

Chapter 7.9: Economic and Social Rights

Chapter 7.9: Economic and Social Rights	1
Chapter 7.9: Economic and Social Rights	2
7.9.1 Introduction	2
The Commission’s work on economic and social rights	5
Social and economic rights and other rights	6
7.9.2 The right to an adequate standard of living	7
Development and government spending	8
The coffee sector	11
Right of a people to dispose of natural resources	16
The right to food	18
Housing and land	23
7.9.3 Right to Health	28
The Meaning of the ‘Right to Health’	28
Public health under Portuguese rule	29
The Indonesian occupation	29
Coerced birth control	33
Mental health and trauma	38
7.9.4 Right to education	41
7.9.5 Findings	46
General findings	46
Specific findings	47

Chapter 7.9: Economic and Social Rights

7.9.1 Introduction

1. Under the Indonesian occupation the people of East Timor were subjected to brutal forms of violation of their physical integrity and their civil and political rights, but the impact of the conditions in which they lived, while often less remarked on, was equally damaging and possibly more long-lasting.

2. The social and economic rights of the East Timorese were comprehensively violated during the Indonesian occupation. These rights are defined in a number of international instruments, including the International covenant on economic, social and cultural rights (ICESCR), the Universal declaration of human rights (UDHR), and, for children, the Convention on the rights of the child (CRC). Specific provisions of the Fourth Geneva Convention cover the obligations of an occupying power to protect civilians' social and economic circumstances.

3. The rights protected by these instruments include:

- The right to the enjoyment of the highest attainable standard of physical and mental health (ICESCR Article 12 and CRC Article 24)
- The right to an education (ICESCR Article 13, UDHR Article 26 and CRC Articles 28-29)
- The right of an individual to undertake work freely chosen (ICESCR Article 6, UDHR Article 23 and CRC Article 32)
- The right to an adequate standard of living, including adequate food, clothing and housing, and the continuous improvement of living conditions (ICESCR Article 11, UDHR Article 25 and CRC Article 27)

4. During the Indonesian occupation, the rights that were often violated include:

- Rights to health (ICESCR Article 12, CRC Article 24) were violated in political prisons and through the use of torture and in the deplorable conditions of the relocation camps. In 1999 the TNI and the militias damaged 77% of health facilities and virtually all of the country's medical equipment and medicine was looted or destroyed.¹
- Rights to education (ICESCR Article 13, UNDHR Article 26, CRC Articles 28-29) were violated for those forced into resettlement camps and into military service as "operations assistants" (tenaga bantuan operasi, TBO).
- Rights to work freely chosen (ICESCR Article 6, UDHR Article 23, ICCPR the International Covenant on Civil and Political Rights (ICCPR) Article 8.3.a, CRC Article 32, 38.2) were violated by forced recruitment into military operations as TBOs, civilian militia or human shields and by forced labour of other kinds.
- Rights to housing (ICESCR Article 11, UDHR Article 25) were violated through forced evictions and mass destruction of houses (see Part 7: Chapter 7.3: Forced Displacement and Famine).
- Rights to an adequate standard of living (ICESCR Article 11, UDHR Article 25, CRC Article 27) were violated in the displacement of civilians to squalid detention camps.
- Both the ICESCR and the International Covenant on Civil and Political Rights (ICCPR) [there is a first reference to ICCPR in the para on 'Rights to work freely chosen' why not right full name of Covenant there?] also provide (in common article 1(2)) for the right of a people to freely dispose of its natural wealth and resources. This right is an aspect of the right to self-determination.
- The right of the East Timorese people to freely dispose of their natural resources (ICESCR Article 1.2) was violated by the Timor Gap Treaty signed between Indonesia and Australia dividing proceeds of lucrative oil and gas fields under Timorese sovereignty without consultation with the East Timorese people or their interests being taken into consideration.

5. A constant theme of Indonesian propaganda during the occupation was the supposed contrast between the backwardness that was said to be Portuguese colonialism's chief legacy and the rapid development that Indonesia brought to East Timor. In the instances cited above Indonesia plainly failed to live up to its claims that its overriding concern was the well-being of the East Timorese people. Waves of violence and the extreme political and social repression and control exercised by the Indonesian military seriously hampered activities that were fundamental to making a day-to-day living, including movement, farming, and the ability to transport and market goods.

6. Violations of economic and social rights did not occur only as a by-product of military operations, however. Even at times of relative normality, security concerns, which sometimes became intertwined with private and corporate interests, took precedence over the well-being of the East Timorese people. The explicit use of education as a propaganda tool, rather than to meet basic learning needs, restricted children's development and future opportunities. The permanent resettlement of entire villages in areas that had previously been avoided because of their poor soils and malarial conditions endangered people's health. The manipulation of coffee prices to fund military operations and benefit military and civilian officials personally limited farmers' chances of making an adequate livelihood. The unsustainable and destructive extraction of natural resources by government officials and their business partners undermined survival strategies and depleted the "natural capital" on which East Timorese had expected to draw for many years to come. The preoccupation with security biased state investment towards areas

such as road-building and the development of the government apparatus at the expense of agriculture in which the vast majority of East Timorese were employed.

7. Economic and social rights are definitively set out in the International Covenant on Economic, Social and Cultural Rights (ICESCR). Although Indonesia has not ratified the Covenant, its provisions set the standard by which Indonesian conduct in East Timor during the occupation should be judged. In the Covenant itself and in its elaboration by the Committee on Economic, Social and Cultural Rights it is recognised that because they are at different stages of economic development, states are not equally able to realise fully all the rights set out in the Covenant. The obligation on states is therefore to take steps to achieve the progressive realisation of social and economic rights to the maximum extent that their resources allow. However, at the same time, states have core responsibilities, which they must always fulfil. These include responsibilities to provide for certain basic needs, such as food, shelter, essential medicines and basic education. It is also required that states not act in a discriminatory manner in the provision of economic and social benefits and that they not take retrogressive measures that cause people's enjoyment of these rights actually to deteriorate.

8. The Commission believes that Indonesia violated economic and social rights at all these levels. In many instances the state took extreme security measures that were at odds with meeting its core responsibilities. In these situations the state failed to provide for the population's basic needs, and frequently took measures that were both retrogressive and discriminatory.[†] At the same time the Commission has also found that the Indonesian state failed to realise the economic and social rights of the East Timorese to the maximum extent possible, and that at the end of the occupation, East Timor's development still lagged well behind that of even the poorest Indonesian provinces (see Table 5). This conclusion might seem surprising. The scale of Indonesian investment in the territory was large and the GDP growth rates that it produced were high. Moreover, the low benchmark established by the Portuguese makes the progress achieved in some areas, such as health and education, look dramatic. However, the Commission has found that the allocation of investment, the distribution of GDP and the delivery of social services, including health and education, were all severely compromised by the Indonesian state's overriding preoccupation with security, by its authoritarian style of government and by its close collaboration with special interests.

9. This finding clearly demonstrates the close relationship between serious violations of civil and political rights and the deprivation of social and economic rights. In East Timor, the denial of fundamental civil and political freedoms had many manifestations, but among them were the ones that fostered the factors identified by the Commission as preventing the realisation of the economic and social rights of the people of East Timor.

^{*} These policies should also be seen in the context of Soeharto's New Order regime (1965-1998). For an overview of this regime, see Part 3: History of the Conflict.

[†] Many of the violations discussed in this chapter are violations of these core obligations, often involving multiple breaches of a retrogressive nature. These extreme violations have been highlighted in this chapter by being placed in text-boxes.

The Duties of an Occupying Power

Relating to Social and Economic Conditions

As Indonesia had the status of an occupying power in East Timor, the Commission has also considered the duties of occupying powers set out in the Fourth Geneva Convention of 1949 and the Regulations Annexed to the Hague Convention of 1907 that relate to economic and social conditions.

These rules include, among many others:

- The occupying power must meet the food and medical needs of the population to the fullest extent possible, and if the resources of the occupied territory are inadequate it should import food, medicine and other necessary items. Food and medicine in the occupied territories can be requisitioned by the occupying power only if absolutely necessary for the occupying forces and only if the needs of the civilian population are met, and a fair value is paid. If necessary the occupying power must accept aid to meet these obligations. (Fourth Geneva Convention, Articles 55, 56, and 59-62)
- The occupying power is prohibited from confiscating private property or engaging in pillage, although some private property may be requisitioned in return for compensation. (Hague Regulations, annexed to Hague Convention IV of 1907, Articles 46, 47, 52 and 53).
- Certain property of the state may be used by the occupying power, and the natural resources of the occupied territory may be used to cover the cost of the occupation. However they should not be exploited for the general profit of the occupying state.
- Property for education, culture or charities, even if owned by the government, must be treated like private property and not taken or destroyed under any circumstances. (Hague Regulations, annexed to Hague Convention IV of 1907, Article 56)
- Civilians cannot be compelled to serve in the armed or auxiliary forces of the occupier, and propaganda aimed at encouraging voluntary enlistment is prohibited. Civilians over the age of eighteen can be forced to do non-military work to serve the immediate needs of the occupying power, but their pay and conditions must be adequate. (Fourth Geneva Convention, Article 51)

The Commission's work on economic and social rights

10. As its work in the area of truth-seeking progressed, the Commission increasingly found evidence of both direct violations of social and economic rights and of the close inter-relationship between the violation of those rights and the abuses of civil and political rights that had been the chief focus of its work. It decided that this reality should be recognised in its Final Report. At the same time it acknowledges the limitations of the analysis that follows. The Commission's staff conducted interviews when possible, but its work in this area has relied heavily on secondary sources. Because of the closed nature of East Timor under the occupation and because research during that period focused on the urgent need to halt the massive abuses of civil and political rights social and economic data are only spottily available. Economic data that are available vary widely in quality and need to be treated with caution.

11. The Commission's investigation of violations of economic and social rights has focused on the role of Indonesia. The Commission has looked only at the role of the Indonesian State, and not other actors such as Timorese political parties, because social and economic rights are assessed by looking at the policies and practice of an effective government, and can only be

seen over the long-term. Social and economic rights are primarily rights of people to the progressive improvement of their economic and social situation. The Commission acknowledges that other actors, including East Timorese non-state actors, committed acts that harmed people's social and economic conditions. Many of these acts are considered in Chapters 7.4: Displacement, Settlement and Famine and 7.5: Violations of the Laws of War, but are not included here because they were not the acts of an effective government with long-term control over the territory of Timor-Leste.

12. The limited resources available to the Commission have permitted it to consider violations of cultural rights provided for under the ICESCR only to the extent that they are inseparable from violations of social and economic rights. Throughout this chapter evidence is presented that Indonesian practice in such areas as education, health and land rights violated the norms and integrity of East Timorese culture. However, the Commission has not been able to examine the impact of the occupation on East Timorese culture in a detailed and systematic way. The Commission regrets this omission and strongly recommends that it should be rectified by further study.

13. For all of these reasons, this chapter cannot be regarded as presenting the definitive truth about violations of economic and social rights. Rather, it should be seen more as a contribution to it and as a spur to further research aimed at truth-seeking and reconciliation.

Social and economic rights and other rights

14. The existence of the two separate international covenants, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights, might appear to entrench the distinction between these two sets of rights. In fact, however, the preambles to both covenants recognise their indivisibility. Thus the International Covenant on Economic, Social and Cultural Rights notes:

The ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights.¹

15. This close relationship was affirmed in the Vienna Declaration adopted at the 1993 United Nations World Conference on Human Rights:

Democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing. Democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and the full participation in all aspects of their lives.²

16. It is worth emphasising the implications of the lack of attention to social and economic rights by external observers and Indonesia, in comparison to the attention given to civil and political rights. The combination of social and economic rights violations under conditions of overwhelming poverty, such as that experienced by the people of East Timor is often used to explain why violations of these rights, in themselves, do not command our attention. Indeed, the very widespread and entrenched nature of social and economic violations often numbs us both to their seriousness and to their essential character as rights. The UN Committee on Economic,

¹ The ICCPR has a nearly identical preamble.

Social and Cultural Rights, in a statement to the Vienna World Conference on Human Rights in 1993, drew attention to:

[T]he shocking reality that States and the international community as a whole continue to tolerate all too often breaches of economic, social and cultural rights, which if they occurred in relation to civil and political rights, would provoke expression of horror and outrage.

Statistical indicators of the extent of deprivation, or breaches of economic, social and cultural rights have been cited so often that they have tended to lose their impact. The magnitude, severity and constancy of that deprivation have evoked attitudes of resignation, feelings of hopelessness and compassion fatigue. Such muted responses are facilitated by a reluctance to characterise the problems that exist as gross and massive denials of economic, social and cultural rights. Yet it is difficult to understand how the situation can realistically be portrayed in any other way.³

17. Further, the low value in monetary terms of assets lost by the poor is often an implicit reason for the lack of attention to the violations that occur when they are destroyed. For example, the International Committee of the Red Cross's (ICRC) chief delegate to East Timor in 1975, in his assessment of the impact of the "civil war", dismissed the extent of property damage:

There was no significant material damage...In the inside of the island, numerous villages were burned, particularly in the region of Maubisse, Ainaro but the reconstruction of straw huts is not a problem for the native population.⁴

18. The monetary value of these simple huts may indeed have seemed inconsequential, and materials for reconstruction were available locally. However, the more fundamental point is that the less people have to lose, the more severe the impact of the loss of homes, property, and livestock. The repeated destruction and looting of the property of those who have so little—first by the Portuguese, then by the warring political parties, then by the Indonesian military, and then by militia—made recovery slow, and both economically and emotionally taxing. People who are already on the edge of illness, starvation and ignorance due to chronic poverty are that much more in need of protection of these rights. Indeed, the absence of rigorous monitoring of these rights is in itself an indication of the neglect of the social and economic welfare of the East Timorese people.

7.9.2 The right to an adequate standard of living

19. The right of each person to an adequate standard of living encompasses the right to be free from hunger, to have access to the economic means of survival and clothing and shelter. It is essentially about bringing people out of poverty and creating the conditions for them to live their lives to their full potential. These rights, and how they have been violated, are considered below.

³ While the intent of his comment is clear, it is also worth noting its context. It is clear from the ICRC internal reports, minutes from meetings and notes from phone conversations (on file at CAVR) that the ICRC delegate, André Pasquier, felt strongly that the situation in late 1975 (before the Indonesian invasion) in East Timor was being exaggerated by other agencies and the press. He further felt that "80% of nutritional problems which at present exist in Timor are not so much the result of the war as from the economic system maintained by the Portuguese." Therefore, comments in his reports were often attempts to downplay the effects of the "civil war" and the need for outside assistance.

Development and government spending

20. As already mentioned, Indonesia often cited its large investment in the development of East Timor as evidence of its good will towards the East Timorese people. It is true that Indonesia committed more investment to East Timor than to any of its provinces. It allocated some Rp1.3bn for development in the territory between 1976/77 and 1993/94 (the equivalent of US\$960m). This was, for example, around 50% more than it allocated to the neighbouring Indonesian province of East Nusa Tenggara (see Table 1 & 2).

Table 1 - Allocation of Funds in Five-Year Development Plans (Repelita) for East Timor and Selected Provinces, 1969/70-93/94 (Rp b)

	Repelita I (1969/70- 73/74) (Rp b)	Repelita II (1974/75- 78/79) (Rp b)	Repelita III (1979/80- 1983/84) (Rp b)	Repelita IV (1984/85- 1988/89) (Rp b)	Repelita V (1989/90- 1993/94) (Rp b)	Total (Rp b)	Total (US\$ m) ^a
East Timor ...		66,692	139,385	257,822	826,312	1,290,481	960.2
East Nusa Tenggara	2,223	24,788	129,296	175,199	526,309	857,815	641.2
West Nusa Tenggara	1,728	22,826	111,765	151,629	332,782	620,730	494.7
Papua (Irian Jaya)	1,469	15,825	87,388	155,224	652,353	912,259	609.5

^a Conversions calculated at annual average rate of the Rp:US\$ during each five-year period of the Five-Year Development Plans.

