

# Part 6: The Profile of Human Rights Violations in Timor-Leste, 1974 to 1999

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# Part 6: The Profile of Human Rights Violations in Timor-Leste, 1974 to 1999<sup>1</sup>

## 6.1 Introduction

1. In order to achieve the core objectives of its truth-seeking mandate, the Commission developed a number of programmes, including both qualitative empirical research and quantitative statistical analysis. This Part presents the findings that resulted from the Commission's statistical work and discusses the methodological approaches used to reach these findings.

2. The introductory section, Section 6.1.1, provides a brief summary of key findings, an overview of the historical context in which the Commission undertook its demographic and statistical work, and an outline of the Commission's information management decisions.

3. Section 6.2 presents the Commission's demographic and statistical estimates of the total extent, pattern and trend of, as well as the levels of responsibility for, fatal violations in Timor-Leste between 1974 and 1999. These estimates are derived from statistical and demographic analyses of data collected by the Commission and from external data from official statistical bureaus and human rights NGOs. Although displacement is not necessarily a fatal violation, it is nonetheless closely linked to both conflict-related and famine-related fatalities. Therefore, the analysis of large-scale displacements is included in Section 6.2.

4. Section 6.3 presents an analysis of general patterns of non-fatal violations. The Commission was unable to find sources containing extensive information about non-fatal violations other than its own testimonies. Consequently the Commission was unable to make rigorous quantitative estimates of the total magnitude of non-fatal violations during 1974-99. The statistical analysis described in this section therefore focuses on a macro-level view of patterns and trends of non-fatal violations as revealed in the statements given to the Commission.

5. Section 6.4 presents a statistical case study of violations reported by the community of the village of Mauchiga in the context of uprising by the Resistance in their area that took place in August 1982, and the subsequent crackdown by the Indonesian armed forces. This case study is used to highlight the patterns and trends of arbitrary detention, forced displacement and conflict-related deaths which were experienced during the "consolidation and normalisation" phase of the Indonesian occupation of Timor-Leste in all regions of the territory.<sup>2</sup>

6. Section 6.5 provides a brief summary and conclusion to the Part.

7. In addition, the Annex to this Part describes the data collection and statistical techniques used to derive the Commission's statistical findings. It presents methodological background and detailed discussion about the various datasets, data processing methods used, record linkage techniques developed, and the analysis and estimation techniques employed.

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<sup>1</sup>This chapter was written and prepared by Romesh Silva and Patrick Ball of the Benetech Human Rights Data Analysis Group (HRDAG).

<sup>2</sup>In this Part, for the purposes of its quantitative research methods, the Commission defines regions in the following way: the Eastern Region comprises Lautém, Viqueque, Baucau and Manatuto; the Central Region comprises Manufahi, Aileu, Dili and Ainaro; and the Western Region comprises Ermera, Liquiça, Covalima and Bobonaro.

## 6.1.1 Summary of key findings

### Fatal violations

8. The Commission estimates that the minimum-bound for the number of conflict-related deaths during the Commission's reference period, 1974 to 1999, is 102,800 (+/- 12,000). This estimate is derived from (i) an estimate of 18,600 total killings (+/- 1000) using multiple systems estimation (MSE) techniques and (ii) an estimate of 84,200 (+/- 11,000) deaths due to hunger and illness which exceed the total that would be expected if the death rate due to hunger and illness had continued as it was in the pre-invasion peacetime period.

9. The estimated pattern of fatal violations over time shows a high concentration of killings and deaths due to hunger and illness during the initial post-invasion period between 1975 and 1980. The number of deaths attributed by respondents to "hunger or illness" rose to its highest level during the immediate post-invasion period, 1975-80. However, 1999 marked a high point for estimated killings, 2,634 (+/- 626).

10. The pattern and trend of deaths due to hunger and illness and to killing are positively correlated over time, suggesting that both phenomena have the same underlying cause during the first phase of the conflict. Of the killings and disappearances reported during the Commission's statement-taking process, 57.6% (2,947/5,120) of the perpetrator involvement in fatal violations was attributed to the Indonesian military and police, and 32.3% (1,654/5,120) to East Timorese auxiliaries (such as the militias, civil defence forces and local officials who worked under the Indonesian administration).

### Displacements

11. Displacement was widespread: 55.5% of surveyed households reported one or more displacement events, for a total of 2,011 reported displacement events between 1974 and 1999.<sup>3</sup>

12. Most displacements occurred between 1975 and 1980. The maximum years are 1975 and 1976, with 61,400 (+/- 13,300) and 59,800 (+/- 7,200) displacement events respectively. The number of displacement events in 1999 were substantially fewer, with approximately 28,100 (+/- 5,600) events.

13. Most displacements were local. Of all displacement events, 54.3% were within a sub-district, 15.6% were within a district, 17.4% were within a region, 9.3% were within Timor-Leste, and 2.4% were outside of Timor-Leste.<sup>4</sup> This finding may be limited by the restriction that people in refugee camps in West Timor were not interviewed. Many displacements occurred in rapid succession: 22.2% of displacement events lasted one month or less, and 50.1% lasted one year or less. However, other displacements were very long, so that the mean displacement period lasted 46.7 months.<sup>5</sup>

14. The institution that respondents reported most frequently as the group telling them to move was the Indonesian military (46.4%), followed by Falintil (15.0%) and militia groups (8.8%).<sup>6</sup> Respondents reported that "conflict" motivated 52.3% of all their displacements, with "forced by Indonesian military" contributing an additional 16.3%.

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<sup>3</sup> At the time of the 1990 census there were approximately 4.5 people per household. The 2004 census recorded an increase to about 4.75 people per household (924,642/194,943). The nominal confidence interval is 51.8-59.2% of households.

<sup>4</sup> The nominal margin of error is +/- 10.4% for displacement within a sub-district, and 4.6% or less for the other estimates.

<sup>5</sup> The nominal confidence interval is 41-52 months.

<sup>6</sup> The nominal margin of error is +/- 4.2%.

## Non-fatal violations

15. The temporal pattern of reported non-fatal violations was similar to that for fatal violations: massive non-fatal violations during the initial invasion and occupation years were followed by relatively low-level violence during the consolidation and normalisation years and an increase of violations in 1999. Non-fatal violations around the time of the Indonesian invasion in 1975 were most intense in the Western and Central Regions; after 1976 the focus of non-fatal violations shifted to the Eastern Region.

