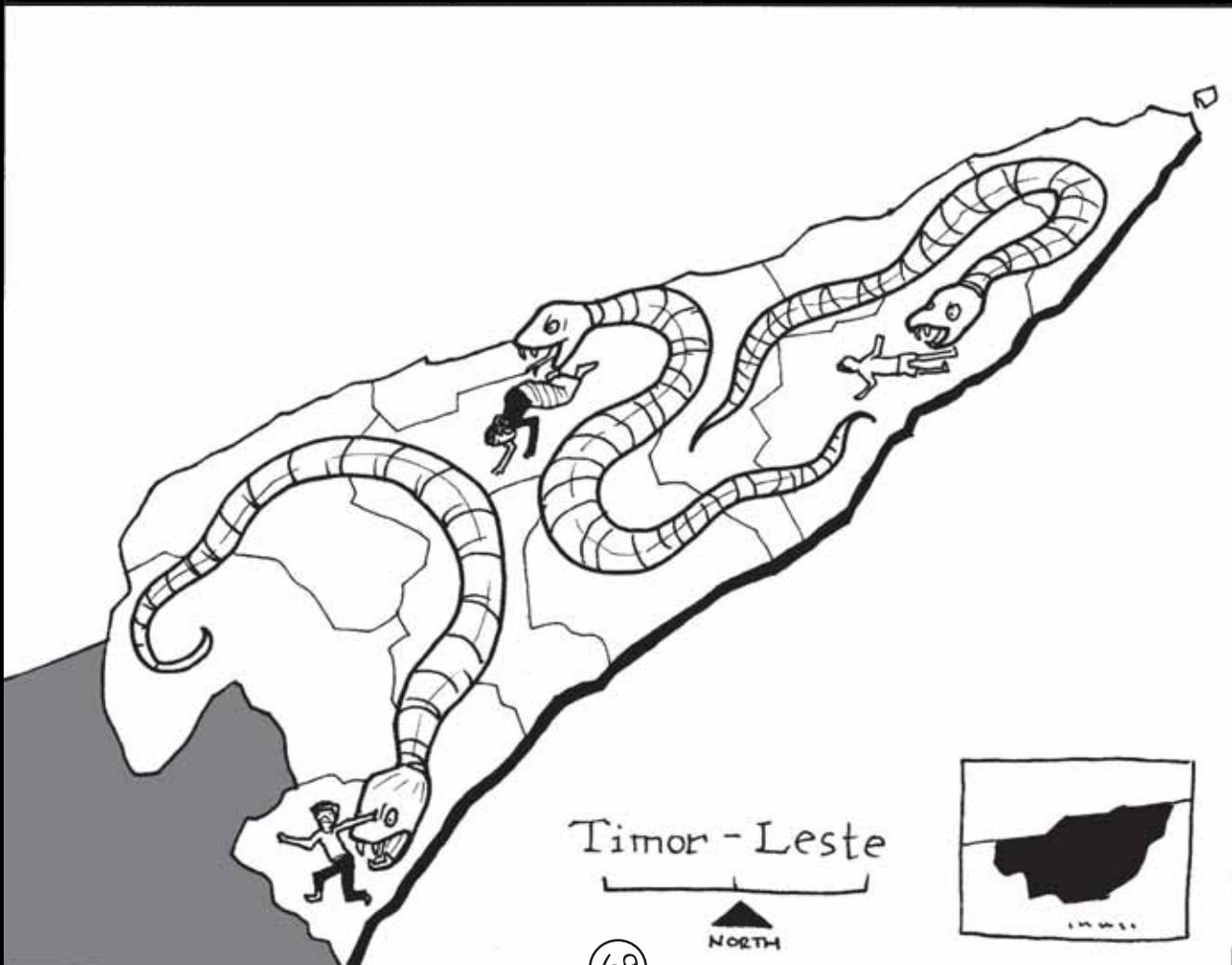


Violations that did not directly result in death, such as illegal detention, sexual violence, torture, forced displacement, and social and economic violence, also occurred along the snake's path.