Source: Rui Gomes, *East Timor's Socio-Economic Development under Indonesia: (1976-1998)*, Phd Thesis, London South Bank University, 2002, p.218

Table 2 - Budget and Inpres^a funds allocated to East Timor, 1976/77-1992/93

	Sectoral Projects (Rp m)	Routine Budget (Rp m)	Total Budget Funds (Rp m) ^b	Budget Line Item 16 (Rp m)	Inpres Funds (Rp m)	Sectoral Projects (US\$ '000)	Routine Budget (US\$ '000)
1976/77	232.8	1,475.6	1,708.4	...	552.0	561.0	3,555.7
1977/78	3,500.0	3,261.6	6,761.6	...	3,359.7	8,433.7	7,859.4
1978/79	4,333.5	3,134.5	7,468.0	...	3,997.0	8,824.1	6,382.6
1979/80	7,517.2	3,150.0	10,667.2	7,000.0	5,152.9	11,996.8	5,027.1
1980/81	12,415.7	6,954.4	19,370.1	6,000.0	9,087.5	19,801.8	11,091.5
1981/82	11,213.2	8,435.5	19,648.7	6,500.0	14,884.6	17,617.0	13,252.9
1982/83	28,220.9	8,846.8	37,067.7	n/a	19,113.9	41,864.6	13,123.9
1983/84	22,871.4	9,432.1	32,303.5	7,000.0	20,826.0	23,257.5	9,591.3
1984/85	23,694.8	20,015.1	43,709.8	8,135.6	22,940.8	22,577.2	19,071.0
1985/86	35,181.2	13,038.6	48,219.8	14,147.8	24,192.3	31,406.2	11,639.5
1986/87	25,555.6	13,071.3	38,626.9	7,512.7	22,735.2	18,116.8	9,266.5
1987/88	15,075.7	11,218.1	26,293.8	5,372.6	n/a	9,142.3	6,803.0
1988/89	14,285.8	11,516.3	25,802.1	6,379.7	n/a	8,371.4	6,748.5
1989/90	18,324.6	14,765.2	33,089.8	n/a	n/a	10,253.2	8,261.6

1990/91	25,641.3	17,037.4	42,678.7	n/a	n/a	13,720.0	9,116.3
1991/92	31,351.7	18,859.4	50,211.1	n/a	n/a	15,891.2	9,559.2
1992/93	40,093.4	18,932.6	59,026.0	n/a	n/a	19,674.8	9,290.7
Total	319,508.8	183,144.4	502,653.2	n/a	n/a	281,509.5	159,640.7

^a Extra state budgetary funds allocated upon presidential instruction with parliamentary approval

^b Excludes Budgetary Line Item 16 (Special Funds for East Timor), for which data are incomplete.

Source *Ibid*

21. Indeed this investment did translate into rapid GDP growth once the major military operations had ended and something approaching normality had been created in the mid-1980s. According to the official data, GDP grew at an annual average rate of 8.5% between 1984 and 1997, exceeding both Indonesian national GDP and growth in any Indonesian province (see Table 5). While there are technical and political reasons to believe that the data are seriously flawed,⁵ the overall picture that they depict about East Timor's economy during the occupation years is a convincing one. Growth was driven by construction, transport and communications and government services, all sectors related to the consolidation of the occupation. There was also rapid growth in the trade and manufacturing, although the share of both in overall output remained low, particularly in the case of manufacturing. Meanwhile, the agriculture, which still employed 84% of the population in 1990,⁶ recorded the lowest growth rate among all the main sectors.

Table 3 - Sectoral shares of GDP and growth rates, 1984-97 (%)

	Sectoral Shares			Annual Average Growth 1984-97
	1984	1993	1997	
Agriculture	44.5	29.8	33.7	5.4
Manufacturing	1.4	2.9	3.1	13.7
Construction	11.4	21.0	18.1	12.7
Trade	8.4	9.3	9.1	11.5
Transport and Communications	5.4	8.6	9.7	14.9
Government Services	21.7	21.5	19.9	8.1
GDP	92,8	93,1	93,6	11,05

Source: *Ibid*.

22. Clearly during the most intensive period of the war, from 1975-79, agricultural activity was almost totally paralysed. Then the confinement of much of the population in "resettlement" camps, where they continued to be held in some cases until the late 1980s and where their freedom of movement and ability to farm were both severely restricted meant that the recovery was very slow (between 1983 and 1986 the sector grew by less than 1% a year).⁷ Output of the two main food crops, maize and rice, did not return to their pre-war levels until the late 1980s.⁸

23. Even after some degree of normalisation returned, conditions were not still conducive to agricultural growth. The massive disruption of traditional settlement patterns in the early years of the occupation had long-lasting effects. Much of the population continued to be forced to live in areas chosen with security rather than fertility in mind. Population movements and a new land regime cast land rights into uncertainty. Farmers were prevented from making the shift from

subsistence to cash-generating agriculture by iron grip of the military and their business associates over commodity production (see, in particular, 7.9.2.2).

24. No less important, agriculture suffered from low investment. Less than 10% of state investment was directed to agriculture, while over 50% went into just two sectors, transport and communications and the civil administration (see Table 4). Moreover, the main beneficiaries of what investment there was are believed to have been Indonesian transmigrants and the plantation sector.⁹

Table 4 - Structure of state investment by sector, 1984/85-1993/94 (%)

Sector	% of Total
Transport and Communications	34
Civil Administration	20
Education & Youth	11
Agriculture & Irrigation	9
Health & Social Welfare	5
Regional Subsidies	5
Regional Development	4
Information	2
Religion	2
Natural Resources & Development	2
Defence	2
Industry	1
Other	3
Total	100

Source: Gomes citing KORPRI Timor Timur. Buku Dua Puluh Tahun Timor Timur Membangun, Dili, 1996, p 139.

25. As a result of all these factors, agriculture's share of GDP was on a declining trend for most of the occupation. Such a decline is not unusual in a fast growing economy, but in East Timor's case it was not accompanied by a compensating shift of the agricultural labour force into newly-emerging, more dynamic sectors. The manufacturing sector's share of output did rise during the same period (from 1.3% to 3.1%), but this was not enough to absorb much labour. Instead, at the end of the occupation, nearly three-quarters of the labour force remained in the countryside grinding out a subsistence living. During the same period the number of government employees soared (rising from just 780 in 1981 to 33,602 in 1997).¹⁰ This bias was reflected in growth rates for Dili, which far outstripped those for any other district.¹¹ Excluded from the dynamic sectors, and confined to sectors that the government refused to dynamise, the majority of the population did not benefit from this growth.

26. In particular, slow-growing, low-productivity agriculture became synonymous with poverty: in the 1990s, 85% of heads of households belonging to the poorest half of the population were employed in agriculture, whereas more than 50% of the richest 20% of the population were working for the government or in the formal sector.¹² East Timor's poverty cannot be blamed solely on Portuguese failures. After occupying East Timor for nearly 24 years, Indonesia left a territory that was extremely poor by both Indonesian and international standards. [See Table 5] One calculation using East Timorese indicators to derive a Human Poverty Index showed that despite growing rapidly for much of that period, East Timor in 1999 ranked among the poorest countries in the world. [See Table 6]

Table 5 - Comparative Economic Indicators: East Timor and Indonesia

GDP per head as % of Indonesia average	Average annual growth, 1983-96	Sectoral share of GDP	Illiteracy (%)	Infant Mortality a	Life Expectancy

			Ag	Manu	Govt	1996	1996	1996
East Timor	38.3	5.6	24.2	3.2	23.6	59.6	135.0	53.9
NTT	35.3	4.6	38.1	2.4	19.8	21.1	51.0	64.4
NTB	41.2	4.9	36.3	4.8	16.6	32.0	75.0	58.9
Maluku	67.1	4.6	26.1	18.0	10.6	6.8	47.0	65.4
Papua	167.7	4.8	18.1	4.1	6.9	32.6	51.0	64.5
Indonesia	100.0	5.1	15.4	24.7	8.8	14.7	44.0	66.0

^a Per 1,000 live births. ^b 2001

Sources: BPS 1999; BPS and UNDP 1997; and UNDP 2001

Table 6 - East Timor: Income and Poverty Indicators, 1990-1999

	1990	1995	1996	1999
Probability at birth of not surviving to 40 years (% of cohort)	22.7	28.5	41.1	35.6
Adult illiteracy rate (% , aged 15 and over)	59.8	54.7	59.6	59.6
Underweight average of deprivation (%)	...	...	49.0	45.7
Population not using improved water sources (%)	50.5	44.7	47.4	46.9
Underweight children under 5 (%)	...	...	50.6	44.5
Population without access to health services (%)	20.3	31.1	...	...
Human poverty index (HPI-1) value	46.4	43.0	51.0	49.0
Population below the national poverty line (%)	...	...	41.5	42.4

Source: Gomes, p. 208, based on UNDP and BPS data.

The coffee sector

27. Coffee has been Timor-Leste's single most important source of tax revenue, foreign exchange and local cash income since the late 19th century. It is still today Timor's most important export (in 2001 worth some US\$13m, 75% of all exports),¹³ and about 44,000 smallholder families (or some 200,000 people, 25% of the total population) are directly dependent on coffee for 90% of their cash income.¹⁴

28. The Portuguese are thought to have introduced coffee to Timor in the early 19th century. Sixty years later it had grown to become the territory's largest export. By 1925, when coffee prices were high and yields of valuable sandalwood had collapsed due to over-harvesting, coffee accounted for more than 80% of the value of Portuguese Timor's exports. The production and export of plantation crops under Portuguese administration was dominated by a single company, *Sociedade Agrícola Pátria e Trabalho* (SAPT). SAPT was founded in 1900 by the then governor, Jose Celestino Da Silva,[†] who was also responsible for the overhaul of Timorese village society

¹³ Even at its peak, coffee probably produced only some Esc10.2m (US\$380,000 at the current exchange rate). Moreover, coffee prices, like those of most tropical commodities, were unstable. Revenue from coffee was always insufficient to support the state, but it was the primary source of locally-generated financing for the poorly-funded Portuguese territory. Helio A Estevas Felgas, *Timor Português*, Agência Geral Do Ultramar, Lisbon, 1956, cited in João Saldanha, 1994, p. 65.

[†] Da Silva was a distinctive figure for other reasons as well. He put down the Dom Boaventura Rebellion of 1911-12 and then sought to reassert Portuguese control by reorganising local political structures. One of his innovations was to introduce the position of *chefe De suco*, thereby undermining the traditional authority of the liurai (except those who were

in order to release land and labour for plantations (*repovoamento*).¹⁵ Although founded as a private venture, SAPT behaved as if it were a state company by virtue of its association with the governor. Using the authority and resources of the state, SAPT seized the most productive land in Ermera district for coffee, and instituted a programme of forced cultivation, overseen by the military. Later rebellions against the poll tax were punished by forced labour on coffee plantations, and those who were unable to pay the tax were also subjected to forced labour.¹⁶

Management of the Coffee Sector under Indonesian Administration

29. The Indonesian state followed the pattern established by the Portuguese colonial government by putting management of production and trade in coffee into the hands of state proxies. These proxies had special arrangements with the Indonesian military, which gave them control of the coffee trade, and subsequently control of other sectors, in return for supplying “off-budget” funds for military operations and the civil administration. As part of this arrangement, local coffee smallholders were prevented from earning a decent standard of living or seeing the benefit of the enormous profits made by the trading company, the military, senior military officers and Indonesian businessmen. Even more seriously, the funds from coffee financed the military campaign in East Timor as well the military’s ongoing repression of the local population.

30. Major General Benny Moerdani, who was deeply involved in the planning and execution of Indonesia’s East Timor operations before and after the full invasion, initially as chief of defence joint intelligence and deputy head of Bakin and then from 1983 to 1988 as armed forces commander, described in an exclusive interview how he forged a partnership with the Indonesian entrepreneur, Robby Sumampouw.¹⁷ Moerdani recalled how on 11 December 1975 the two met in a Jakarta nightclub to arrange a business deal under which Robby Sumampouw would provide food and supplies to the invasion forces in exchange for the right to sell the coffee then stored in Dili. The Indonesian military had expected a quick victory in East Timor, and had not planned or budgeted for a prolonged campaign.[†]

*This was a bloody expensive operation. The whole Timor operation was prepared in less than a year. And you know our budgeting system. You have to plan five years in advance. So if you start something in the middle of Repelita [the Five-Year Development Plan], you don't have money for it. ABRI was squeezing everything. It's unthinkable that a westerner would understand. If you tell this to the US Staff College, they won't understand; the Australian Staff College, they won't understand. How can you mount an operation without money? But we did it. Because we had to.*¹⁸

31. According to Moerdani, Sumampouw offered to ship in US\$1m worth of supplies for the troops—including food, tyres, motorcycles and Land Rovers. Moerdani recalled the conversation this way:

loyal to the state). Some of the chief beneficiaries of this reorganisation were the plantation companies, which gained effective control over large areas of land.

[†] SAPT later also formed subsidiaries that controlled cocoa and rubber plantations. SAPT, *Business Plan*, Dili, August 2000, p. 1.

[†] CAVR interviews with, among others, the former governor of East Timor, Mario Carrascalão, corroborate that this was ABRI’s view. Many sources have recalled the Indonesian boast that its troops would “have breakfast in Dili, lunch in Baucau and dinner in Lospalos”, as well as the subsequent, less optimistic variants on this apothegm, as their hopes of a quick victory faded.

I said: "I won't have one million dollars to pay you." No, they [Sumampouw and his associates] don't mind. "We know there is a lot of coffee in East Timor, maybe 5,000-6000 tons...Well, we send one ship with all these goodies before Christmas. And then after it is off-loaded, we load coffee, as much as the ship can take. And we sail to Singapore to sell it...If the proceeds come to more than US\$1m, we'll take only one million to pay for the goods. If it comes to less than one million, you don't have to pay us anything." I said: "Very generous! What do I owe you for this?" "No, we just want to do something for the government." I said OK. So, it started.¹⁹

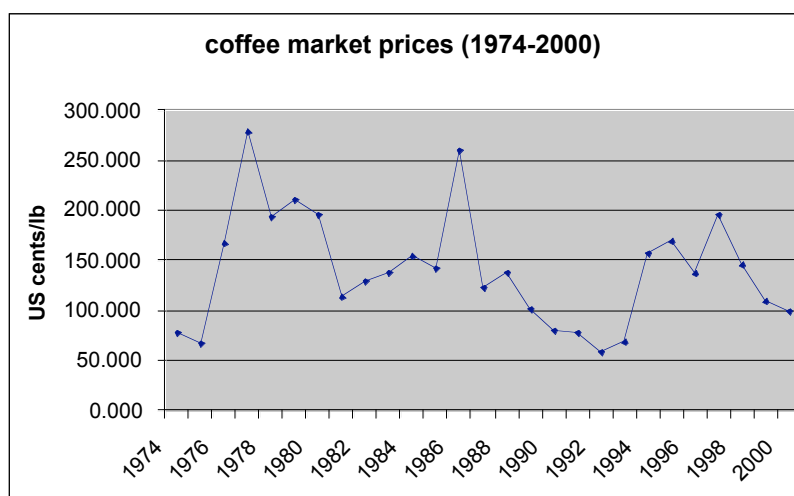
32. Thus, the deal that was to establish the largest business in East Timor was struck in Jakarta, just four days after the Indonesian invasion of Dili.

33. On delivery of the goods to Dili, Moerdani then introduced Sumampouw to the Colonel Dading Kalbuadi, the then intelligence chief of the Seroja joint task force (Kogasgab) and Arnaldo dos Reis Araujo, the Indonesian-installed governor of East Timor. Both agreed to issue Sumampouw a 20-year contract to buy East Timorese coffee and sell it abroad in return for the continued provision of supplies.²⁰ Sumampouw and his brother Hendro established PT International, Denok Hernandes Indonesia as the sole buyer and exporter of coffee.