16. The observed statistical pattern of reported detention and torture suggests that over time (and particularly after 1984) the practice of arbitrary detention became more targeted and was used more regularly in combination with acts of torture. In the early invasion years there are approximately three reported cases of detention for each reported case of torture. After 1985 the two violations appear to be more closely linked, with approximately the same number of reported detentions and reported acts of torture each year.

17. Overall the Commission's quantitative findings are consistent with the hypothesis that individuals who were held in detention during the Commission's reference period were subject to increased vulnerability to torture or ill-treatment. Torture and ill-treatment were reported much more frequently among victims who were held in detention during the Commission's reference period: of the torture violations documented by the Commission, 83.6% (9,303/11,123) were suffered by victims who had experienced detention during the conflict. The abuses which were most often committed during known periods of detention were torture (46.9%, 4,267/9,094), ill-treatment (30.8%, 2,798/9,094) and threats (7.0%, 634/9,094).

18. The demographics of victims varied for different violation types. Relative to the overall East Timorese population middle-aged males experienced the highest rates of non-fatal violations such as detention, torture and ill-treatment. By contrast sexually-based violations were almost exclusively targeted against women, with 90.2% (769/853) of reported sexually-based violations being experienced by women.

19. The Commission's quantitative data suggest a notable difference in the pattern of responsibility for non-fatal violations between 1975 and 1998 relative to non-fatal violations in 1999. In particular, between 1975 and 1998, 51.7% (11,658/22,547) of acts of arbitrary detention are attributed to the Indonesian military acting alone relative to 8.4% (1,897/22,457) of acts of detention which were solely attributed to East Timorese auxiliaries or jointly to both the Indonesian occupying force and their East Timorese auxiliaries. However, of the acts of arbitrary detention in 1999 documented by the Commission, 75.7% (2,104/2,779) were attributed to either the East Timorese auxiliaries acting alone or in collaboration with the Indonesian military and police. 19.2% (534/2,779) of documented acts of detention which occurred in 1999 were attributed to the Indonesian military alone.

### 6.1.2 Overview of the Commission's information management and data collection methods

20. Most truth commissions base their empirical findings principally on databases derived from the large-scale collection of qualitative testimonies. In this, the CAVR was no different from the commissions in Haiti, South Africa or Peru. In other countries the truth commissions were able to draw on substantial additional information that had been collected by governmental and non-governmental human rights projects. Additional sources are important in order to "triangulate" or understand the patterns and magnitude of human rights events from perspectives other than a commission's own qualitative material. Without outside corroboration, the work of commissions could be dismissed as partisan.

21. The Commission did not have massive external sources available, so new sources were created. First, the Commission developed a Human Rights Violations Database (HRVD) from the narrative testimonies which it collected through direct witness and victim declarations. This was part of the Commission's community socialisation process, which sought to address truth-seeking objectives and to promote reconciliation and reception. The Commission used the HRVD narratives for both qualitative and quantitative research.

22. Second, the Commission developed a retrospective mortality survey (RMS) of 1,396 households that were randomly selected from Timor-Leste's approximately 180,000 households. Each sampled household gave information about their residence pattern and household members and relatives who died during the Commission's mandate period. Mortality surveys of this kind are common among governmental statistical offices to assess health conditions or to adjust censuses. Inter-governmental health authorities and academic demographers and epidemiologists also conduct surveys of this kind. However, no truth commission has ever before conducted a rigorously sampled household survey.

23. A third dataset collected by the Commission was the graveyard census database (GCD). Public cemeteries in Timor-Leste were visited, and the name, date of birth and date of death was recorded for every grave on which this information was present. Approximately 327,000 grave records were collected; after duplicate enumerations are removed, there are approximately 319,000 unique graves in the sample, of which about half have complete name and date information. Cemetery records have been used by historical demographers to reconstruct historical patterns of mortality, but no truth commission has ever used data of this kind before as part of the reconstruction of historical memory. In the world of human rights measurement these are valuable innovations which greatly enrich our understanding of the past.

### 6.1.3 Historical violation estimates in Timor-Leste and their limitations

#### **Historical estimates of the conflict-related death toll in Timor-Leste (1974-1999)**

24. The scale of conflict-related mortality during Indonesia's occupation of Timor-Leste has been the subject of considerable debate: estimates range from a low of 40,000 to more than 200,000.<sup>7</sup> The best-informed commentators have concluded their analyses by recommending that direct evidence be gathered and analysed to arrive at a more reliable estimate. For example, the historian Robert Cribb suggests that there are five techniques for measuring total deaths:

- perpetrators' accounts
- counting physical bodies or graves
- capturing historical memory through interviews
- indirect estimates via census records
- "intuitive" estimates projected from informed observers' understanding of local conditions.

25. Cribb laments that in 1999-2001, at the time that he published a series of papers on the subject, all the available estimates to date, including his own, were limited to the two weakest

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<sup>7</sup> Estimates based on official Portuguese, Indonesian and Catholic Church data suggest an overall magnitude of approximately 200,000 deaths. See, for example, Ben Kiernan, "The Demography of Genocide in Southeast Asia: The Death tolls in Cambodia, 1975-79, and East Timor, 1975-80", *Critical Asian Studies* 35(4), 2003, pp. 585-597, and Geoffrey Gunn, *East Timor and the United Nations: The Case for Intervention*, Red Sea Press, Lawrenceville, NJ, 1997, pp. 26-27. On the lower side, see Robert Cribb, "How Many Deaths? Problems in the statistics of massacre in Indonesia (1965-1966) and East Timor (1975-1980)", in Ingrid Wessel and Georgia Wimhoefer (eds.), *Violence in Indonesia*, Abera-Verl, Hamburg, 2001. John Waddingham offers a review of estimates derived from "intuitive" and indirect methods: see John Waddingham, "Timor-Leste Death Toll Claims: a Proposal for Listing and Critical Commentary," Submission to CAVR, 14 July 2003.

methods: indirect and intuitive estimates. In his extensive review of estimates of conflict-related mortality in Timor-Leste, John Waddingham writes: "We have to concede, however, that it is not yet possible to produce from available evidence, a quantitatively accurate, generally agreed figure on the death toll in Timor-Leste."<sup>1</sup>

26. The Commission was acutely aware of the sensitivity and importance of the estimation of total and disaggregated mortality patterns. Other truth commissions (particularly those in El Salvador, Guatemala and Peru) benefited from the existence of extensive, if still partial, registries of deaths that had been documented before the commissions began their work. Information of this kind was not available to the CAVR, and so three new datasets were created: a qualitative survey of respondents self-motivated to give testimony to the Commission; a probability sample of 1,396 households from which retrospective mortality histories were taken; and a census of public graveyards in Timor-Leste. These sources fit Cribb's second and third definitions of data sources that could be used to analyse mortality.