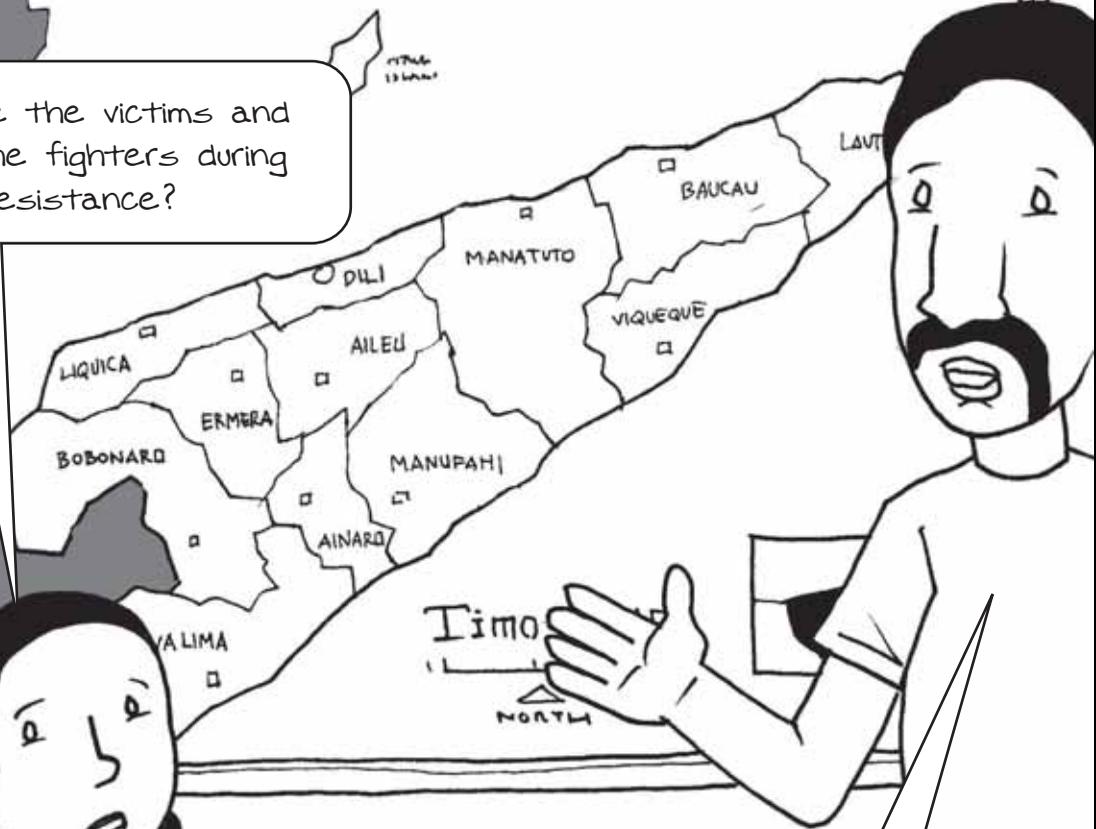


This means that violations occurred in the western and central districts during the 1975 invasion, continued on to the eastern districts towards the end of the 1970s, then recurred in the western districts as the war came to an end in 1999.

According to CAVR's report, a lot of non-fatal violations (where people didn't die) occurred in Dili, Ermera, Manufahi, Viqueque and Lautem. A lot of sexual violations occurred in Ermera, Ainaro, Lautem, Aileu and Bobonaro, and Manufahi and Ainaro experienced a lot of sexual slavery.



So who were the victims and who were the fighters during the resistance?



All of us! All the children, women, and men in the whole country. We all faced an enemy who was strong in numbers and resources and had significant international support. And we, the people of Timor from the west, the east and the centre, faced all these challenges together, and we won.



No matter where you come from - north, south, east or west - you are Timor's paths to achieve our hopes and dreams for a better future in which human rights are upheld and people live in peace free from violence.