The Value of the coffee sector

34. During the Indonesian occupation, coffee was more profitable than it had been under the Portuguese. For much of the occupation period prices were buoyant (particularly in 1977 and 1986) and production rose to over 13,000 tons. The deal therefore proved lucrative for Sumampouw and the ABRI generals. Sumampouw's shipment of supplies arrived on 23 December 1975. In 1976 coffee prices rocketed to an all-time high. (see Chart 1 and Table 7).

Table 7 - Chart 1: Coffee market prices (1974-2000)



Source: www.imfstatistics.org

35. The Commission was able to find sources referring to the sale of only two shipments, the first of 500 tons, the second of 800 tons, for a total sale price in Singapore of US\$3.1m

(US\$1.27/lb^{*}).²¹ It is not known when the remainder of the coffee sitting in Dili warehouses was sold or at what price, and whether the remainder of the profit went to Robby Sumampouw or ABRI in East Timor or both. However, according to Moerdani's account of the terms of his deal with Sumampouw, by mid-1976, even this partial sale East Timor's coffee stocks gave ABRI a US\$2.1m windfall to finance its operations just when it was launching its advance into the interior of East Timor (see 2.9: Operasi Seroja, 1976-79). If the Sumampouws traded the rest of the other shipments at the same price as the first two sales, the total profit would have been some US\$14m.

36. Estimating exactly how much profit may have been made is complicated by several factors, including: the oscillating price of coffee on international markets, the difference between prices paid to producers and the international indicator price, the lack of systematic records on producer prices in East Timor and West Timor, and currency fluctuations. Therefore, the data cited here on prices paid to producers in East Timor and their comparison with West Timor prices (see Table 7, below) are indicative only.

37. In 1977 international coffee prices hit a new high (see Chart 1 and Table 7). PT Denok was perfectly positioned to capture this upswing in the market. When prices fell again in 1978-79, Sumampouw was well-placed to expand his business in East Timor into other, more lucrative sectors. When PT Denok's coffee monopoly was finally broken, in 1992 after the Santa Cruz Massacre, under pressure from US Senators, Moerdani was no longer commander of the Indonesian armed forces and coffee prices had fallen to their lowest level in 30 years. The end of the monopoly was therefore a relatively cheap concession to the international community, leaving those who had benefited from it to concentrate on the by then more rewarding monopolies in construction and import-export.²²

38. East Timorese smallholders saw none of the profits earned by Sumampouw and the ABRI generals. Each year the local government issued a regulation that set the price to be paid to farmers.[†] In 1983 this price was one-sixth of the price paid in West Timor, costing East Timorese coffee farmers \$2.50 in lost income for each kilogramme of coffee produced.[‡] This meant that, in 1983, even when the international market price was not especially high, PT Denok was making some US\$18m just by underpaying East Timorese growers.

Table 8 - Coffee prices and production, 1975-93

Year	Production (tons)	Price paid to producer (Rp/kg)	International market indicator price (Rp/kg)	East Timor Price Source
1975	4,585	n/a	621	No price available, although some reported that coffee was traded for rice in the early years of the invasion
1976	2,510	n/a	1,525	No price available
1977	5,597	n/a	2,538	No price available
1978	3,547	n/a	1,887	No price available
1979	2,968	n/a	2,892	No price available
1980	4,600	100 – 300	2,704	CAVR interviews, Idelfonso (Fatubessi coffee farmer and former PT Salazar employee); Chung Ki Seng (aka Asengko, independent coffee trader)
1981	8,999	150 – 350	1,571	ACFOA Dossier, 9 March 1982, confidential interview with former driver for PT Denok

^{*} IMF statistics cite coffee market prices in 1976 at US\$1.67/lb.

[†] The Governor issued a decree concerning the order of the coffee trade. The last one was issued in 1993 when the monopoly had been broken. CAVR, interview with Sam Filiaci, Yogyakarta, Indonesia, 9 July 2004.

[‡] An Australian Senate delegation to East Timor was told that PT Denok paid producers Rp500/kg, (or US\$ 50 cents) when the world market coffee price was Rp3000/kg. Official Report of the Australian Parliamentary Delegation to Indonesia July-August 1983, Australia, pp. 175 and 184.

				in Ermera and Dili until December 1981. Also reported that army selling for Rp1,500/kg.
1982	8,009	375	1,892	Australian Senate Delegation, 1983, p. 175
1983	7,240	500	2,761	Australian Senate Delegation, 1983 p 175 and 184
1984	6,091	n/a	3,476	No price available
1985	8,275	500	3,469	CAVR interview, Idelfonso
1986	9,572	n/a	7,336	No price available
1987	9,448	800 – 1,500	4,448	CAVR interview, Arcanjo De Silva (Coffee Rehabilitation Project 1987-92). Also reports that the Denpasar and Sulawesi farmgate price was Rp7,000/kg
1988	9,428	1,200-1,500	5,119	Tempo 9/3/88, p. 33. Also reports that the Atambua wholesale price was Rp4000/kg
1989	7,497	2,000	3,972	CAVR interview with Manuel Babo (coffee farmer in Aifu, Ermera). Also reports that Atambua price was Rp6,000/kg minus taxes and bribes.
1990	7,348	4,000	3,243	CAVR interview, Idelfonso
1991	10,508	1,100-1,200	3,346	Mubyarto, et al., East Timor: The Impact of Integration.
1992	13,288	n/a	2,635	No price available
1993	7,734	800-1,100	3,122	CAVR interview, Sam Filliacci (former Director NCBA, Dili)

Source for production: 1975-80 Saldanha; 1983 Soesastro; 1981-2, 1984-93 Timor Timur dalam Angka; Source for international market price: www.imfstatistics.org

39. The Commission received numerous reports of the Indonesian military interfering in the production and trading of coffee in order to protect PT Denok's privileged position. Farmers reported that armed soldiers guarded the coffee, and that military vehicles were often used to transport it. The transportation of coffee (above a few kilogrammes for personal use) other than by PT Denok was strictly prohibited, and punishable by confiscation and possible imprisonment. Several independent Chinese traders did continue to operate. Some operated as local buyers in association with PT Denok; others did not have licences but simply bribed their way to Atambua to sell coffee at a higher price.²³

40. Although the military initially may have needed Sumampouw's help to procure supplies for its operations, in later years the military's share of PT Denok's coffee profits appears to have been used primarily for the personal enrichment of a handful of top officials. The former governor, Mario Carrascalão, recounted how the profit from PT Denok was diverted:

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.²⁴

²³ The seizure of large landholdings for coffee plantations had the effect of giving PT Denok control of both the purchase and sale of the product, although 60% of coffee still came from smallholdings. State-organised cooperatives, Kud, were nominally the buyers, who then supplied PT Denok, the sole exporter of "green" beans. However, interviews suggest that the co-operatives in fact served only to rubber-stamp to sales by farmers, and that PT Denok actually bought its coffee directly or from independent traders.

41. PT Denok was a subsidiary of the Batara Indra Group which included ten other monopoly subsidiaries, including PT Salazar (to which the governor granted sole ownership of 11,000 ha of coffee plantations seized from SAPT), PT Scent Indonesia (sole buyer and exporter of sandalwood), PT Watu Besi Raya (sole contractor for all civil construction) and PT Marmer (sole owner of all marble mining rights).²⁵ Given the large amount of funds allocated to Timor to develop infrastructure, a monopoly on these contracts would certainly have been highly attractive. The monopolies would therefore have provided a strong economic interest in maintaining military control in East Timor.

Military involvement in the East Timorese economy

42. Military business involvement was not unique to East Timor—the collection of “fees” and grants by the military for exclusive resource extraction rights were part of the endemic corruption that was the hallmark of the Soeharto government. The “dual function” (*dwifungsi*) of the military in both civil administration and defence was an integral part of the New Order government’s authoritarian control and therefore opened ample opportunities for the military to develop businesses.²⁶

43. However, the degree of military control in East Timor during the occupation was unusual even for New Order Indonesia (see Part 3: Regime of Occupation). The military held key positions in the civil administration, especially in the early years of the occupation, giving it a stranglehold over East Timor’s economic and commercial activities and the power to protect army-related businesses and their patronage networks (see 3.2: Civil Administration):

The head and secretary of the Regional Planning Board (Bappeda) occupy the strategic positions from which to control the use of resources and ensure that the proceeds of projects are distributed “fairly” among officers, officials and business enterprises in East Timor and Jakarta. As a rule, all projects requiring more than Rp500m are assigned to businesses in Java as businesses in East Timor are unable to provide the necessary capital. Bappeda has the power to allocate these projects.²⁷

44. While the international laws of war allow a belligerent occupier to seize or otherwise make use of resources in order to fund the occupation, the military-controlled plundering of East Timor’s most valuable commodity served to enrich the military officers and civilian officials who were in positions to protect these investments. Given the extent of these patronage networks and the level of corruption in the territory, it is not credible that the military’s control over East Timor’s economy and resource management was necessary solely to fund the occupation.

Right of a people to dispose of natural resources

45. In addition to control of coffee, the military was also involved in the looting of East Timor’s valuable natural resources including sandalwood, timber and oil.

Sandalwood

46. Timor’s valuable aromatic sandalwood was the commodity that originally attracted the attention of European traders and the governments that sponsored them in the early 16th century, and was to play a central role in the structuring of power both within the colony and between the Portuguese, Dutch and British powers competing for ascendancy in the region. The Portuguese logged the sandalwood stocks relentlessly, roots and all, and production plummeted

from almost 900,000kg in 1910 to a mere 20,000 kg in 1926, when exporting sandalwood was officially banned to allow stocks to regenerate.²⁸

47. After the Indonesian invasion sandalwood was again harvested at an unsustainable rate, either directly by or under the orders of the military. The Commission's research has uncovered cases of military personnel ordering local people to fell sandalwood trees of all sizes, including tearing out the roots.²⁹ Logged by or for the military, sandalwood was sold primarily through independent traders in the early years after the invasion. In October 1979 its removal was formalised by giving Robby Sumampouw's Batara Indra Group subsidiary, PT Scent Indonesia, exclusive export rights. By 1982, 240 tons of sandalwood and oil were being exported, rising to 328 tons in 1986. However, as the resource was depleted, yields began to fall, reaching less than 150 tons in 1988, less than 60 tons in 1990 and 11 tons in 1991.³⁰

Forest cover

48. Abiding aspects of the East Timorese experience, including the harsh and uncertain climate and frequent waves of violence and instability, have given the forests a special value, whether as for a source of food in lean periods or as places of refuge in times of instability. Wood is also a major fuel source and forest plants are used in traditional medicines.³¹ In 1999 the UN Intergovernmental Panel of Forests established the concept of a forest per capita ratio to draw attention to the importance of forests for agrarian societies. A community with a ratio of 0.01 ha/per person was considered to be a population at risk because its members would not be able to use the forests to supplement their livelihoods. Researchers found that in 1999 most areas in East Timor were at or near the at risk threshold.³²

49. The heavy toll taken on East Timor's forests during the Indonesian occupation is demonstrated by two independent satellite photo analyses, which show a sharp decline in forest cover during the occupation, especially in the western districts.* The largest declines in woodland and dense forest cover, in some cases amounting to losses of up to 96%, were in Oecusse, Dili, Bobonaro, Liquiça, Ermera and Covalima. The data do not establish with any certainty the causes of this decline, but major contributors are likely to have been:

- Increased pressure on forested land arising from a variety of causes, including clearing for farming and firewood cutting and to accommodate a population that was growing as a result of natural increase and the influx of settlers, whether as transmigrants or to populate "guided" villages along the border areas for "security" purposes.³³
- Commercial cutting of logs, both licenced and unlicenced, for transport across the border. As in Indonesia, because the use of the heavy machinery to cut trees and the transport of logs were both easily monitored, illegal logging without the connivance of law enforcement officials would have been impossible.
- To a lesser extent, the clearing of forests to create new plantations;†
- Use of napalm by the military in the 1970s.

50. The loss of forest cover cramped rural communities' capacity to make decent livelihoods in many ways, including through:

*George Bouma and Halina Kobryn, "Changes in Vegetation Cover in East Timor (1989-1999)" *Natural Resources Forum*, vol. 28, 2004, pp. 1-12; Lars Erikstad, Vegar Bakkestuen, and Odd Terje Sandlund, "Deforestation in East Timor since 1972 as indicated by LANDSAT imagery," Annex 6 to Sandlund et al, 2001. Declines in forest cover between 1972 and 1999, as measured by remote sensing, were also confirmed in Erikstad et al. However, the vegetation cover was not broken down by type into dense forest, forest and woodland, as in the Bouma and Kobryn study.

† Plantation cover increased from 3% to 5% between 1989 and 1999, and forest/coffee cover increased from 6% to 7%.

- Loss of access to wood products such as firewood, vegetables, livestock forage and medicinal plants
- Degradation of soil quality, leading to declines in fertility
- Degradation of soil stability, with increases in erosion and likelihood of landslides on steep slopes
- Soil compaction and loss of water retention capacity, with consequent reduction in water tables and water availability, and possible increases in flash flooding
- Loss of opportunity to gain a livelihood from sustainable logging and harvesting wood products for commercial purposes.

51. The Commission is not aware of any steps taken by the Indonesian administration to protect forests in Timor Leste from illegal or unsustainable exploitation.

The Timor Sea

52. The most significant economic asset at stake in East Timor was the petroleum-rich oceanic trough between Timor and Australia. Not explored until the early 1970s, these resources have yet to make a major contribution to Timor-Leste's economy.^{*} Yet the rich deposits of oil and natural gas in the Timor Sea have played a central role in the struggle over Timorese sovereignty. The Australian and Portuguese positions on the right of the people of East Timor to self-determination and the Indonesian occupation were deeply influenced by their economic interests in the Timor Sea (see Chapter 7.1: The Right to Self-Determination). The oil and gas fields in the Timor Sea are mentioned here because they illustrate how economic interests in the exploitation of these valuable natural resources have shaped both the positions of international actors regarding the right of the people of East Timor to self-determination and the economic conditions of the East Timorese and their ability to provide for themselves.

53. The 1989 treaty between Australia and Indonesia divided the Timor Sea into Indonesian and Australian exclusive zones and a Joint Petroleum Development Area. It also provided for production of the fields to be split between Australia and Indonesia on terms that were unusually favourable to Australia. Political considerations almost certainly influenced this outcome: Australia was thought to have reaped the rewards of having been one of the few countries to give *de jure* recognition to the Indonesian annexation of East Timor.

The right to food

54. All people have the fundamental right to live free from hunger. In realising this right, the state has a minimum obligation to ensure that all people have access to essential food supplies. This duty includes taking steps to:

Improve methods of production, conservation and distribution of food...[including] by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilisation of natural resources.
(ICESCR, Article 11(2)(a))

55. Widespread poverty and climatic factors have meant that cultivation of food has always been difficult in Timor-Leste. Periodic El Niño droughts are a fact of life and seasonal food shortages (typically lasting 2-3 months a year) are routine condemning people to live on the edge

^{*} Although not explored until the early 1970s, the trough's petroleum potential was the impetus for Australia and Portugal's boundary negotiations dating from 1953. J.R.V Prescott, "The Australian-Indonesian Continental Shelf Agreements," *Australia's Neighbors* vol. 82, Sept – Oct 1972, pp. 1-2, cited in Jolliffe, p. 58.

of malnutrition. By the early 1970s, the human and livestock populations were putting severe pressure on soils in some areas. But, however precarious their existence, the local population had developed means of spreading risk and weathering these lean periods.³⁴ Even after the added disruption to food supplies that followed the “civil war”, the ICRC chief delegate to East Timor steadfastly denied that there was famine in the region. He characterised the situation immediately following the “civil war” as one of “food stress” rather than famine, due to the embargo on shipments of supplies (of food and gasoline especially),* and to the pre-existing conditions of poverty and poor health.