27. While human rights activists sometimes cited the large variation in estimates as evidence of high mortality resulting from the Indonesian occupation of Timor-Leste, a possible explanation may be the lack of reliable population and demographic data for the period. The last population census in Timor-Leste before the Indonesian invasion was carried out by the Portuguese colonial administration in 1970. Censuses were conducted by the Indonesian authorities in 1980 and 1990, but their accuracy is questionable. The East Timorese population's suspicion, fear and general resistance to the government conducting the census combined with its frequent displacement introduced significant measurement challenges.

28. Even if the 1980 and 1990 census figures were accurate, their inclusion of only population counts without disaggregating by key demographic variables data (such as age and sex) substantially reduces social scientists' ability to apply standard demographic estimation techniques to the official population data. Non-governmental sources of population information are also of limited value due to the severely restricted access independent monitors and humanitarian groups had to Timor-Leste during the conflict. In the context of Timor-Leste, the demographer Terence Hull noted that "the variety of estimates in the BPS (Biro Pusat Statistik, Central Statistical Bureau) publications is not an indication of political manipulation of data, but rather the real difficulty of ascertaining mortality levels for small populations when using indirect demographic methods of estimation."<sup>11</sup> Given these limitations, the scientific debate about mortality in Timor-Leste has been unresolved.

29. Many of the problems facing earlier analysts were resolved by the publication of the preliminary results of the 2004 Timor-Leste census in March 2005. The Commission's mortality analysis has drawn heavily on the new census data to weight survey results appropriately.

### **Previous evidence on forced migration and displacement**

30. Large sectors of the population were displaced during the conflict, especially during the early years of the occupation (1975-80) and in 1999. For example, according to Indonesian official figures, either 268,644 or 318,921 "displaced persons" were held in a total of 15 centres in December 1978.<sup>111</sup> Qualitative reports and the Commission's own research show that people were forcibly moved to resettlement camps where a highly restrictive security regime severely limited their opportunities for growing food crops and their access to food sources (see Chapter 7.3: Forced Displacement and Famine). As with the estimation of conflict-related fatalities, accurate demographic analysis of displacement in Timor-Leste, especially in the early invasion years is complicated because there are few existing data. This is largely due to the absence of a systematic, country-wide administrative registration system and the limited access to the civilian population permitted to international humanitarian and human rights organisations during the conflict.

## Non-fatal violations in Timor-Leste

31. The extent and depth of information about the human rights situation in Timor-Leste during the Indonesian occupation varied over time. In particular access to the territory by international human rights monitors was severely restricted by the Indonesian government. Furthermore, the access of international humanitarian agencies (such as the ICRC and Catholic Relief Services) to the territory was restricted to particular areas and particular time periods. International organisations' limited physical access to the territory significantly shaped the international community's knowledge about the human rights situation in Timor-Leste.

## 6.2 Fatal Violations: analysis of the total extent, pattern, trend and levels of responsibility for fatal violations and displacement in Timor-Leste, 1974-1999<sup>8</sup>

### 6.2.1 Background and overview of statistical analysis of fatal violations

32. In the analysis of mortality due to conflict in Timor-Leste, various authors have used varying terms for the manner in which people died. For example, a 2002 essay notes that in Maubisse, 5,021 of the 9,607 inhabitants alive in 1975 were *killed* by April 1979.<sup>iv</sup> However, the original source for this claim says that the village had "lost" these people, that is, they died in unspecified ways.<sup>v</sup>

33. The analysis presented here distinguishes between civilian deaths due to violence, called killings; deaths due to hunger and illness, some of which resulted from the conflict; deaths of combatants; and other deaths.<sup>9</sup> Only the patterns and magnitude of killings of civilians, deaths due to hunger and illness, and disappearances will be estimated and analysed.

34. The distinction between deaths due to hunger and illness and killings is useful for two reasons. First, the person who or institution which causes deaths due to deliberate violence has an immediate and obvious responsibility for those deaths, while responsibility for deaths due to hunger and illness is more complex. Second, there were substantially fewer killings than deaths by hunger and illness in Timor-Leste between 1975 and 1999. The methods used here to estimate the total number of killings were more precise and underestimate the total less severely than the estimates of the number of deaths due to hunger and illness.

35. In the sections below, estimates are presented rounded to the nearest hundred in order to signify that the estimates are always approximate and should be interpreted within margins of error. However, specific counts of documented deaths are listed precisely since these numbers are known exactly. The underlying statistical data have been made available so that scholars can continue to analyse the patterns of deaths due to killings and hunger and illness in Timor-Leste during the Indonesian occupation.<sup>10</sup>

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<sup>8</sup> The Commission and Human Rights Data Analysis Group (HRDAG) gratefully acknowledge comments and suggestions from Professor David Banks (Duke University), Professor Claes Cassel (Statistics Sweden), Dr Michael Cohen (US Department of Transportation), Dr Peggy Jennings (Women's Rights International), Richard Öhrvall (Statistics Sweden), Dr Fritz Scheuren (National Opinion Research Center and American Statistical Association), Professor Herbert F Spierer (University of Connecticut and Columbia University) and Dr Shana Swiss (Women's Rights International).

<sup>9</sup> The "other" category included accidents and maternal mortality, among other causes. These deaths were not identified specifically in the questionnaire.

<sup>10</sup> See <http://www.hrdag.org/timor> for copies of the statistical data. Note that there is no personally identifiable information about witnesses, victims, or perpetrators in these data.

36. Both killings and deaths due to hunger and illness were at higher levels in the immediate post-invasion period, from late 1975 until 1979, than in previous years or at any time until 1999. Both series peak again in 1999, though killing reaches its highest peak since 1975-79 then while hunger and illness have a much smaller peak than in the 1975-79 period. The Commission's analysis suggests that during the period 1975-99, approximately 18,600 non-combatants were killed. Furthermore, we estimate that more than 100,000 people died in excess of the peacetime baseline rates of death due to hunger and illness.