56. As shown in Table 4 above, only 9% of state investment went into the agricultural sector during 1984/85-1993/94, a low figure in view of the fact that the vast majority of the population relied on agriculture for its livelihood. During the same period the share of agriculture in GDP declined from 44.2% to 29.8% (see Table 5). As already discussed (see 7.9.2.1, above), the declining share of agriculture in GDP can be a sign of healthy economic change. But in the context of Timor-Leste, where agriculture remained the main source of employment, productivity was extremely low, and the impact of GDP growth on employment in other sectors was minimal, this was not the case.

57. Only 10% of cultivable land was used for agriculture, mainly because of security policies restricting movement of the population as well as conflicts over land ownership (discussed below). The favoured recipients of what investment there was were Indonesian transmigrants rather than the indigenous population.³⁵ The investment that was directed to East Timorese farmers was not efficient. Irrigation works built by Indonesia, for example, were “of a very temporary nature and are not effective”.³⁶ Because of a dearth of extension workers technical skills were not passed on. The introduction of inputs, such as fertiliser, that might have boosted productivity was erratic.³⁷ As a result by far the worst levels of poverty and malnutrition were found in the countryside,³⁸

58. Aside from Indonesia’s failure in this regard, the most severe impact of the Indonesian occupation on subsistence agriculture resulted from security measures which led directly to severe famine and the death of thousands. It is worth re-emphasising the point made earlier in this Report (see 7.3: Displacement, Settlement and Famine) that before the Indonesian invasion, however dire the situation of health and poverty after centuries of Portuguese neglect, there were no reports of famine on the scale that occurred under the occupation, although it is understood that the population had experienced severe food shortages as recently as 1964 and 1970. Following the Indonesian invasion, the widespread, repeated and often prolonged displacement of people and the restrictions on farming, which were both a deliberate tactic and a side-effect of the Indonesian occupation, seriously interfered with well-established strategies of agriculture and land-management.

59. One person told the Commission about conditions in Iliomar, Lautem after he and his fellow villagers had been confined to the sub-district capital (posto) after surrendering:

* Oxfam representative Adrian Harris stated in correspondence from Community Aid Abroad Australia to Oxfam England, dated October 1975, that the Indonesians had blockaded the border as a deliberate tactic to cause disorder as a justification for intervention. Submission to CAVR from Community Aid Abroad, National Office, Melbourne.

Because of these orders from the TNI, people could not move at all. It was strictly forbidden to go out of the camp to look for food, so people began to experience extreme hunger at Iliomar posto. We had just come down from Matebian, so we had no food with us and had not had the chance to make rice fields. So there was no food at all at the posto. In order to survive, everyone began eating all the coconuts that were around the camp—the young fruits, but also the old dry ones, and even the very small unripe ones.

After a while, because thousands of people had been eating the coconuts, the trees stopped fruiting altogether. Then we began to eat the roots and leaves of wild trees, and many people became sick. Every day 2-3 people died from hunger, sometimes 40-50 died in a single week. To survive, people ate the kind of food pigs eat. They cut down banana trees, peeled off the outer layers and cooked the inner shoots. This caused many people to become sick with cholera and beri-beri [vomiting and diarrhoea]. After eating the banana trees, about 5-10 people died every day. So I guess that more than 200 people died from hunger during that period because every day you heard people chatting to each other, saying someone over here is dead, over there someone else is dead³⁹

60. One source cites Monsignor Martinho Da Costa Lopes, Apostolic Administrator of Dili (before his dismissal in 1983):

If the Indonesians were to allow the Timorese people to move around freely and live where they like, there would be no shortage of food. Of course, food production is influenced by such factors as the climate. But the problem is that people are forced to live in settlements and not allowed to move outside them...this is the main reason people cannot grow enough food.⁴⁰

61. There is evidence that the Indonesians denied “troublesome” areas their full quota of food and medical aid, believing that the aid would end up in the hands of the resistance.⁴¹ There are also reports of the military diverting food, medicines and clothing intended as aid for their own use or for sale in shops.⁴² The military and local government officials also reportedly used aid in a discriminatory fashion to entice refugees to convert to Islam or Protestantism, or to lure desperate women into sexual slavery.⁴³

Economic and social impacts of “resettlement camps”

Everyday life under the Portuguese and Indonesian occupations may have been precarious and unhealthy, but it was far worse in the camps, villages and other places where hundreds of thousands of people were made to settle by the Indonesian military at various times during the occupation. The conditions in these places were squalid: housing was primitive, and the inhabitants had no access to sanitary or health facilities. Their purpose was to isolate the resistance from the general population. This was to be achieved either by keeping them under close military control or by moving them away from areas where the resistance was still holding out. This often involved the forced movement of people into low-lying settlements where they could be more easily monitored. The majority of the population had traditionally clustered in the uplands because of the endemic malaria in the lowlands.⁴⁴ These camps, therefore, exposed massive numbers of already weakened civilians to severe health risks. The extreme nature of the health conditions in the resettlement areas, and the retrogressive nature of the occupation's policy of maintaining these camps without providing health services for the detainees were a clear violation of their right to health.

A different kind of settlement camp was used to hold the thousands of civilians and Falintil fighters who had fled after the invasion and then surrendered or were captured. These people were held for periods, ranging from several months to many years, for the explicit purpose of breaking the lines of support to members of the resistance who had not yet surrendered.⁴⁵ Already in a severe state of malnutrition when they came out of hiding, as internees in the camps they received minimal, if any, rations.* They were also forbidden to venture more than a short distance outside the camps, severely limiting their freedom to farm or to search for food. These camps were tightly guarded on all sides to prevent contact with the guerrillas. Internees who left their camps for any reason, including to search for food, risked being shot by guards for attempting to contact the resistance, or by the resistance for alleged collaboration with the Indonesians.⁴⁶ Refugees resorted to eating leaves and poisonous tubers found in the narrow area in which they could move, and suffered fits of vomiting and diarrhea as a result. One former resident of Uma Metan camp (Alas, Maunufahi) states that cholera, beri-beri and tuberculosis were rife as a result of malnutrition and poor quality drinking water, and between 10 and 20 people died each day.⁴⁷

People moved from villages where there had been uprisings or other forms of resistance against the Indonesians could face conditions even harsher than those in the post-surrender camps. Where these detainees had not themselves been involved in resistance activity, as was often the case, their treatment had an element of retaliation and collective punishment. Thus after the uprisings of August-September 1983, whole villages, including not just the relatives of Falintil soldiers and Hansip militia who had defected to the mountains but also their neighbours, were rounded up and moved to new villages where they were kept without food or proper housing, sanitary conditions and healthcare. Detainees were prohibited from farming or leaving the site for any reason. Visiting gardens, in particular, was prohibited as these were seen as common meeting places for civilians and guerrillas.⁴⁸ For example, after the Kraras incident of 8 August 1983, survivors of the subsequent wave of executions were moved to Lalerek Mutin, in an area of Luca, Viqueque that had previously been uninhabited due to its extremely hot, dry climate and infertile soil. The village head described conditions there:

* There are numerous reports of hundreds dying after eating salt fish given by the military (see Part 7: Chapter 7.3: Displacement, Settlement and Famine). Although some East Timorese suspected that the victims had been intentionally poisoned, the most likely cause of these deaths was “protein rush.” The body does not tolerate high protein, salt or fat in diet, resulting from eating high protein foods after months or years of severe malnutrition.

When we arrived at the site, to which we were moved by the Nanggala [Kopassus], all of our tools, such as machetes, knives, shovels, hoes, crowbars and any other farming implements, were confiscated. The houses were built in a line along the main road to make them easy to monitor. The houses and facilities prepared for us by the Nanggala were quite filthy and uninhabitable...The houses were built as an emergency measure and not meant to be permanent. There was no food at all...Security was extremely tight and we were prohibited from farming outside the site. We were required to assemble every morning and afternoon to make sure everyone was present. If you wanted to go 200 metres from the village to a garden you needed a travel permit, so leaving it was essentially impossible. We were prohibited from having any contact with the outside; no communication with nearby villages was allowed. There was no medical assistance whatsoever. During the time we stayed there, we lived there under deep psychological pressure and trauma, and felt very depressed.⁴⁹

After four or five months, as the number of people dying rose, their military custodians allowed the people in Lalerek Mutin, Viqueque to go out looking for food twice a week, on the condition that they also burn, uproot or otherwise destroy food sources, and thus deny them to the resistance.⁵⁰

Another site chosen for its remoteness rather than for its capacity to support those sent there was Atauro, an island off Dili that the Portuguese had also used as a detention centre. At its peak, in late 1982, Atauro had a camp population of just over 4,000,⁵¹ more than doubling its existing population, which was already struggling to scratch out a living on the dry, infertile island.⁵² One detainee recalled her arrival on Atauro:

When we got there, I was separated from my younger brother [Mateus]. He stayed in house Number 22 with 60 other people; I was in Number 24 with 70 people. [Other sources report the houses as being 14 x 10m in size]. The houses where I stayed didn't have anything inside, just a tin roof and canvas for walls. There were no beds...At first the military didn't give us any food at all. Mateus and I ate what we had brought with us from Quelicai. A month later, we got a ration of food from the military, three cans of sardines. This was the ration for a whole family, and it had to last two weeks because we got the ration only twice a month...Those who couldn't stand the hunger stole papaya and manioc roots from the local inhabitants...Every day 2-5 people died from hunger, mostly children and the elderly.⁵³

Again, as with the right to health, the extreme conditions in the “resettlement camps” to which families, even entire villages, were displaced had an impact on education that far surpassed the inadequacies of the “normal” education system (see Famine and Forced Displacement). The Commission’s own research and secondary sources show that for years at a time children in the camps received either no education at all or a thoroughly inadequate one. In internment camps in Lautem and Liquiça Districts, there were no schools at all from the time of the invasion until 1982-83.⁵⁴ In another camp, at Uma Metan (Alas, Manufahi), the military set up a “school”, that was ostensibly for the teaching of Indonesian but in fact became a notorious rape centre:

An emergency school was built at Uma Metan on the orders of Linud 700, Nanggala [Kopassandha] and the Koramil. The building was made of traditional materials and was 12 metres long. It was built so that the population that wanted to learn Indonesian could. The process was that each evening all women in Uma Metan washed themselves and then took Indonesian language classes, which were of course taught by [ABRI] from the area. The unusual thing was that the school was also used by Nanggala, Linud 700 and Koramil to give free rein to their sexual desires on every woman that they took a liking to...this was known about by their commander—in fact the commander also took part.⁵⁵

Where there were schools, the extreme conditions in the camps, which made sheer survival the highest imperative, ensured both that education would be low on the list of children's priorities and that attending school for children suffering from malnutrition and severe emotional stress would be a taxing experience.

Children's education also suffered on Atauro. The Indonesian authorities told a visiting delegation that 17 teachers were available: yet the delegation observed that few children were in class at the time of their visit.⁵⁶

Housing and land

62. The peaceful enjoyment of one's home and property is an essential ingredient of human dignity and security of person, in both a physical and emotional sense. In agrarian societies, such as Timor Leste, land is the fundamental commodity needed to survive. As such, rights to housing and land are integral to the rights to an adequate livelihood, including food, health and the ability to earn a decent living. Land also has deep social, cultural and spiritual value,⁵⁷ and is symbolic of "rootedness" and origin.

63. Land tenure and conflicts over housing and land are complex issues. The Commission is barred by its mandate from dealing with specific disputes.⁵⁸ The discussion that follows, therefore, sets out in general terms the nature of the problem and its origins in the conflicts that occurred between 1974 and 1999.

64. Conflict was named as motivating 50.7% of forced displacements, but the range of circumstances in which people were forced off their land over the period of the Commission's mandate indicates the complexity of the problem:

⁵⁶ This is particularly true in conflict and post-conflict situations, where land and the connections (or lack thereof) between certain groups and the land become central organising rhetoric behind violence. See for example, Liisa Malkki, *Purity in Exile: Violence, Memory, and National Cosmology among Hutu Refugees in Tanzania*, University of Chicago, Chicago, 1997.

- During the UDT “coup and the Fretilin “counter coup”, members and supporters of both political parties participated in house burnings, property destruction and violence that drove civilians from their villages. In some instances, civilians in the western districts fled or were forced across the international border into West Timor, Indonesia.
- There is evidence that Fretilin and Falintil forces moved some civilians into the mountains. Of displacement cases reported to the Commission, 12.8% of deponents say Falintil asked them to move. Qualitative evidence suggests that sometimes this was motivated by concerns for civilian safety, but sometimes was politically motivated. Hundreds of thousands of civilians were evacuated with the Fretilin forces, although there had been little planning to ensure that they were fed or provided with shelter. Fretilin also burnt some civilian houses and crops. Before 1978, civilians were not permitted to surrender and those who attempted to do so could be imprisoned or killed. This policy, however, changed and thousands of civilians surrendered to Indonesian military between 1978-1979.
- The Indonesian military repeatedly unlawfully displaced civilians. In 30.7% of displacement cases, victims stated that the Indonesian military asked them to move. In 1999, militia groups were also responsible for forcefully displacing people, and were named in 6% of cases overall.
- Displacement out of East Timor included forcible displacement into camps in West Timor. This occurred both before the Indonesian invasion and after the 1999 Popular Consultation.
- Indiscriminate attacks on towns by Indonesian security forces and their proxies drove civilians from their homes into the mountains, where they had no food or shelter. Indonesian military forces and their proxies also deliberately drove civilians out of their villages by burning their homes and gardens and looting possessions.
- After they surrendered to the Indonesian military, the Indonesian military held civilians in internment camps, where shelter and sanitation facilities were dangerously inadequate.
- In the early 1980s individuals suspected of supporting the independence movement were sent to Ataúro Island, often for several years.
- Forced displacement was both internal and external: 54.7% were within a sub-district; 16.5% within a district; 15.2% within a region; 9.0% within East Timor; and 4.1% were outside of Timor. Although most displacement was local, displacement was usually for long periods of time – 50% of displacements lasted more than two years.

65. 21. The impacts of these displacements were wide-ranging. They included, not only violations of rights to housing and property (including land), but also violations of the rights to food and livelihood. The repeated displacement of large numbers of people rent East Timor’s social fabric with consequences that are likely to be long-lasting. Each of these events clearly had a retrogressive impact on people’s right to adequate shelter and housing.

66. Military data put the number of displaced people who had been put in camps, as of 6 December 1978 (that is, immediately after the fall of the *Zonas Liberdade*s on Mount Matebian) at 318,921, almost half the estimated total pre-invasion population of Timor-Leste. After the referendum some 250,000 people were forcibly displaced into West Timor, often onto land claimed by the local population of West Timor. Displacement not only uprooted those who were forcibly moved but those whose land was occupied by large numbers of incoming refugees. According to one observer:

⁷ [EN: Alex Dirdja SJ, “Timor Timur: Beberapa Pengamatan dan Pemikiran”, Dili, 25 April 1979, p. 2 (citing figures given by the Assistant for Territorial Affairs, DaHanKam).] Deponents who gave statements to the Commission about forced displacement rarely described the place that they were displaced to and thus the Commission cannot provide comparable figures of its own on this issue.

People still living in their customary areas who have resettled people living among them all expressed a willingness to accept the settlers in their midst during the Indonesian period, since under crisis conditions there were no alternatives for the displaced people. In addition, protesting land claims under those circumstances could draw unwelcome military attention, and the atmosphere of intimidation suppressed any expressed dissatisfaction with the resettlements. While some traditional landowners were consulted about locations for resettled people, more report that the migrants were placed on their land without consultation or compensation.⁵⁹

67. This displacement, sometimes for decades, meant that many villagers felt they had more invested in their new location than in their original home, where fields and gardens were left neglected or occupied by others. As a result, many displaced people preferred to stay, rather than return to their homes and try to rehabilitate houses and gardens.⁶⁰ Fitzpatrick cites three examples from Manatuto district. One village decided to return *en masse* to its original location. Another wanted to stay even though the surrounding village still claimed the land on which people were resettled. A third wanted to move to a transmigration village vacated by Indonesian migrants.⁶¹ Whether they stayed or returned, the displacement of so many has caused widespread land and resource conflicts and uncertainty as to the proper legal standards to apply.⁶²

68. Rather than taking measures to allow people secure tenure and peaceful enjoyment of homes and land in East Timor; at best the Indonesian authorities “did not consider it a priority when compared to security and development” and at worst they exacerbated the problem.⁶³ Accordingly, land was one of the greatest sources of dispute in East Timor during the occupation and remains so today. Apart from the mass displacements described above, disputes have also been inflamed by the non-recognition of traditional claims by either the state or state-protected private interests, and the redrawing of traditionally recognised or administrative boundaries.⁶⁴

69. As well as failing to manage land disputes, Indonesia contributed to the shortage of housing and lack of security of tenure by arbitrarily appropriating large swathes of customary land. The appropriation of customary land by the state, or by private business interests protected by the state, is common in Indonesia. The state views any land not under formal title as belonging to the state, to be managed by the state “in the public interest”. However, there is little recourse or compensation for those whose land has been seized for commercial investments deemed by the state to be good for “development”.

70. Although the arbitrary use of state power to appropriate land was not unique to East Timor, the degree of militarisation and the level of violence and intimidation exercised by the security forces made the process of land appropriation in East Timor that much more menacing. A report by the East Timorese legal aid NGO, Yayasan Hak, contains cases in which local people were displaced from land by the state for government offices, housing for civil servants, a market, a logging concession, a sugar plantation and a plywood plantation, all with little or no compensation. If people protested, the military intimidated them into acquiescing.⁶⁵ In one of these cases, in 1997, a planned 200,000-ha sugar plantation, involving a US\$800m investment by interests that were reported to have included President Soeharto’s son, Tommy, would have absorbed the whole village of Lore I (Lospalos, Lautem).⁶⁶ The village’s 240 families all signed a letter of protest to the district head, which was ignored. Yayasan Hak was asked to intervene on behalf of the village in the courts, but security forces sealed the village to outside visitors.⁶⁷ This case illustrates the nature of land dispossession in East Timor:

Under the Indonesian occupation, there was little or no compensation to occupiers, very few independent mechanisms for valuation, no effective right of appeal to an independent judiciary, harassment and intimidation of complainants, no natural justice in either determining the status of land or in the lodging of complaints, and no clear definition of what constituted a “public purpose” development.⁶⁸

71. The Indonesian occupation authorities considered that with the passage of Law 7/76 making East Timor part of the Indonesian state, all national legislation came into force in the territory. This included land and forestry laws that deemed all land not under statutory private title to be state property. This land passed to the UN Transitional Administration in 1999 and then to the independent state of Timor-Leste in 2002. Fitzpatrick notes that in Dili alone, 40% of total land area was classified as “free state land” (not having recognised informal occupiers). It is unlikely that under the occupation this land was indeed unoccupied.

72. Indonesian records from the districts of Bobonaro, Covalima, Oecusse, Baucau, Manatuto, Aileu and Liquiça show a total of 189,660 ha, or 55% of the total land area of these seven districts, as “free state land”. A further 50,440 ha, 14.6% of the total land area, were classified as “occupied state land”. This left just 7.4% of land in the seven districts that was classified as customary land.⁶⁹

Economic Effects of the 1999 Scorched Earth Policy

To discuss the economic effects of the wave of violence unleashed by the TNI and the militias following the 1999 referendum is to risk understating the terror of the period and the chilling gravity of the human rights violations against the Timorese people. Nevertheless, the scorched-earth policy that accompanied the pull-out had severe and long-lasting economic effects.

The 1999 World Bank-led Joint Assessment Mission to East Timor estimated that the post-referendum destruction:

- Destroyed virtually every modern piece of equipment and physical infrastructure
- Effectively eliminated all administrative structures through the flight of staff, and the destruction of over 70% of buildings and all government records
- Displaced 75% of the population
- Caused massive inflation, including a sevenfold increase in the price of cooking oil, a fivefold increase in the price of salt, a six-fold increase in the price of canned milk and a tenfold increase in the price of laundry soap
- Severely disrupted telecommunications by badly damaging transmission towers and many switchboards and cables
- Rendered 80-90% of housing in the main towns and many rural areas uninhabitable
- Caused massive urban unemployment
- Caused a decline in real GDP of 40-45% in 1999 alone.

In addition, agricultural output was reduced by some 30-40% due to:

- Shortages of agricultural labour due to displacement;
- The loss of traction due to the killing of livestock and the destruction or looting of farm equipment; and
- The unavailability of seeds because of the consumption of seeds as food in the absence of alternatives.⁷⁰

The violence caused a total breakdown of the health system. Hospitals and clinics were destroyed, all drugs and equipment lost, and almost all senior health staff, including 130 of the 160 doctors left the territory.⁷¹ The situation was similar in the education system: 95% of schools and other educational institutions were destroyed; buildings furniture and materials were lost and 70-80% of administrative and high school teaching staff fled.⁷²

Given the destruction wrought by the Indonesian military and its proxies as they left East Timor, it is a bitter irony to note the statement in the Indonesian Regional Government's "Twenty years of East Timor Development":

Development in the former Portuguese colony had to begin right from the ground. Nothing of any significance was left behind by the colonial administration. Development of the region was to be undertaken step by step.⁷³

7.9.3 Right to Health

The Meaning of the 'Right to Health'

73. The right to health is essential for the enjoyment of many other human rights. The right is expressed in the ICESCR as not a right to be healthy, but:

The right of everyone to the enjoyment of the highest attainable standard of physical and mental health (Article 12(1)).

74. The steps to be taken by governments to achieve realisation of this right include:

- provision for reduction of the stillbirth-rate and infant mortality and for the healthy development of the child
- the improvement of all aspects of environmental and industrial hygiene
- the prevention, treatment and control of epidemic, endemic, occupational and other diseases
- the creation of conditions which would assure to all medical services and medical attention in the event of sickness. (ICESCR, Article 12(2))

75. The right to health includes freedoms such as the right of everyone to control his or her own health and body, including sexual and reproductive freedom, and to be free from interference such as torture or non-consensual medical treatment.⁷⁴

76. It also involves entitlements: a right to information and education on healthcare and maintenance. For women, adequate information on reproductive services must be provided.⁷⁵ Fulfilment to a minimum standard of rights discussed above, such as access to essential food, housing and sanitation are also core obligations of states in realising the right to health.⁷⁶

77. The Commission is satisfied that Indonesia violated the right to health in several ways. The primary reason for the failure of the Indonesian state to respect and fulfil the right to health was the priority it gave to security without regard to the impact of its security policies on public health. Many security measures were clearly retrogressive in relation to public health, for example:

- The use of "resettlement camps" to isolate the resistance and punish their relatives and supporters.
- The widespread use of torture to gather information and to intimidate.*
- The forcible recruitment of children as "operations assistants" (*tenaga bantuan operasi*, TBOs), endangering their health and lives by exposing them to combat and gruelling forms of forced labour and by neglecting their nutritional and medical needs.

78. For all that the amounts invested by Indonesia in health in East Timor were large both in absolute terms and certainly by comparison with Portuguese spending, the greater part of government investment in East Timor was directed towards spending intended to enhance military control. Indonesia also failed to take steps to realise progressively fulfilment of the general population's right to achieve the highest attainable standard of health. As Table 8 demonstrates, Indonesian investment in health in East Timor was ineffective in overcoming

* Note that both UDT, and more particularly Fretilin, also used torture to obtain information or to intimidate civilians. See Chapter 7.4: Detention, Torture and Ill-Treatment.

chronic public health problems and early mortality. One reason for this was the failure to address poverty as the underlying cause of disease and poor health. Another was an approach to healthcare delivery that was top-down and paternalistic. This approach provided patients with little information about the healthcare being offered and little opportunity for choice.

79. In Indonesia itself, people were treated with the same paternalism. The difference was that in East Timor the degree of militarisation was unusually high and the level of fear and distrust correspondingly intense. The harmful effects of these structural factors were particularly obvious in the area of reproductive rights, where women and girls were exposed to health risks by an overemphasis on targets and the consequent neglect of their individual health needs.

Public health under Portuguese rule

80. Even in the absence of armed conflict, persistent poverty coupled with non-participatory, unaccountable government meant that under both the Portuguese and the Indonesians East Timorese did not enjoy “progressive realisation...to the maximum of [the state’s] available resources” of their right to health.⁷⁷ Although there is little public health data from the Portuguese period, the tiny investment of the colonial government in public services, the harsh climate and endemic malaria all indicate that the state of health of the general population must have been very poor. There was one well-equipped hospital in Dili,^{*} a rudimentary health facility in every district with four nurses and one doctor, and every sub-district (posto) had a health post with one nurse (for roughly 10,000 people). One health policy expert told the Commission that her estimate of the total number of medical personnel at the end of Portuguese rule—roughly 14 doctors and 88-120 nurses—was “generous”. She added that even these few staff were poorly trained and often absent from their workplace.⁷⁸ Health services were clustered around the main towns and were virtually unavailable at the village level.[†] One observer reported that there were “vast areas with no medical care whatsoever, including medicines”.⁷⁹ Thus, the Portuguese healthcare system was primarily geared to the needs of expatriates and the local elite in urban centres, rather than to those of the general population living in rural areas, whose health was most at risk.

The Indonesian occupation

81. When it invaded in 1975, therefore, Indonesia undoubtedly encountered a population already in a dire state of health. Indonesia subsequently devoted some 5% of its development budget for East Timor to investment in healthcare. However, Indonesia’s comparatively large investment notwithstanding, late in the occupation most public health indicators remained poor, even in comparison with Indonesian provinces. Life expectancy was only 55 years in 1999,⁸⁰ lower than in any Indonesian province and lower than in any country in Asia and the Pacific, except Laos.⁸¹

Infant and Mother Mortality and Child Development

82. Over the period of Indonesian occupation, infant and child mortality rates declined but not to the extent that they should have done. From the extremely high rates of 14% and 24% respectively in 1980, the rate fell to 13.5% and 15.7% respectively in 1996.⁸² The 1996 levels were still high by any standard, higher, for example, than in any Indonesian province. Infant mortality was still more than triple the Indonesian average (see Table 8).

^{*} The Australian Red Cross deemed the hospital to be sufficiently well-supplied to need no additional equipment or antibiotics. Report of activities of International Committee of the Red Cross Medical Team in East Timor from Aug 30 - Sept 4, 1975, p 2

[†] This was confirmed by John Whitehall, from Australian Society for Intercountry Aid – Timor (ASIAT), who noted that typhoid was endemic, malaria malignant, and TB “absolutely untapped.” [EN: Major General CM Gurner, Joint Services medical advisor, 25 November 1975. John Whitehall, presentation made to the East Timor Consultation, Melbourne, 26 September 1975.]

Table 9 - Selected Development Indicators, 1996

	Infant Mortality (per 1000 live births)	Illiteracy (%)	Life Expectancy
East Timor	135	60	54
East Nusa Tenggara	51	21	64
West Nusa Tenggara	75	32	59
Maluku	47	7	65
Papua (Irian Jaya)	51	33	65
Indonesia (average)	44	15	66

Sources: BPS 1999, UNDP 1997, 2001; www.undp.org/Depts/unsd/social/health.htm

83. Like child and infant mortality, maternal mortality remained high under the Indonesian occupation. Even by 1990-94, the period officially dubbed the “long-term development phase”, maternal mortality in East Timor was still 8.3%, the fifth highest for any country in the world.⁸³ This was due in part to the high birth rate among mothers in Catholic East Timor. On average East Timorese women have 7.4 births during their lifetime, but even as the risks associated with pregnancy become higher with each birth, according to World Bank data, in 1999, 75% of births were not attended by a trained medical professional. This added to the dangers mothers faced during delivery⁸³ and also meant that the rate of mortality in childbirth may have been significantly under-reported.⁸⁴ The large number of unattended births may well be due to women’s widespread distrust of Indonesian medical staff imbued through the highly militarised birth control programme (see below).

84. Poor health conditions during the political conflicts not only threatened the lives of children but also stunted the development of those who survived. The effects of chronic malnutrition and micronutrient shortages have long-lasting detrimental effects on physical and mental development.⁸⁵ They are almost certainly one of the reasons for the close correlation between low education and poverty in East Timor (see Table 10).⁸⁶ With impaired development, children in poverty are vulnerable to experiencing problems in education and employment later in life. These obstacles make it very difficult for children to break out of poverty in adulthood. The Commission believes that the problems of poverty, illness and lack of education were intimately linked in a self-perpetuating cycle under the Indonesian occupation.

Reduction of disease

85. Preventable infectious disease remained the leading cause of death in East Timor.⁸⁷ A range of sources reporting between 1993 and 1997 said that malaria, tuberculosis, pneumonia, and gastroenteritis were endemic, and were the leading causes of death in Timor.[†] The same sources reported that people suffering from malaria accounted for one third of all medical visits during the same period.⁸⁸ Cholera was also commonly reported in statements and testimonies given to the Commission, particularly in the period of famine and forced displacement in the late 1970s, but also during the 1980s. The East Timorese Relief Association reported that in 1988 a cholera epidemic caused the deaths of hundreds of children.[‡] The prevalence of infectious diseases is an indicator of East Timor’s poverty; they are opportunistic diseases that prey on the poor, who live in crowded and unsanitary conditions without access to potable water or sufficient food. According to Pederson and Arneberg the prevalence of tuberculosis reflects a deeper

^{*} Only Guinea Bissau, Eritrea, Central African Republic and Mozambique are higher. UNICEF. *State of the World’s Children*, UNICEF, New York, 1998, cited in Pederson and Arneberg, p. 64.

[†] Pederson and Arneberg, pp. 70-72. The World Health Organization’s 2000 East Timor Health Sector Report also estimates that infectious disease accounts for 60% of deaths.

[‡] Reportedly, this was partly because hospitals and clinics were giving children under two too high a dosage of the medicine for treating cholera. Ines Almeida, “Peran Wanita Dalam Perjuangan” in ETRA, *Its Time to Lead the Way: Timorese People Speak about Resistance, Exile and Identity – Writings from a Conference on East Timor and its People*, East Timor Relief Association, Collingwood, 1996.

problem: "The fact that TB is a main killer in East Timor paints a picture of a health system which fails to provide even the most basic level of health to the population."⁸⁹

86. On the other hand, the coverage of immunisation programmes expanded dramatically during the Indonesian occupation. Indonesian WHO sources, quoting government data, report that by 1997, 99.6% of infants born in that year received their first DPT vaccination, 100% received their BCG vaccination, 92% received inoculation against measles and 94% had had their fourth polio vaccination. The Indonesian National Socio-economic Household Survey (Susenas) reported lower but not necessarily inconsistent numbers: only 49% of children under five in 1995 and 1996 had full immunisation coverage, while by 1998 full coverage for this age group had increased to 59%. If these different figures are mutually consistent, they indicate a dramatic increase in vaccination. Whatever the case, the low prevalence of measles, tetanus, diphtheria, whooping cough and polio suggest a successful immunisation programme.