37. The two series—killings and deaths due to hunger and illness—follow the same pattern: the correlation coefficient between the annual estimates (described below) of the number of killings and deaths due to hunger and illness is 0.81, a very high level for most social science findings.<sup>11</sup> Analysis of patterns of displacement suggest that displacement was at its highest levels in the period 1975-79. The high correlation between estimated numbers of killings, deaths due to hunger and illness, and displacement suggests that they are responding to similar underlying conditions. That is, the three phenomena are likely to have a common cause. The pattern of rapid increase in killings, deaths due to hunger and illness, and displacement at the beginning of the Indonesian occupation is consistent with the claim that the occupation caused the increased mortality.

### 6.2.2 Objectives of analysis

38. The analysis begins with an overview of the data and methods relevant to the analysis of fatal violations and displacement. In Section 6.2.4, the estimates of the number of killings and deaths due to hunger and illness are presented. For each manner of death, RMS and MSE estimates are presented and compared. The displacement section reviews the estimated total displacement events and the number of displaced households over time and space. In Section 6.2.5 descriptive analysis of the deaths reported to the Commission in the HRVD is presented. The analysis considers the patterns over time, space, collective deaths, demography and political affiliation of victims, institutional responsibility, and the relationship between detention and conflict deaths.

### 6.2.3. Overview of data and methods

39. The estimates of the patterns and magnitude of mortality are based on the three original data sources collected by the Commission, including:

- The Human Rights Violations Database (HRVD) contained the narratives of 7,669 deponents about violations they suffered or witnessed during the 1974-99 period.<sup>12</sup> These narratives included information about deaths by deprivation and killings of civilians. The respondents selected themselves to give reports to the Commission. Therefore, the results of this project may not represent the entire universe of all people who suffered human rights violations.

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<sup>11</sup> The correlation relates the MSE estimated annual number of killings to the RMS estimated number of deaths due to hunger and illness.

<sup>12</sup> Commission teams collected a total of 7,824 statements. Some of these (155 statements) were not entered into the HRVD because they either did not mention violations connected to the Commission's mandate, or the violations which they mentioned were not within the Commission's reference period.



- The Retrospective Mortality Survey (RMS) recorded the mortality histories of a probability sample of 1,396 households. In each household, two adult respondents were chosen at random. For male respondents, the respondent's parents and siblings were enumerated, including whether they are living or dead. If they were dead, the date, place, and manner of death were recorded. For female respondents, the respondent's children were enumerated in a similar fashion. In 60% of the households, only respondents of one sex were available at the time of the interview, and so one respondent gave information about parents, siblings and children.
- A census of public graveyards in Timor-Leste, documenting more than 319,000 graves (denoted GCD).

40. Each data source documents only a small fraction of the total number of deaths in Timor-Leste during 1975-99. Even in the absence of conflict, not all of the dead are buried in public graveyards; some people are buried in remote locations or in private family graveyards. When mortality conditions are especially severe, relatively fewer people are buried with formal markers. Markers degrade over time, so that by the time the graveyard census was taken in 2003-04, many graves could not be documented because their information is illegible. Other markers were destroyed entirely in the period between the burial and the time the GCD was collected.

41. The RMS reflects the experiences reported in 1,396 households but omits the experiences of nearly 190,000 households not sampled. The HRVD reflects the experience of 7,669 respondents, but approximately 940,000 other East Timorese did not give testimonies to the Commission. However, even if the HRVD and RMS did reflect the experience of every living person in Timor-Leste, many deaths would still remain undocumented because all the people who could remember them have died, left the country, or were psychologically or physically unable to recount the stories during the data collection period. In villages where mortality was especially heavy, there may have been no witnesses who survived until 2002-03. Other families may have left Timor-Leste entirely, taking with them their social memory of the deaths. Still other families may have decided to keep secret their past experiences, so it may not be possible to directly document deaths in their family directly. Social memory is always partial.

42. The RMS uses standard household survey techniques based on the reported deaths to estimate the total number of killings, deaths by hunger and illness, and combatant deaths. However, these totals are estimates of the total number of deaths *that were possible to be remembered by current residents of Timor-Leste*, which is a subset of the total deaths that actually happened. The ratio of the deaths remembered by current residents to all deaths is called the coverage rate.

43. An alternative method for estimating total deaths uses multiple systems estimation (MSE). This method is used to correct censuses by comparing coverage among different documentation projects. MSE estimates of the number of deaths due to hunger and illness and due to killings are presented and compared to the RMS estimates. For killings, the MSE estimates are more appropriate, while for the estimated total number of deaths due to hunger and illness, the RMS estimates are more appropriate.<sup>13</sup>

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<sup>13</sup>MSE is widely used in estimating the under-reporting levels in population censuses [see for example J G Robinson, B Ahmed, P Das Gupta and K Woodrow, "Estimation of Population Coverage in the 1990 United States Census Based on Demographic Analysis", *Journal of the American Statistical Association*, 88 (423), 1992, pp. 1061-1071].

## 6.2.4. Estimates of killings, deaths due to hunger and illness, and displacement

### Killings

44. The annual total number of killings can be estimated from the RMS, and the results are presented below in Figure [<gkillM.pdf>](#). This figure follows relatively high levels of killings in the 1975-79 period, with additional peaks in the early 1980s and a spike in 1999. There are 16,000 total killings estimated by the RMS, with a margin of error of +/- 4,400. The RMS estimate of killings is based on only 235 reported killings. Consequently, the error is substantial, as seen by the many years for which the error bands touch zero. For these years, the hypothesis that the estimated number of deaths is zero cannot be rejected. Furthermore, the error bands are sufficiently wide that many different patterns could be possible.

[\[Insert Figure <gkillM.pdf> about here\]](#)

45. As with deaths due to hunger and illness, it is possible to estimate the annual total number of killings using multiple systems estimation. For killings, the CAVR testimonies (denoted HRVD) document nearly one-third of the total estimated killings, whereas as mentioned above, there are only 235 documented killings in the RMS. Consequently, the MSE for killings combines the GCD and the HRVD data. The results are shown in Figure [{gkill\\_mse2\\_hrvdgcd\\_M.pdf}](#). The MSE estimates 18,600 total killings (+/- 1000). The vertical axis notes the maximum of the error (3,260) and the maximum estimated value (2,634), both of which occur in 1999. The pattern over time is much clearer in the MSE than in the survey estimate: the estimated total number of killings rises from nearly zero in the pre-invasion period to peaks in 1975 and 1979. Killings decline thereafter and through the 1980s and 1990s. A spike in 1999 marks the highpoint of estimated killings, significantly greater than in any other year.