Access to health services

87. Between 1975 and 1999, the number of general practitioners working in the territory increased from 14 to 160 (of whom 25 were East Timorese). In the same period the number of nurses rose from 88-120 to some 1,000. By the end of the Indonesian occupation, there were eight district hospitals, 67 sub-district community health centres and 309 satellite health posts.⁹⁰

88. Despite the increased physical presence of the health system, access to medical care continued to be seriously constrained. Over nearly 20 years of occupation (a full run of budget figures are available only until the 1993/94 fiscal year) an estimated US\$13.5m was allocated to the sector,^{*} health facilities under the Indonesians remained remote, poorly equipped and understaffed. The World Bank country poverty assessment report dated May 2003 showed that most East Timorese lived over an hour from the nearest basic healthcare facility and that the trip cost them Rp6,700,⁹¹ about the cost of a kilogramme of rice.⁹² The average health facility was open only eight days a month and staffed for only four of those days.⁹³ In addition, medical personnel were generally poorly trained and inexperienced, often being new graduates sent by Indonesia on compulsory tours of duty.⁹⁴

89. Other sources cite cultural barriers between the predominantly Indonesian medical staff and Timorese patients as an obstacle to effective healthcare delivery (according to Indonesian government statistics, in 1999 only 26 of the 141 doctors were Timorese)⁹⁵ and a patronising style of service that offered little of the information necessary for informed patient choice.⁹⁶ Medicines were unavailable and often prohibitively expensive.[†] Clearly, in all but the most desperate cases, there was little incentive to make the long expensive trip to the health post. This resulted in lack of preventive care, and patients finally arriving at poor medical facilities with already advanced conditions.

90. The persistence of poor health conditions begs the question of why this large investment was so ineffective in improving health. One reason for the ineffectiveness of the health system was that investment in "bricks-and-mortar" health facilities did not address the causes of illness: persistent poverty, itself reinforced by poor health and education.

91. The priority given to security also played an important role. There are sharp variations in infant and child mortality rates from district to district, the highest being in Baucau, Manufahi,

^{*} This calculation is drawn from "Sectoral Projects" development funds allocated from FY1976/77 through 1993/4. Allocation figures and sectoral breakdown was drawn from Saldanha, 1994, pp. 160-162. and assumes that healthcare represented a consistent 5% of the budget, as it did in FY 1993/94.

[†] Medicines were often diverted from aid shipments to the military and then sold in local shops in Dili. Pat Walsh, "East Timor in transition: briefing paper," unpublished paper presented on behalf of ACFOA at the Strategic Development Planning for East Timor conference. Melbourne, April 5-9, 1999.

Ainaro and Covalima Districts.* One report notes that elevated child mortality in Baucau District in the period 1990-1994 may be related to the relatively higher concentration of “guided villages” in that district.⁹⁷ This observation, although inconclusive without further investigation, is significant, as it highlights what the Commission considers to be the highly likely correlation between the strength of resistance to the occupation and increased poverty and mortality rates. “Guided villages” were used to control the population. They were often new villages built in areas that had previously been avoided because of their infertile soils or high incidence of malaria. The high rate of child mortality prevalent in Baucau may illustrate once again the economic and social impact of an overriding concern with security. In addition, in areas where the political conflict was most intense and where killings, disappearances and detentions were most frequent,[†] the resulting absence of household heads was likely to have had a range of economic and social impacts, including a decrease in families’ ability to provide for their children.

* It should be noted, however, that district level mortality rates are subject to significant sampling error - especially for the 1985 and 1998 Sample Surveys on which the FAFO analysis is based upon.

† One way of measuring the strength of the resistance is by the number of civilian killings and arbitrary detentions in a district relative to other districts. The Commission’s statistical research has found that 64.3% (788/1224) of reported civilian killings between 1979 and 1984 occurred in the eastern districts, which includes Baucau. Reported detentions between 1977 and 1984 are concentrated both in the eastern and central districts (which includes Ainaro and Manufahi) - with 43.0% (4220/9815) of reported detentions between 1979 and 1984 occurring in the East and 47.8% (4695/9815) in the Central districts.

Economic and social impact of displacement to West Timor in 1999

The roughly 250,000 Timorese forcibly deported to West Timor after the announcement of the result of the referendum in September 1999 were exposed to extremely harsh conditions in the camps where they were placed. There was insufficient food provided to camp internees and what was provided was controlled by the military and the militias, which channeled it as they saw fit, discriminating against families whose loyalty to the pro-integration cause was in doubt.

One local NGO monitoring the camps described how violence and the threat of violence affected the day-to-day life of the refugees:

Several cases...corroborate a widely held belief that these armed (or potentially armed) men are the ones actually in charge of the camps, often holding positions of power as food distributors, camp leaders or guards at security posts...There can be no doubt that the real and threatened presence of firearms contributes to a climate of violence in the camps.

Clearly, those who control the camps also control the aid flowing into them. Team members in one camp reported seeing what appeared to be stockpiles of rice. Although food aid has generally been distributed according to a quota system, it has been difficult to follow the distribution path once the rice is in the camps. If there have been stockpiles of food or other aid, they have probably benefited armed East Timorese.⁹⁸

Conditions in the camps were especially hard for children. UNICEF estimated that in the camps 25% of refugee children were malnourished.*

The children forced to West Timor flooded local schools, which were unprepared to meet the increased needs of tens of thousands of new pupils. The trauma of displacement, the malnutrition and illness rampant in the camps and added burden of having to look for food put the refugee schoolchildren at a severe disadvantage compared with their West Timorese peers.⁹⁹

Coerced birth control

92. In 1980, soon after Indonesia established control over the territory, one of the first development and health policies it launched was a territory-wide birth control programme.[†] From the start the programme was rife with violations of women's reproductive rights. The fact that 80-90% of East Timor's population was Roman Catholic meant that birth control was culturally unacceptable to the vast majority.[‡] Rather than seeking participants' informed consent, the programme's administrators presented it as compulsory and made little effort to provide women with information about potential benefits and risks. In their zeal to reach "acceptor" targets, programme workers exerted strong pressure on women to accept birth control, with little attention given to side-effects or health risks. The coercive nature of the programme was increased by the prominent role played by the military in implementing it.

93. While these aspects of the programme were also found throughout Indonesia, its coercive dimension was more than usually pronounced in East Timor. This was because Indonesian militarisation reached its highest expression in East Timor, involving extreme levels of surveillance and control, and a general climate of fear and intimidation. The concept of *dwifungsi* (dual function), under which ABRI/TNI combined defence and civil functions, legitimised its

* The UNICEF press release stated that a malnourishment percent of over 15% is considered a "serious nutritional emergency". UNICEF, press release CF/DOC/PR/2000/03UNICEF, 18 January 2000, available at www.unicef.org/newsline/00pr03.htm as of 3 March 2005.

[†] Family planning in Indonesia is referred to as KB (keluarga berencana) and is managed centrally by the National Coordinating Agency on Family Planning referred to as BKKBN

[‡] *Timor Timur dalam Angka*, 1981. It is not clear whether government figures on religion include the military.

central role in the programme, which was called “ABRI Manunggal KB” (ABRI United with Family Planning). “ABRI Manunggal KB” was not unique to East Timor, but what distinguished its operation in the territory were the circumstances in which the military had come to be there and the traumatic consequences of its presence. The behaviour of the military since the invasion, including its treatment of women, needs to be borne in mind when trying to understand the impact of ABRI’s involvement in promoting family planning in East Timor.

94. The Commission has documented how the Indonesian military was involved in maximising the number of “acceptors”, which became the leading indicator of the success of the programme. Again, the national programme was also target-driven. A report of the National Coordinating Agency on Family Planning issued in 1995 noted that “regional competitions based on the number of ‘acceptors’ provide prestige and may contribute to officials’ promotions, and regions are judged on eight aspects of success, one of which is quantitative achievement in family planning.”[†] In the cases documented by the Commission, women talked of the frequent changes in the method of birth control that they were prescribed.¹⁰⁰ According to a World Bank document Report 7760, “contraceptive acceptors” were defined as the number of women who become (or whose husbands become) users of a contraceptive method they have not used in the months immediately prior, for a given time period.”¹⁰¹ Aside from medical reasons, it seems highly likely that women were switched from one method to another because each time they would be registered as new acceptors.

95. John Fernandes was an Indonesian member of staff of the Indonesian family planning agency (Badan Kordinasi Keluarga Berencana Nasional, BKKN) in Manufahi District from 1983 to 1999. His criticisms of the family planning programme echo those of others with direct exposure to the programme as it was implemented in both East Timor and Indonesia:

The Indonesian government...was more interested in numbers than in taking an individual’s physical condition into consideration—was the person too thin (and therefore better exempted from the KB programme) or was she healthy enough to take part in it. The important thing was the pursuit of targets.

I can say that the programme was “compulsory” because that was how it was organised from above. The family planning programme was a national programme and it therefore had been given legal backing by the government that ran from provincial to district level. 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.

[†] This was a variation of “ABRI Manunggal Rakyat” (ABRI United with the People), which was the title for military involvement in village development projects.

[†] Indonesian Co-ordinating Agency for Family Planning, Government Report 2, October 1995. An independent commentator also states: “Family planning was placed on a list of select policy sectors, established in 1982, for evaluation of gubernatorial performance. Governors were assessed on nine numerical family planning targets, including the crude birth rate, the number of active users of family planning methods and the number of village family planning groups created.” Jeremy Shiffman, “Political Management in the Indonesian Family Planning Program”, *International Family Planning Perspectives*, Vol. 30(1), March 2004.

Everybody, but especially the wives of civil servants and people living in transmigration sites, had to join the programme. Civil servant families were allowed to have no more than three children because that was the number fixed in their contracts. If they had more than three children, the extra ones would be called a "Hansip child" or a "private child".

The government and ABRI also forced ordinary people living in remote areas to take part in the programme, telling them that they had to raise [their other children's] educational standards and reduce maternal and child mortality. The reality was that when people did take part in the programme, maternal and child mortality rates were higher than their previous levels. [There were cases of women who] took part in the programme and then once they became pregnant exhibited symptoms such as dizziness, ectopic pregnancies, yeast infections, loss of appetite, weight loss, swelling and rheumatism. There were also cases of women who when they were about to give birth had unexpected loss of amniotic fluid. The babies too were affected.¹⁰²

96. John Fernandes said that BKKBN promoted and implemented birth control by working with ABRI through a programme called KB Manunggal/KB Kes ABRI.^{*} This district programme was devised by the commander and usually implemented through the District military command. Women belonging to Persit (Persatuan Isteri Tentara, the Association of Military Wives) were an integral part of the programme, visiting villages in their Persit uniforms to recruit participants. They also took part in the programme themselves:

It was not just women unconnected to the military who were forced to take part in the programme. The military also drove up the number of acceptors by making women from within its own structures participate. Just because a woman was a member of Persit did not mean that she did not have to take part in the programme. On the contrary, she would be a front-line target, subject to both direct and indirect pressures to ensure her participation.¹⁰³

97. Natalia dos Santos was the wife of a member of Yonif 744, Saturnino Maubuti, when in 1979 she was told she had to enrol in the family planning programme. Natalia was brave enough to argue with an army doctor from Java, pointing out that as a childless woman her participation should not be mandatory. However, when the doctor told her that those were the rules, she realised that continued resistance could, at the very least, put her husband's career at risk. For almost 20 years she was prescribed various forms of contraception, all of which had unpleasant side-effects. Now and again, she furtively stopped using the contraceptives in an attempt to get pregnant or to end the discomfort they caused. On two occasions, she did get pregnant. On the first occasion she miscarried; on the second she was forced to have an abortion after a doctor diagnosed a "thin womb". She felt free to abandon birth control only after being evacuated to

^{*} It is highly likely that John Fernandes was explaining the Safari Manunggal KB Kesehatan Programme. According to the official definition given by BKKBN: "the term 'safari' means the collaboration of village-level offices in encouraging the recruitment of acceptors...In practical terms, 'safari' is the mass distribution or more accurately the mass fitting of contraceptive devices, which directly involved other officials and was carried out on special days like Armed Forces' Day, Mothers' Day or Independence Day." [EN: See for example: Nirwan Dewanto, "Coersion in Family Planning still exists in the Family Planning Movement," paper presented at the 8th INGI Conference on Society in Economic Liberalisation, 21-23 March 1992, Odawara, Japan; Sita Aripurnami, *Hak reproduktif antara kontrol dan perlawanan: wacana tentang kebijakan kependudukan Indonesia*, Kalyanamitra, Jakarta, 1999, p. 36.]

Atambua, West Timor after the 1999 referendum, when the programme was no longer being strictly implemented. In her interview with the Commission, she summed up her experience:

When I was being told to keep using different forms of contraception by the doctors, it was very stressful because I felt like I was being treated like a guinea pig for the sake of the family planning programme. But there was not much I could do about it because of my husband's position; I just had to do what they wanted. I am very disappointed because I still don't have a child. The effect of the different kinds of birth control that they used was that I have constant irritation in my vagina...and every day I become thinner.¹⁰⁴

98. Natalia's fears that her refusal to join the programme could have serious consequences were well-founded. Women were induced to join up through a system of rewards and punishments. John Fernandes explained how the rice ration that civil servants' families received from the government depended on how many children they had. Other incentives included the granting of scholarships to the children of families participating in the programme.¹⁰⁵

99. There were also negative incentives. Like Natalia, Lucia Maria Pereira understood that her husband, Carlito das Regras, a Hansip from Same, would have been punished if she did not agree to use birth control. She told the Commission that the wives of the Same, Manufahi Hansips were all pressured into joining the programme, irrespective of whether they were still of child-bearing age. If a wife refused to take part, Indonesian soldiers would plunge her husband in water.¹⁰⁶ Another kind of punishment, non-promotion, was experienced by Florindo da Conceição Mendonça Da Costa. For six years, from 1980 to 1986, Florindo and his wife, Raimunda Da Conceição, refused to join the programme. He remained a private first class during that time, while his colleagues, whose wives had accepted birth control, were being promoted. In 1986, the couple finally relented. Raimunda registered for the birth control programme. Her husband immediately won promotion and then rose through the ranks to end up as company sergeant major in 1999. However, the consequences of their decision were painful for Raimunda. She was prescribed implants, the pill and the coil but suffered serious side-effects from all of them. In early 1989, shortly after she had started using the coil, she collapsed:

Luckily, my husband came back from the office at that moment. When he saw me sprawled on the floor, he took me to the public health centre in Oecusse town and looked for a doctor who could give me first aid, but no doctor was willing to attend to me, causing a commotion in the clinic. My husband gave an ultimatum to the doctor: "If anything happens to my wife, it will be your responsibility." At first the doctor didn't want to remove the [coil], but my husband kept on demanding that they refer me to the public hospital to remove it coil from my body. In the end, the coil was taken out.

100. Only then was Raimunda prescribed contraception by injection, from which she experienced no side-effects. John Fernandes suggested that the failure to treat side-effects like those suffered by Raimunda might have been systematic. He also said that when there were side-effects, medical attention was discriminatory, giving preference to Indonesian over Timorese women:

In fact, there was a special drug to treat the side-effects, but the nurses who worked at the hospital discriminated in favour of the wives of Indonesians, leaving East Timorese who suffered side-effects untreated.