[\[Insert Figure <gkill\\_mse2\\_hrvdgcd\\_M.pdf> about here\]](#)

46. The killing estimates suffer from an important lacuna in the data: 1991 should have a small peak representing the Santa Cruz massacre, but insufficient reports of the event were captured to estimate the killings in that year correctly. The estimate for 1991 is actually slightly lower than the estimate for 1990. This illustrates a problem with all large-scale data collection: killings are relatively rare events across the entire population, so probability samples are unlikely to capture specific events (for example, there were no reports of Santa Cruz in the RMS). In qualitative reports such as the HRVD, investigative resources must be specifically devoted to specific events, or there is no guarantee the events will be documented. Although the HRVD received more than 20 reported deaths for this event, this is only a small fraction of the total. Much smaller events were more thoroughly covered, and so the estimates over time do not accurately reflect the importance of this year.<sup>14</sup>

47. Unlike for deaths due to hunger and illness, killings are unlikely to be substantially underestimated. First, killings are less likely to affect entire families than hunger and illness deaths, so there are more likely to be surviving relatives to report these events. Second, the ratio of documented killings to estimated killings (the coverage rate) is 0.637, which is higher than the ratio of documented hunger and illness deaths to estimated hunger and illness deaths (0.513). The higher coverage rate for killings means that MSE itself could correct better for the unreported killings than for the unreported deaths due to hunger and illness. Furthermore, killings are relatively rare, and so the kind of speculative analysis using census-based crude death rates conducted for deaths due to hunger and illness is not possible for killings. On these grounds, we find that there were approximately 18,600 killings, with a margin of error +/- 1000.

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<sup>14</sup>Note that the margin of error specifically represents "holes" in the data of this kind. That is, by its nature sampling only captures information on a small number of the total events. Some large events (such as the Santa Cruz Massacre) may be missed. The estimated error of the estimated total number of events is designed to reflect the uncertainty around the estimated total, including the fact that some large events may be missed.

## Deaths due to hunger and illness

48. The analysis of the total number of deaths by hunger and illness begins with an analysis of the total estimated deaths from the RMS, and the results are presented below in Figure (gdeprM.pdf).<sup>15</sup> The estimated deaths are presented against a baseline of deaths projected from the 1972-74 death rates due to hunger and illness (described below). The number of deaths attributed by respondents to “hunger or illness” rises to its highest levels during the immediate post-invasion period, 1975-80. During the period 1983-98 the estimated total fluctuates around a median of 3,632 estimated annual deaths. The annual total rises slowly during the 1990s, reaching a final peak in 1999.<sup>16</sup>

49. The total estimated number of deaths due to hunger and illness in 1975-99 is approximately 143,700, with a margin of error of approximately +/- 11,000.<sup>17</sup> Some of these deaths are natural in the sense that they would have occurred in the absence of conflict or famine. An assessment of deaths that could be attributed to the conflict must consider first how many deaths would probably have occurred as a result of hunger and illness in the absence of the conflict.

50. The immediate pre-invasion years 1972-74 provide a peacetime baseline of natural deaths due to hunger and illness. First, to create a baseline population, population estimates for 1971-2003 were interpolated between the total reported in the 1970 Portuguese census (609,477) and the 2004 census total (924,642). From the RMS, the estimated number of deaths due to hunger and illness in 1972-74 was approximately 1,686-2,252. Death rates for each year were computed by dividing the projected population for each year by the RMS estimated number of deaths for that year. The average of the 1972-74 annual death rates due to hunger and illness was calculated.

51. The estimated death rate (3.1 deaths per 1,000 people) was applied to the projected population for each year through 2003.<sup>18</sup> These estimated death rates form the baseline shown in Figure (gdeprM.pdf). By subtracting the peacetime baseline projection from the annual RMS estimate, there are 84,200 excess deaths due to hunger and illness (+/- 11,000).<sup>19</sup> These deaths constitute the estimate from the RMS of the deaths which exceed the total that would be expected if the death rate due to hunger and illness had continued as it was in the pre-invasion peacetime period.

[Insert Figure <gdeprM.pdf> about here]

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<sup>15</sup> The data are insufficient for a three-system estimation of the deaths by hunger and illness.

<sup>16</sup> As discussed in the methodological section, the slow rise in estimated deaths due to hunger and illness from the early 1980s through the late 1990s is a consequence of increasing population and a decrease in the number of deaths that are lost because no relatives survived until 2004 to be surveyed.

<sup>17</sup> The total margin of error is calculated by taking the square root of the sum of the variances of the annual estimates and multiplying by the conventional 1.96 to create a 95% confidence interval.

<sup>18</sup> This baseline rate (3.1 deaths per 1,000 people) is low: the regional average for Southeast Asia in the early 1970s was 12-14 per 1,000. The methodological appendix addresses how the underestimates could be adjusted using census-based estimates of the crude death rate (CDR). However, adding the census-based measures requires many assumptions about the quality of the CDR estimates. The core findings presented here are based only on the 1970 and 2004 census estimates and the data collected by the Commission.

<sup>19</sup> The margin of error of the excess deaths is calculated in the same way as the total margin of error, including the standard error only of the years which contribute to the excess total.

52. An alternative method for estimating the approximate total number of excess deaths is to calculate a two-system MSE using the RMS and GCD. This should be approached with caution, for two reasons. First, the number of reported hunger and illness deaths in the RMS in 1974-99 (2,231) is small relative to the RMS total estimate of deaths due to hunger and illness (143,700). Second, two-system estimates can be biased as a result of uncontrolled correlation between the systems.<sup>20</sup> For example, if people who died who were unlikely to be buried in a public graveyard were also unlikely to be remembered by survey respondents, then the two systems would have a positive correlation. Note that this correlation is likely in the immediate post-invasion years when many people were living in very difficult conditions, at first moving constantly and later being held in resettlement camps. Both conditions would tend to lead both to catastrophic deaths of entire groups and to situations in which relatively few people were buried in public graveyards with permanent markers. The positive correlation between the GCD and RMS in extraordinary years would bias the two-system estimate downward, potentially significantly.

53. The MSE estimates are shown in Figure [<gdepr\\_mse2\\_rmsgcd\\_M.pdf>](#). The total estimated deaths by hunger and illness in 1975-99 is approximately 123,500 (+/- 5,200).<sup>21</sup> The estimated deaths in excess of what would be expected by the peacetime baseline is 75,000 (+/- 5,200). The MSE estimate is lower than the survey estimate, which is consistent with the hypothesis that there is positive correlation between the RMS and the GCD. The median number of deaths due to hunger and illness during the “normal” occupation years, 1983-98, as estimated by MSE (3,727) is similar to the value found by the survey (3,632). That is, the survey estimates and the MSE estimates for “normal” occupation years are similar, but the RMS has higher estimates for the extraordinary years. It is likely that during normal years, relatively fewer deaths occur in catastrophic events that eliminate entire families (causing survey underreporting), and relatively fewer people who died are left outside public graveyards. Consequently, during normal years, the MSE and the survey provide similar estimates. During extraordinary years, both methods underestimate total deaths due to hunger and illness, but the MSE underestimates slightly more because a small proportion of all people who died are buried in public graveyards during extraordinary years.

[Insert Figure [<gdepr\\_mse2\\_rmsgcd\\_M.pdf>](#) about here]

54. The pattern shown in Figure [{gdepr\\_2mse\\_rmsgcd.pdf}](#) was similar to the RMS estimate, but the magnitude is lower; note that the maximum estimated value in Figure [{gdepr\\_2mse\\_rmsgcd.pdf}](#) is 11,444 whereas in the RMS estimate it is 13,496. There was one difference in the patterns over time: the MSE estimated totals for 1975 were lower than the estimates for 1978 and 1979, whereas in the survey, the estimates for the three years were close together. In the RMS estimate, the error bands for the three years were large relative to the differences among the years, and therefore, the hypothesis cannot be rejected that the real totals in those years are equal.

55. The MSE estimates suggest that 1975 had fewer deaths than implied in the RMS estimates. Other than this difference, the MSE and RMS estimates are similar in magnitude and pattern. It should be emphasised that the two estimates are methodologically very different: magnitude in the RMS was driven by the survey weights, while the preponderance of the data in the MSE came from the number of graves with dates in each year and the matching of the deaths identified in the RMS to the names, dates and locations of graves.

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<sup>20</sup>As mentioned earlier, the data are inadequate for three-system models of deaths due to hunger and illness. There are 5,101 deaths due to hunger and illness reported in the HRVD, approximately twice as many as in the RMS, but this is nonetheless a small fraction of the expected total number of deaths due to hunger and illness. The RMS is used in preference to the HRVD because the RMS was collected by a probability sample. The HRVD is a convenience sample, and using it would require the assumption that all deaths in each year had the same probability of being documented. See the methodological appendix for an explanation of how the MSE was calculated.

<sup>21</sup>For the MSE, only the named deaths reported in the RMS are included. The RMS sampling weights were not used. The GCD does not include the manner of death, so records from the GCD are allocated as described in the methodological Annex.

56. Combining the results from the two estimates, a highly conservative estimated minimum number of deaths by hunger and illness in excess of the peacetime baseline is between 75,000 and 86,500. These estimates draw only on the 1970 and 2004 censuses and the Commission's own data. These estimates should be explicitly understood as estimates of the total deaths due to hunger and illness *which were possible to remember in 2004*. This is a significant limitation on the calculations which can be made. Both the RMS and MSE estimates are substantially conservative because many deaths could *not* be remembered by 2004. Some deaths left no surviving family members available to report the death in 2004, and some people who died during extraordinary years were not buried in public graveyards. The years in which the survey is most likely to have been affected by the loss of entire families are also the years in which people are least likely to be buried in public cemeteries. This positive correlation between the GCD and RMS data creates an underestimation in the MSE.

57. In the methodological Annex, a model is presented for adjusting the RMS and MSE estimates to correct for the loss over time of knowledge about deaths. This model uses additional census information, including crude death rates estimated by the US and Indonesian governments. If the assumptions in the underlying data and in the models were correct, the total deaths due to hunger and illness in excess of the peacetime baseline could be 103,000, with a possible (but improbable) high-end estimate of 183,300. Despite the uncertainty in these models, the Commission concludes that at a minimum, during the period 1975-99, 100,000 people died due to hunger and illness in excess of the peacetime baseline.

## Displacement

58. The core findings from the analysis of displacement are outlined below:

- Displacement was widespread: 55.5% of surveyed households reported one or more displacement events, for a total of 2,011 reported displacement events between 1974 and 1999.<sup>22</sup>
- When projected to the total population, the surveyed results represent 108,200 displaced households<sup>23</sup> experiencing 282,800 displacement events<sup>24</sup>.
- Most displacements were local. Of all displacement events, 54.3% are within a sub-district, 15.6% are within a district, 17.4% are within a region, 9.3% are within Timor-Leste, and 2.4% are outside of Timor-Leste.<sup>25</sup> However, in 1999, the displacements that took households out of Timor-Leste increased to 19.3% (+/- 6.1%) of displacements in that period.
- Many displacements occurred in rapid succession: 22.2% of displacement events lasted one month or less, and 50.1% lasted one year or less. However, other displacements were very long, so that the mean displacement period lasted 46.7 months.<sup>26</sup> Tens of thousands of households considered themselves displaced from the immediate post-invasion period in 1975q4 continuously until 1999q4 (see Figure [g101M.pdf](#) for more analysis).

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<sup>22</sup>According to the 1990 census, there were approximately 4.5 people per household in that year. The figure increases to 4.75 people per household (924,642/194,943) in the 2004 census. The households.

<sup>23</sup> The nominal confidence interval is 101,013-115,412 households.

<sup>24</sup> The nominal confidence interval is 251,631-313,990 events.

<sup>25</sup> The nominal margin of error is +/- 10.4% for displacements within sub-districts, and 4.6% or less for the other estimates. This finding may be limited by the restriction that people in refugee camps in West Timor were not interviewed.

<sup>26</sup> The nominal confidence interval is 41-52 months.

- The institution that respondents reported most frequently as the group telling them to move was the Indonesian military (46.4%), followed by Fretilin/Falintil (15.0%) and militias (8.8%).<sup>27</sup> Respondents reported that “conflict” motivated 52.3% of their displacements, with “forced by Indonesian military” contributing an additional 16.3%.
- Most displacements occurred in 1975-80. The maximum years are 1975 and 1976, with 61,400 (+/- 13,300) and 59,800 (+/- 7,200) displacement events, respectively. The events of 1999 were substantially fewer, with approximately 28,100 (+/- 5,600) events.