101. There have been frequent allegations that Indonesia's intent in instituting the birth control programme was not to improve the health of East Timorese women, but to achieve a much more sinister objective.¹⁰⁷ The charge is that the programme was intended as a part of a strategy of genocide aimed at wiping out an indigenous population that had already been seriously depleted by displacement and famine and to transfer more Indonesian transmigrants to the territory. Allegations of the forced sterilisation of women without their knowledge or consent of the woman have also been made. The Commission has investigated these serious allegations. It has found no evidence to support them. It does appear that in the early 1980s young East Timorese girls were given a course of three injections over a period of one year. Boys and Indonesian girls of the same age were not included in the programme. Neither the girls nor their parents received any explanation for the injections other than that they were "good for their health", and the injections were administered in a coercive manner. Isabel Galhos describes what happened to her and her classmates when she was in her fourth year of primary school:

[My younger sister and older brother and I] went to Tuana Laran primary school in Vila Verde (Dili). One day, around lunchtime, we were about to go home. The boys were already outside; it was just the girls inside. There was no announcement made but the teachers, mainly male teachers, came in with the headmistress. Suddenly the doors and the windows were shut...We all screamed because the doors were shut so suddenly. We jumped up, and ran here and there. We were caught and held and then given the injection. I am someone who is really afraid of injections. I was held by two male teachers, who said to me: "If you don't want it, then you'll get the injection your thigh." All of the girls were injected.¹⁰⁸

102. Some East Timorese concluded that the girls were being sterilised. Even prominent East Timorese were suspicious. The former governor of East Timor, Mario Carrascalão, told the Commission that in the early 1980s (he could not recall the date) he received several visits from parents wanting to know why their high-school-age daughters had been vaccinated and whether the purpose of the injections was to sterilise them. He in turn asked the Indonesian head of the local health department to explain why only girls were being vaccinated and why the programme was being conducted surreptitiously. The official said that the girls were being vaccinated against tetanus, but was unable to explain the secretiveness surrounding the programme or allay the suspicion that the government might be conducting an experimental sterilisation programme. Bishop Belo believed that women who had not registered in the birth control programme, for whatever reason, were routinely being sterilised when they went into hospital for operations. According to Isabela Galhos, he issued a pastoral letter on the issue.¹⁰⁹

103. The Commission consulted Dr José Guterres, of Family Health International[†] for clarification on why health workers might have separated Timorese girls for immunisation in the way Isabela Galhos describes it. Dr Guterres said that WHO guidelines recommend that girls in

^{*} Sarah Storey has argued: "[T]he coercive birth control policies imposed on the East Timorese by Indonesia, when combined with Indonesia's settler infusion strategies in East Timor, are insidiously acting to preclude any long-term claim of the East Timorese to self-determination." Storey, 1996, p 1.

[†] Dr. Jose Guterres received his medical degree in an Indonesian university and had a medical practice in a health post in Ainaro.

developing countries, who are at particular risk of contracting tetanus during childbirth, be immunised against tetanus on the following schedule:

- First immunisation as early as possible in childbearing years or as soon as possible during pregnancy;
- Second immunisation at least four weeks after the first;
- Third Immunisation at least six months after the second.

104. According to Dr Guterres, the schedule described by women who had been injected would be in accordance with WHO guidelines for tetanus. Dr Guterres also suggested that, in principle, it would be reasonable for Indonesian girls not to be inoculated since they had probably received tetanus shots as part of their childhood immunisations, while East Timorese children, particularly those who in early childhood had joined the general evacuation to the bush, were unlikely to have been immunised.

105. The allegation that birth control was intended to reduce the Timorese population, while the transmigrant population would be allowed to grow unchecked, is not supported by the testimony of Carlito Das Regras, who noted that, like army wives, transmigrants were also required to use birth control. In the case of transmigrants their agreement to take part in the programme was a precondition of their becoming transmigrants.¹¹⁰

106. Finally, the most conclusive evidence that there was not a sterilisation programme is perhaps that East Timorese women, including ones who were injected in the early 1980s in the circumstances described above, were not subsequently infertile.¹¹¹

107. The allegations about forced sterilisation may not stand up, but what is indisputable is that the style in which inoculation programmes were conducted did nothing to allay the worst fears of East Timorese about what their purpose might be. As Miranda Sissons has noted:

Whether or not the extensive rumours of coercive injections are justified, this series of incidents has rendered most East Timorese women extremely suspicious of any kind of injection, including those in the regular government vaccination programme. In some cases, girls have been withdrawn from high school as a result.¹¹²

108. The prevalence of the belief among Timorese that the Indonesians tried to reduce their population growth as part of a strategy to commit genocide obviously contributed significantly to resentment of the occupation and distrust of the intentions of the Indonesian state regarding the well-being of the Timorese people. In addition, the allegation, at a minimum, illustrates the lack of information given patients in a very paternalistic style of health service delivery. This lack of information and health education makes informed patient consent impossible and further deepened the prevailing climate of fear. The distrust of Indonesian medical staff and services also had consequences for the general health of the population by discouraging them from seeking treatment or preventive health advice.

Mental health and trauma

109. Psychological trauma is one of the lingering legacies of any conflict. The Commission cannot estimate precisely the number of East Timorese who were subjected to, were forced to commit or witnessed acts of extreme violence, including torture, rape, and murder. Months of daily aerial bombing and the resulting carnage continue to haunt those who sheltered in the mountains. Vast numbers of people were displaced from their homes, many repeatedly. Tens of thousands of people had their homes burned and personal property looted or destroyed, many of

them more than once. Witnesses often told the Commission of having to leave behind children and the elderly to die, as they fled attacks by the Indonesian military and their auxiliaries.

110. Research in other countries emerging from conflict suggests that between 1% and 2% of those who suffer war-related trauma will develop serious mental illness. A further 5-15% will develop post-traumatic stress disorder (PTSD), exhibited through a variety of symptoms, from long-term debilitating depression to disrupted sleep patterns. PTSD may develop immediately, or can manifest itself months or even years after the triggering event. The remainder of the population will recover with the help of community- or family-based support mechanisms, traditional healing, religious beliefs and rituals— or simply because the routines of daily life, in which employment plays a crucial part, restore their sense of identity.¹¹³

111. In 2000 an independent preliminary survey of trauma and torture was conducted in communities across all districts in Timor-Leste, through interviews with heads of households. Of the 1,033 respondents surveyed, 97% said that they had experienced some traumatic event and 34% were classified as having PTSD.¹¹⁴ Some of the findings include:

- 76% were exposed to a combat situation
- 64% found themselves without shelter
- 60% found themselves in ill-health without access to medical care
- 57% had experienced some form of torture*
- 31% lost a father to political violence
- 24% lost a mother to violence
- 22% witnessed the murder of a family member or friend
- 22% had children who were injured or from whom they had been separated
- 14% lost a spouse to violence
- 12% lost a child to violence
- 20% believed they would never recover from their experiences
- 41% believed they would recover only with help.

112. Some of these events are part of the sorrow of war. However, others were the result of the security policies employed by the Indonesian military, purposely designed to harm the mental well-being of those suspected of resisting the occupation. Torture techniques during detention, in addition to inflicting unimaginable pain, are at their core designed to make the detainee feel completely disempowered and at the mercy of their captors, and to destroy their sense of dignity and personal security. The long-term effects of such treatment cannot be overestimated. In the general population, a climate of fear was sown intentionally and systematically as part of a policy of terrorisation. There can be no clearer example of policies whose impact was retrogressive. Mass forced displacement, long periods of severe food insecurity and hunger, separation from family, and authoritarian government also placed severe psychological and emotional pressure on members of the community.

113. The severity of these violations of the right to health were made all the worse by the Indonesian administration's failure to provide mental health services. Under the occupation there were no mental health services, and according to some sources, mental disorders were not considered a health issue.¹¹⁵ The Commission has not heard of any steps taken by Indonesia to

* Only 5% of respondents said they had been raped, but rape is a crime that is notoriously under-reported (see Chapter 7.8: Sexual Violence).

improve the mental health situation in Timor-Leste, either through formal hospital services or counselling.

Forced recruitment

Forced recruitment by the TNI, as operational assistants (tenaga bantuan operasi, TBO) and as human shields in operations to flush out guerrillas, of which the best known was Operation Security, is covered elsewhere in this report (See 2.11: Operation Security; 7.6 Violations of the Laws and Customs of War; and 7.9: Violations of Children's Rights).

The Commission documented 2,157 individual cases of forced recruitment. As [Figure <g122Mhrvd2100.pdf>](#) shows, the bulk of these cases were reported as taking place in 1999 and between 1977 and 1984. An analysis of the victims of these forced recruitment reveals that 92.1% (1987/2157) were males and the most frequently documented age group was military age (between the ages of 20 and 34). However, relative to their share of the population, males in the 50-54 age group had the highest reported rate of forced recruitment. Of the forced recruitments documented by the Commission, institutional responsibility was attributed almost exclusively to the Indonesian military, police and their Timorese collaborators. This is shown in [Figure <gpMpevln2100.pdf>](#).

Narrative statements received by the Commission reveal that individuals forcefully recruited, such as TBOs, were generally not paid for their services and were often taken away from their homes and families for months at a time, in some cases for more than a year. Victims of forced recruitment were primarily in the most productive years of their lives and, in many cases, were responsible for the livelihood of their families. This official government policy therefore had a clear retrogressive measure in respect to the right to choose work and receive an adequate wage, and to have a livelihood.

Further, it had a retrogressive impact on the right to health. TBOs and other forced recruits were exposed to harsh and often dangerous conditions. They walked long distances carrying heavy loads, and often found themselves under fire. There are also reports that TBOs were used as human shields, forced to walk out in front of their unit when on patrol. There are a few reports of deaths from crossfire, and recruits also died from hunger, exhaustion, and illness.

Finally, where children were recruited, the policy and practice clearly violated their right to an education. One of the explicit aims of the right to education is to protect children from exploitative and hazardous labour. The military's policy of recruiting children, often as young as 12 and some even as young as ten, to assist in combat operations. The Commission has found that a military guideline stating that TBOs should be returned to school after their service was over was often flouted: in practice, they could be left stranded or could be abducted to Indonesia to work as servants to their soldiers.

7.9.4 Right to education

The right to education

Education, like health, is a right indispensable for the realisation of other rights, and is vital for both individuals and societies. The Committee on Economic, Social and Cultural Rights General Comment 13 observes that:

*[E]ducation is the primary vehicle by which economically and socially marginalised adults and children can lift themselves out of poverty and obtain the means to participate fully in their communities.*¹¹⁶

The right to education entails the “essential features” of availability, accessibility, acceptability and adaptability:

- “Availability” is interpreted by the Committee as being measured by the quantity and quality of instruction, including buildings, sanitation facilities and drinking water, as well as by trained teachers receiving domestically competitive salaries, teaching materials and so on.¹¹⁷
- “Accessibility” is interpreted as both physical and economic, and without discrimination on any of the prohibited grounds.¹¹⁸
- “Acceptability” requires education to be relevant, culturally appropriate and of high quality.¹¹⁹
- “Adaptability” requires that it should be flexible so that it continues to meet the needs of students in diverse social and cultural settings.¹²⁰

In addition, the ICESCR states the overall principle that:

*[E]ducation shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. [The State Parties] further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.*¹²¹

114. During all but the last decade of Portuguese colonial rule, education was unavailable to the vast majority of East Timorese. Like the health system, the education system under the Portuguese primarily served the needs of the colonial and indigenous elite.¹²² Secondary schools were virtually non-existent for most of the colonial period.¹²³

115. However, in the early 1960s, Portuguese policy changed and a school-building programme got underway. The main impulse for this change was the rebellion of 1959, which the state believed would not have happened had the people not been so “backward”. Saldanha notes that from the early 1960s to the end of the colonial period, both the Catholic Church and the Portuguese government used education “as a ‘psycho-social strategy’ (*ação psico-social*) to embrace the population”.¹²⁴ This view of development as a means to win “the hearts and minds” of the people was also an explicit rationale for Indonesian development programmes.

¹¹⁶ KORPRI, 1996, specifically notes the need for ABRI’s “Security-Prosperty Approach” (Pendekatan Keamanan Kesejahteran) to be balanced with a “Psycho-Cultural Approach” (Pendekatan Psikologis-Budaya) in order to achieve stability and overcome the resistance, p. 240.

116. From 4,898 in the 1959/60 school year, the number of primary school pupils rose to 57,579 in 1971/2, while the number in secondary schools increased from 175 to 1,275 in the same period. Yet, even after this investment, because the base was so low, at the time of the Indonesian invasion only about 10% of the population was literate.¹²⁵

117. The consolidation of Indonesian control over the territory in late 1979 was quickly followed by a sharp increase in investment intended to bring East Timor's development up to the level of the rest of Indonesia. One of the key priorities of Indonesia's development programme for East Timor was the education sector. Investment was immediately directed toward building schools and bringing in Indonesian teachers to raise enrolment. Rp3.3bn was allocated for education in fiscal years 1982/83-1988/89.[†] In terms of enrolment, the results were dramatic (see Table 9). The number of primary school pupils rose to 167,181 in 1998. This amounted to an enrolment rate of 70% of the relevant age group. Every village had at least one primary school (although not all were operating). There were 6,672 primary-school teachers serving the 788 primary schools.¹²⁶ There was a huge increase in the number of secondary schools: by 1998 there were 114 lower secondary schools, 37 academic higher secondary schools and 17 vocational higher secondary schools. In the same year, there were 32,197 pupils in junior secondary schools and 18,973 attending higher secondary schools. A national university was established. This rapid expansion created staffing problems, particularly at the secondary and tertiary levels where shortages of teachers were most acute.¹²⁷

Table 10 - Students and Teachers in East Timor, 1998/9

	Schools	Pupils	Total number of teachers	East Timorese teachers	Students per teacher
Kindergarten	66	2,168	183	30	12
Primary	788	167,181	6,672	5,172	25
Junior Secondary (Middle)	114	32,197	1,963	65	16
Academic Senior Secondary	37	14,626	1,059	87	14
Vocational Senior Secondary	17	4,347	478	55	9
University	1	3,498	78	36	45
Polytechnic	1	450	160	60	3
Agricultural Institute	1	260	16	2	16
School of Economics	1	473	32	17	15
Teacher Training	1	40	7	1	6
Health Academy	1	400	32	12	13
Total	1,028	225,640	10,680	5,537	16

Sources: BPS 1997, 1999; Sousa, 1999, cited in Pedersen and Arneberg, p 91.

118. Despite the greatly increased intake of pupils, about 30% of primary school-age children (7-12 years) were not enrolled in school in 1998. This was partly due to late enrolments and high repetition rates.¹²⁸ Direct educational costs were also high. In 1995, for the poorest 20% of the population, monthly spending on education was US\$0.82 per capita.¹²⁹

[†] Bappeda Tingkat I Timor Timur and the Christian University of Satya Wacana, *Evaluasi Repelita IV Daerah Timor Timur*, UKSW, Salatiga, 1988, cited in Saldanha, 1994, p. 144.

[†] Due to high levels of corruption of centrally allocated development funds, it is not known how much was actually spent on the education sector. See Provincial Parliament letter to President Soeharto detailing some of this misallocation, cited in Part 7: 7.3 Forced Displacement and Famine.

119. As with health, the large investment in education increased the physical availability of facilities, but did not produce a corresponding improvement in its quality. In 1998, the percentage of the working age population who had never received any education was still 58% in East Timor compared with 18% in West Timor.[†] After 20 years of heavy investment, the literacy rate had increased significantly but was still only 40%. East Timor's literacy rate was thus lower than the rate in any Indonesian province and lower than that in any country in the Asia Pacific region.¹³⁰

120. Part of the problem was the quality of instruction. Between 1983 and 1998, there was a substantial increase in the number of teachers, most of who came from Indonesia. However, student-teacher ratios were still high at primary, middle school, high school and especially university levels (see Table 9). Further, a large percentage of teachers did not have the minimum teaching qualification.[†] In addition, as with health workers, many of the teachers were assigned to East Timor immediately after graduating from colleges in Indonesia. They often did not like life in the villages they were sent to. Many took second jobs to supplement their low salaries (of between US\$28–145 per month in 1999).¹³¹ As a result, teachers were often absent.¹³² Instruction was conducted in Indonesian, which was poorly understood,¹³³ unlike in Indonesia, local languages were banned in schools although Tetum could be used in the first three years of primary school to ease pupils into fully Indonesian instruction.¹³⁴ There were few books or teaching materials, and so pupils' progress was almost entirely dependent on the highly variable quality of their teachers.¹³⁵

Table 11 - Poverty and Educational Levels in East Timor

	Poorest 20%	21-40%	41-60%	61-80%	Top 20%	Average
No School	75	71	67	49	28	58
Some Primary	13	13	11	14	8	12
Complete Primary	7	8	11	12	13	10
Jr Secondary	3	4	5	7	10	6
Sr Secondary +	2	4	6	18	41	14
Total	100	100	100	100	100	100

Source: Pederson and Arneberg, p. 108

121. One researcher who interviewed East Timorese who grew up during the occupation, noted that they often described their experience in Indonesian schools as an important influence in the development of their pro-independence views:

Nearly all those interviewed spoke of the poor quality of the education provided by the Indonesians. This was particularly the case in areas outside Dili. In the Ponta Leste region...HonorioDe Araújo reflected that when he left school at thirteen, "I really had nothing of value in my head. It was a very primitive form of education, where the pupils were physically abused. There was constant corporal punishment. It was a sort of boot camp school, very rough and ready."¹³⁶

122. In addition to the poor facilities and teaching, a fundamental problem with the education system under the Indonesians was what was taught. Rather than focusing on basic learning

[†] Susenias 1998. Gomes cites this percentage not as those with no schooling as in the original, but as "illiterate". However, the actual illiteracy rate might be much higher, as schooling is no guarantee of literacy. Gomes, 2002, p. 205.