[Insert Figure <g01CM.pdf> about here]

59. Figure <g01CM.pdf> shows the number of displacement events by year in three regions of Timor-Leste, as well as the total displacement events reported to the Commission in qualitative testimonies. The vertical axes label the maximum values (at the top of the error band) for each region. Figure <g101M.pdf> shows 1975 and 1976 as the peak years in overall displacements, with 1977-79 and 1999 at roughly equal lower levels. The Commission notes that 1975 and 1976 cannot be statistically distinguished from each other in any of the regional estimates; in formal language, it is not possible to fully reject the hypothesis that these years had equal numbers of displacement events. The Western and Central Regions show a decline from the 1975-76 peaks to lower levels through 1979; the decline is then toward zero. By contrast, the Eastern Region shows displacement levels in 1979 that are nearly the equal of the displacement intensity of the immediate-post-invasion period.

60. Another way to look at displacements is to consider how many households are displaced during each period. Figure <g01CM> shows how many households were forced to move during each year. Figure g101M shows how many households were forced to live in a place they did not consider their home during each period. That is, Figure {g01CM.pdf} shows how many “displacement events” were suffered in each period, while Figure {g101M.pdf} shows how many households are in the status of “displacement” in each period. The vertical axis notes the maximum value at the top of the error band and the median value from the third quarter of 1980 (1980q3) through to the second quarter of 1999 (1999q2).

[Insert <Figure g101M.pdf> about here]

61. People were displaced in late 1975 and early 1976, and they were unable to return to their homes for a long period. Additional displacements continued in 1977, with more in 1978, and people displaced earlier are still away from their homes. Not until 1979 do large numbers of households settle in places they consider “home”. In every year between 1980 until 1999, an estimated 39,000 households continue to consider themselves displaced. An additional 15,000 households are displaced in the third quarter of 1999. However, in the fourth quarter, more than 32,500 households returned to their homes, and the estimated number of displaced households dropped to approximately 20,400 before falling again to 11,700 in the first quarter of 2000, and to 9,600 in the second quarter of 2000.

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<sup>27</sup> The nominal margin of error is +/- 4.2%.



## 6.2.5 Descriptive statistical analysis of fatal violations reported to the Commission

62. This section describes the pattern of killings and disappearances reported to the Commission in the narrative statement-taking process (the HRVD). The magnitude and patterns described here do not represent the total magnitude and overall pattern of killings and disappearances. Rather, this analysis describes the pattern and trend of killings and disappearances which is known through the Commission's qualitative statements.<sup>28</sup>

### **The reported pattern of killings and disappearances of non-combatants over time**

63. The pattern of reported killings and disappearances varied substantially over time. As can be seen in Figure <g122Mhrvd100.pdf>, 67.4% (3,451/5,120) of reported killings are concentrated in the period 1975-81. 16.4% (838/5,120) of reported killings occurred in 1999 before, during and after the UN-administered Popular Consultation. The highest counts of killings reported to the Commission were during the period of the invasion by the Indonesian military and the initial years of occupation. Although the year with the highest reported counts of non-combatant killings was 1975, the open-ended nature of the narrative statement-taking process was such that a considerable amount of date imprecision was encountered in statements which reported killings in the mid- to late-1970s.<sup>29</sup> It is therefore likely that some of the non-combatant killings which were reported to have occurred in 1975 may have actually occurred in 1976 or 1977.

[Insert Figure <g122Mhrvd100.pdf> about here]

64. The counts of disappearances reported to the Commission are substantially lower than that of reported non-combatant killings: 5,120 non-combatant killings were reported to the Commission, whereas 835 disappearances were reported to the Commission. Furthermore, the reported pattern of disappearances is substantially different from that of non-combatant killings, as can be seen in Figure <g122Mhrvd500.pdf>. Whereas large-scale non-combatant killings were overwhelmingly concentrated in the initial invasion years, large-scale disappearances were mostly concentrated towards the end of the initial invasion period in 1979 and in 1983-84, just before the start of the "normalisation and consolidation" period of the Indonesian occupation: 40.0% (332/835) of individual disappearances reported to the Commission occurred either in 1979, 1983 or 1984. The reported pattern of disappearances and non-combatant killings is consistent with the hypothesis that the two violations phenomena were driven by different policies or practices of those responsible. In particular, disappearances appear to have been used in a more targeted fashion as a counter-Resistance tool by the Indonesian military.

[Insert Figure <g122Mhrvd500.pdf> about here]

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<sup>28</sup> See section below for a detailed discussion of the nature and limitations of the data collected through the Commission's statement-taking process.

<sup>29</sup> See the Statistical Methodological Annex for a more detailed description of date imprecision in the statement-taking process.

65. 20.9% (1,070/5,120) of killings documented by the Commission's statement-taking process occurred in 1975. As shown in Table <tkill1975bymonth.rtf>, of the documented killings in 1975, 26.5% (283/1,070) of these killings do not contain information about the month in which they occurred. However, 19.5% (348/1,070) of these killings occurred during the time of the internal party conflict and the first major Indonesian cross-border incursions, and 32.7% (350/1,070) occurred in December at the time of the launch of the full-scale Indonesian military invasion of Timor-Leste.

[Insert Figure <tkill1975bymonth.rtf> about here]

66. It is notable that only 3.8% (41/1,070) of documented killings in 1975 occur in October and November. Hence, the data from the Commission's statement-taking process are consistent with the hypothesis that large-scale killings occurred during the internal party conflict in August and September, then there was a relative lull in violence in the form of killings before large-scale killing resumed in December at the time of the Indonesian military's invasion of Timor-Leste.

### **The reported pattern of killings and disappearances of non-combatants over space**

67. Data based on convenience samples cannot be used to assess directly the differences in the magnitude of violations between regions and districts. Such data are representative only of the total extent of violence from region to region insofar as the deponents whose statements were taken are representative of their local population and were selected in proportion to the violence suffered in each district.

68. Figure <gVtypeDisthrvd100500.pdf> shows the counts of reported killings and disappearances by district in which the violation occurred, as reported in the Commission's statement-taking process. Ermera has substantially more reported killings than any other district, accounting for 18% (920/5120) of all reported killings. Relatively few non-combatant killings in Indonesia, Dili and Liquiça were reported to the Commission.

[Insert Figure <gVtypeDisthrvd100500.pdf> about here]

69. Figure <gpTS\_regional500.pdf> shows that reported disappearances were concentrated mainly in the Eastern and Central districts: in particular, of the disappearances reported to the Commission, 20.2% (169/835) occurred in Baucau, 14.7% (123/835) in Viqueque, 13.9% (116/835) were in Dili and 11.4% (95/835) were in Lautém.