[†] Estimates range from 30% (Gomes, 1999) to 90% of primary school teachers did not have the minimum teaching qualification. J.N.D. Carvalho, Strategic Development Planning for East Timor; Education, Culture, Environment, (unpublished) *Strategic Development Planning for East Timor Conference*, Melbourne, 5-9 April 1999.

needs,^{*} the curriculum was explicitly oriented towards pro-Indonesian propaganda. The curriculum was guided by educational objectives set out in Indonesian Law No. 2 1989:

- Formation of Pancasila citizens who have a high quality and would be able to stay independent;
- Contribution to the development of the Indonesian community, nation and state that is materialised in a solid national resilience;
- Increase people's capacity to protect the nation from the intrusion of any ideology, concept and teaching that is against Pancasila.¹³⁷

123. The institutional problems described above and a curriculum in which indoctrination played a major part were not unique to East Timor; they are in fact the rule in Indonesian education more generally. Morning recitals of the five Pancasila principles are a daily ritual in schools throughout the country, and courses on the "Full Understanding and Culturalisation of the Principles of Pancasila" are required for graduation from primary and secondary schools. Rote learning of nationalist slogans and songs, the teaching of an approved version of history, and conformity and unquestioning respect for authority are emphasised at the expense of basic skills development, especially of critical thinking and problem solving.[†] Communal unrest in Indonesia is often officially explained as arising from a poor understanding of the principles underlying the unified state of Indonesia. It is routinely followed by official public statements about the need for the local population to be better educated in Pancasila and the Archipelago Concept.

124. However, as with the birth control programme, the context of invasion and occupation added an extra dimension to these policies. While the explicit use of propaganda in an educational setting is contrary to the spirit of the right to education in any context,[‡] in an occupied territory indoctrination that aims at advancing the occupying power's integrationist goals takes on a more repressive hue.

125. Military documents and government reports both stressed the need to "socialise" development, which was described as one of the two ways of overcoming resistance to integration with Indonesia (the other being the Security Defence Approach).¹³⁸ The military had responsibility for pursuing both of these approaches. In many rural areas military personnel served as teachers.¹³⁹

126. Official documents such as the Act respecting the National Educational System also make it clear that teaching the Indonesian language was to be a core task of the educational system, both as a means to communicate the benefits of integration and as a way of establishing

^{*} The World Declaration, Article 1, defines "basic learning needs" as literacy, numeracy, oral expression, and problem solving. Committee for ESCR General Comment 13, paragraph 9, further states that primary education "must...take into account the culture, needs, and opportunities of the community." World Declaration on Education for All-World Conference, Thailand 5-9 March 1990

[†] Carol Warren examines the New Order's approaches to institutionalising Pancasila ideals through school curriculum that includes "Pancasila Studies" and village role playing games. In the latter, villagers were encouraged to practice applying the Pancasila principles through "simulation games" in which villagers role-play local officials and members of the public to deal with situations including: "Mr Putu refuses to join in *gotong royong* (group unpaid work projects) for road repair because he says only a few people in the village benefit from the road concerned. As village head, how would you deal with it? Ibu Kartini is having trouble with her IUD and comes to you, her neighbor, for advice. What would you tell her?" Carol Warren, *Adat and Dinas: Balinese Communities in the Indonesian State*, Oxford University Press, New York, London, 1995.

[‡] CRC, Article 29(1). The Committee on the Rights of the Child states: "Article 29 (1)...insists upon the need for education to be child-centred, child-friendly and empowering...The education to which every child has a right is one designed to provide the child with life skills, to strengthen the child's capacity to enjoy the full range of human rights and to promote a culture which is infused by appropriate human rights values," and, "it emphasizes the need for education to be designed and provided in such a way that it promotes and reinforces the range of specific ethical values enshrined in the Convention, including education for peace, tolerance, and respect for the natural environment, in an integrated and holistic manner." Committee on the Rights of the Child, *General Comment 1: Aims of Education*, UN Doc. CRC/GC/2001/1, 17 April 2001, paras 2 and 13.

control.* The strong bias towards inculcating the occupiers' values is reflected in a breakdown of the textbooks procured for use in schools: between 1984 and 1989 the government bought 161,560 textbooks on the Indonesian language, 39,926 on the Indonesian governmental and administrative systems, and 9,398 on natural history and physics.¹⁴⁰ There is no doubt that the campaign to teach Indonesian in schools was effective: by 1998, 99% of children aged 10-19 and 85% of those aged 20-29 could speak Indonesian (compared with 20% of those 60 and older).¹⁴¹

127. Propaganda was not limited to schoolchildren. Adult community education programmes taught "reading, writing, and arithmetic including the Indonesian language...adapted to the principles of daily social intercourse, modernisation, and development".¹⁴² Propaganda campaigns were aimed not just at influencing those who were undergoing formal education, but also the younger generation as a whole. For example, a document setting out educational goals for East Timor in 1996, as part of the Sixth Five-Year Development Plan, contains a section entitled "Fostering Consciousness of Nationalism, Especially of the Younger Generation" (that comes just after another section called "Coping with Social Problems"):

Recently problems in the development of the social-economic situation have been brought about by the younger generation who seem dissatisfied with the present situation. To handle such social and political unrest, the regional government, among other things, has given guidance to the...students of junior and senior high school by socialising the history of East Timor's integration into the Republic of Indonesia. In addition, guidance has also been given to university students studying at universities in and outside East Timor province...and to youth organisations.¹⁴³

128. These statements from official documents provide insight not only into official thinking about education, but also into the depth of the state's misunderstanding of the source of Timorese discontent and the ineffectiveness of the Indonesian "development" solution in a highly militarised and repressive setting. To illustrate this point, in his defence against charges of subversion in connection with the demonstration held in Jakarta on 19 November 1991 after the Santa Cruz massacre, the chairman of the student organisation Renetil, Fernando De Araujo, argued that self-determination could not be traded for paved roads and other symbols of development:

Only if the people of East Timor were materialistic would it be possible that they would exchange their fundamental right to be free for development...The right to freedom, the right to independence cannot be traded for a car with a red licence plate, asphalted roads and other material things...Our right to have relations with other states, our right to manage our own natural resources, our right to ask foreign countries for assistance on the grounds that the people of East Timor have many shortcomings (as this [the Indonesian] government has frequently done)—all these rights have been taken from us. Don't just look at what we have, but also please consider how we got it.¹⁴⁴

* "[T]he development of national education is aimed, first, at building a skilled and self-reliant Pancasila society, and, second, at supporting the development of Indonesian society and social relations so that a durable national resilience becomes the foundation for establishing the nation's capacity to resist any doctrine, opinion or ideology that is inconsistent with Pancasila." KORPRI Timor Timur, 1996, p. 181 (official translation).

7.9.5 Findings

General findings

129. The Commission finds that:

130. Taking the International Covenant on Economic, Social and Cultural Rights (ICESCR) and other relevant international instruments as the standard, that Indonesia failed both to fulfil its core responsibilities as a State with regard to economic and social rights and to do its utmost to realise progressively those rights to the extent that its resources allowed.

131. Indonesia repeatedly failed to carry out its core responsibilities with regard to economic and social rights. It failed to meet the basic needs of the population for food, shelter and essential medicines. By dispensing its resources selectively, whether by channelling them to favoured groups or by withholding resources from those in dire need of them, it acted in a discriminatory fashion. It repeatedly took measures that placed members of the population in situations that caused their economic and social situations to deteriorate, that is, it took measures that were retrogressive.

132. Instances where Indonesia failed to fulfil its core responsibilities to the people of East Timor occurred with regularity throughout the occupation. For example, the treatment of East Timorese who were “resettled” after surrender or capture in the late 1970s and the effects of the scorched earth policy implemented by the TNI and its militia allies in 1999 were clear examples of policies which resulted in the denial of the population’s economic and social rights, with extreme impact on its rights to an adequate standard of living, livelihood, to the highest attainable standard of health, to education, and to undertake work freely chosen.

133. Despite its claim to be bringing development to Timor-Leste, in fact the Indonesian government also failed to realise the economic and social rights of the East Timorese to the maximum extent possible.

134. The Indonesian authorities, both civilian and military, disregarded those provisions of the Geneva Conventions of 1949 and the Hague Regulations of 1907 bearing on an occupying power’s obligations to respect defined economic and social rights of the people of an occupied territory. They were in breach of specific obligations not to destroy or seize property arbitrarily, not to profit from the resources of the occupied territory, and not to subject members of the population to compulsory service with the occupying forces. As already noted, they failed in their duty to meet basic needs for food, medical supplies and shelter, violating not just the standards set out in the ICESCR but also their obligations under international humanitarian law.

135. Many of the actions of the Indonesian authorities during the occupation had long-lasting impacts on the economic and social conditions of the people of Timor-Leste and, in many cases, continue to this day. The plunder of resources such as timber depleted to precariously low levels, assets that are essential to the long-term well-being of the population. No less damaging was the social impact of these measures. The discriminatory use of resources served to create new divisions and to entrench existing ones. The arbitrary use of powers to move the population and evict them forcibly has left an unresolved legacy of uncertain tenure and landlessness. The exposure of the overwhelming majority of the population to terror of various kinds, including torture, killings and rape, has undermined the mental health of an unknown number of East Timorese. The Commission takes the view that all of these social impacts are impediments to reconciliation and need to be addressed within that context.

136. Timor-Leste was not the only area under Indonesian control in which violations of economic and social rights occurred during the occupation period. Many of the violations reported

above were also commonplace in Indonesia itself during this period. However, the exceptional degree of military control and the context of invasion and occupation in Timor-Leste often made these violations more intense and limited the population's ability to rectify them through seeking redress or by other means.

Specific findings

The right to an adequate standard of living

Development and government spending

137. Despite the Indonesian Government's large investment in Timor-Leste and the rapid economic growth that it produced, particularly when compared with the performance of the Portuguese colonial power, government security concerns rather than the interests of the majority of the population guided the distribution of that investment. The contrast between investment and growth in such sectors as transport and communications and government administration, and that in agriculture on which the vast majority of the population depended for its livelihood, strikingly illustrates the occupying power's distorted priorities. Income and poverty indicators at the end of the Indonesian occupation, which show Timor-Leste lagging behind most other countries and all the provinces of Indonesia itself, provide strong evidence of the harmful effects that this choice of priorities had on the living conditions of the majority of East Timorese.

Rights over natural resources

138. The Commission is satisfied that trading companies with direct links to the military and the Indonesian government deliberately and systematically underpaid coffee smallholders, thereby abridging their right to an adequate livelihood.

139. The arrangements that the Indonesian authorities put in place in the coffee industry was one of several instances where Indonesia denied the people of Timor-Leste an essential component of their right to self-determination, namely their right to dispose of their natural wealth and resources freely. The Indonesian authorities committed similar violations by exploiting other resources, including sandalwood and timber, without regard to sustainability and by failing to regulate the exploitation of these resources by others. These forms of exploitation of natural resources were also positively harmful to the well-being of the population and were sometimes used to fund military operations, and as such violated the duties of an occupying power.

140. In a further breach of the people of Timor-Leste's right to dispose of its natural resources, the Commission finds that Indonesia and Australia concluded the Timor Sea Treaty in 1989 without consulting the people of Timor-Leste or paying due regard to their interests.

The right to adequate food

141. The Indonesian government took measures that worsened the food situation of the people of Timor-Leste. Timor-Leste's climate and the uneven quality of its soils make the food situation precarious at the best of times, and survival dependent on the population's ability to move freely. The Commission has found that the Indonesian authorities did not just neglect agriculture; they also took security measures that positively worsened the chances of the farming population to make a living, primarily by forcibly settling them in infertile areas under conditions in which their movement was restricted.

Housing and land

142. The Commission finds that all sides to the conflict—Fretilin, UDT and the Indonesian security forces and their auxiliaries—engaged in activities, including forcible displacement, the destruction of houses and other property, and the looting of possessions, that violated the right to housing.

143. The Commission finds that repeated displacements, the redrawing of administrative boundaries and the non-recognition of customary land-ownership and land-use practices produced a legacy of landlessness and highly complex land disputes. Although security considerations played an important part in producing this outcome, the unchecked pursuit of economic interests by military and civilian officials and their business associates were also crucial factors. The disruption of landholding and land-use patterns has had and will continue to have profoundly damaging effects on the economic, social and cultural fabric of East Timorese society.

Rights to health and education

144. Although Indonesian investment in health and education was significant and resulted in the physical installation of territory-wide health and education systems, the Commission found that it was ineffective in overcoming chronic public health problems or meeting basic learning needs.

145. Many factors contributed to this outcome. Among the side-effects of extreme violations, such torture and forced recruitment, were ill-health and the disruption of education. The skewed economic development promoted by the Indonesian authorities created a self-perpetuating cycle in which poverty, on the one hand, and poor health and low educational achievement, on the other, fed on each other. The highly militarised context and other structural factors, such as the lack of expertise and commitment of the Indonesian medical personnel and teachers assigned to Timor-Leste, resulted in services that were sub-standard and mistrusted by the local population. Basic health and educational needs were often subordinated to security considerations, as exemplified by the forced settlement of large numbers of the population in disease-ridden areas that had previously been shunned and the heavy emphasis on propaganda in schools.

146. The implementation of the family planning programme in Timor-Leste was wholly at odds with principles that are integral to the right to health, namely the freedom to control one's health and body and the right to information that will enable one to have such control. The Commission has found that the programme contained a strong element of compulsion, which was reinforced by a target-driven approach and direct military involvement in the programme's design and implementation. The programme was also pursued without regard to the possible and actual side-effects of the birth-control methods that were prescribed.

147. The suspicions generated by the authoritarian approach to patient care were reflected in the widespread credence given to allegations that the Indonesians were secretly engaged in a campaign of forced sterilisation whose intent was genocidal. The Commission has not found these allegations compelling, but they do highlight the kind of suspicions fostered by an authoritarian approach to medical care in which medical personnel felt no obligation to give patients information about their treatment.

148. The use of schools for propaganda and indoctrination severely interfered with the education of an entire generation of East Timorese youth. Education was used in this way as part of an integrated security approach whose overriding objective was to ensure that pro-independence sentiment did not take root in a new generation. In this context, teaching children the skills that would enhance their prospects and enable them to fulfil their human potential was secondary.

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- ¹¹⁸ CESCR General Comment 13, para 6 (b).
- ¹¹⁹ CESCR General Comment 13, para 6(c).
- ¹²⁰ CESCR General Comment 13, para 6 (d).

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- ¹²² Saldanha 1994, p 57; Pederson and Arneberg, 2001, p 84
- ¹²³ Pederson and Arneberg, 2001, p. 85.
- ¹²⁴ Saldanha 1994. p 58
- ¹²⁵ Saldanha, p. 60.
- ¹²⁶ Susenas, 1998.
- ¹²⁷ Pederson and Arneberg, 2001, p 91.
- ¹²⁸ Pederson and Arneberg, 2001, p. 86.
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- ¹³⁰ Gomes, p 200.
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