[Insert Figure <gpTS\_regional500.pdf> about here]

### **The reported pattern of killings and disappearances of non-combatants over time and space**

70. As Figure <gpTS\_regional100.pdf> shows, reported killings start in the Western and Central Regions at the time of the initial Indonesian invasion. Then between 1978 and 1981, most reported non-combatant killings are in the Eastern Region and Central Regions, with few reported non-combatant killings occurring in the Western Region. In 1999 72.3% of reported non-combatant killings occurred in the Western Region. The Commission's narrative statement data are consistent with the hypothesis that, between 1975 and 1984, large-scale individual non-



combatant killings broadly tracked the movements across time and space of the invading Indonesian military.

[Insert Figure <gpTS\_regional100.pdf>]

71. The pattern of reported disappearances over time and space is notably different to that of non-combatant killings, as can be seen in Figure <gpTS\_regional500.pdf>. Although some disappearances are reported around the time of the Indonesian invasion and again in 1999, disappearances do not appear to be associated with large-scale military operations in the same way non-combatant killings are. Rather, two periods of large-scale disappearances were reported: the first period occurring from 1978 to 1980, in the aftermath of the completion of major military offensives against the Resistance, and the second period from 1983 to 1984 after the breakdown of the ceasefire between Indonesian forces and Falintil. During the first period of large-scale disappearances, 60.2% (198/329) of reported disappearances were concentrated in the Eastern Region, with 25.9% (95/329) occurring in the Central Region and 10.0% (33/329) in the Western Region and Indonesia. During the second period of large-scale disappearances, which occurred between 1983 and 1984, 72.0% (126/175) occurred in the Eastern Region, 13.1% (23/175) in the Central Region and 13.1% (23/175) in Indonesia and the Western Region. This data on disappearances are consistent with the hypothesis that disappearances were used mostly in the Eastern districts as a counter-resistance tool against those suspected of being members or associates of the Resistance groups.

[Insert Figure <gpTS\_regional500.pdf>]

### **The reported pattern of killings and disappearances of non-combatants by attributed institutional responsibility**

72. A number of different institutions were involved in acts of killing and disappearance over the course of the conflict. The main institutional groups were the Indonesian military, Falintil, East Timorese political parties (such as Fretilin, UDT and Apodeti), members of the East Timorese civil defence forces (such as Hansip, Wanra and Ratih), militias and other East Timorese auxiliaries. This section reviews the reported levels of responsibility for killings and disappearances reported during the Commission's statement-taking process.

73. The majority of killings and disappearances reported to the Commission were attributed to the Indonesian military and their East Timorese auxiliaries, as shown in Figure <VInTypePe1M.Fatalrtf>: 57.6% (2,947/5,120) of the perpetrator involvement in fatal violations was attributed to the Indonesian military and police, and 32.3% (1,654/5,120) to their East Timorese auxiliaries (such as the militias, civil defence force and local officials who worked under the Indonesian administration). In 29.6% (1,514/5,120) of reported killings and disappearances, institutional perpetrator responsibility was attributed to Resistance groups and pro-independence forces.

[Insert Figure <VInTypePe1MFatal.rtf> about here]

74. The levels of attributed institutional responsibility for documented killings and disappearances varied over the course of the conflict. During the initial Indonesian invasion between 1975 and 1984, 62.3% (2,831/4,543) of documented killings and disappearances were attributed to the Indonesian military and police. Then during the period of "normalisation and consolidation" of the Indonesian occupation, between 1985 and 1998, 64.6% (317/488) of documented killings and disappearances were attributed to the Indonesian military and police. Then, in 1999 in the lead-up to and the aftermath of the UN-sponsored Popular Consultation, a significant structural change in the proportional responsibility of documented violations is observed. In particular, 9.5% (85/898) of killings and disappearances are attributed to the Indonesian military and police acting alone, 39.5% (355/898) are attributed to the Indonesian

military and police acting in concert with the East Timorese militias and 42.9% (385/898) are attributed to the East Timorese militias acting alone.

75. By contrast, while 49.0% (561/1,145) of documented killings and disappearances in 1975 were attributed to Fretilin, 16.6% (563/3,398) of documented killings and disappearances between 1976 and 1984 were attributed to Fretilin.<sup>30</sup> Furthermore, 3.7% (18/488) of killings and disappearances between 1985 and 1998 were attributed to Fretilin and then in 1999 0.6% (5/898) of killings and disappearances were attributed to Fretilin. The Commission's narrative statement data are consistent with the hypothesis that most killings and disappearances attributed to Fretilin were committed during the 1975 internal political party conflict.

76. During different episodes of the conflict, deponents in the Commission's statement-taking process attributed substantial responsibility to specific units of the occupying Indonesian forces and their East Timorese auxiliaries at particular times during the conflict.

77. As Figures <gpter100.pdf> and <gpnnon100.pdf> show, the pattern of reported violations attributed to the territorial units (attached to the permanent local military structure) and non-territorial units (temporarily assigned to combat and other duties in Timor-Leste) of the Indonesian military are similar. Both reported killings and disappearances attributed territorial and non-territorial units are highly concentrated in the 1975-80 period, then the 1982-84 period and finally during 1999. The Commission's narrative statement data are consistent with the hypothesis that the territorial and non-territorial units of the Indonesian military used large-scale killings and disappearances in the initial occupation years, at the beginning of the consolidation phase of the occupation and then again around the time of the UN-sponsored Popular Consultation in 1999.

[Insert Figures <gpter100.pdf> and <gpnnon100.pdf> about here]

78. Reported killings and disappearances attributed to the civil defence forces, primarily Hansip, are concentrated during the initial occupation years between 1975 and 1979 and then again in 1983.

[Insert Figure <gpcid100.pdf> about here]

79. By contrast, reported killings and disappearances attributed to the Special Forces (Kopassandha/Kopassus) are concentrated during 1978 and 1980, 1982 and 1984, 1991 and then again in 1999. Hence the Commission's narrative statement data are consistent with the hypothesis that Kopassandha/Kopassus was used for specific military operations in the latter years of the early invasion period, and then targeted military campaigns in the consolidation years and lastly in 1999.

80. Sometimes fatal violations were attributed to the Indonesian military and police acting alone, other times to East Timorese auxiliaries acting alone and other times to the Indonesian military and police acting in concert with their East Timorese auxiliaries. The pattern of shared institutional responsibility between the Indonesian forces and their East Timorese auxiliaries and sole institutional responsibility varied over time, as can be seen in Figure <t\_100\_perp\_resp\_share\_phase.rtf>. During the initial invasion years, and then subsequently during the consolidation years of the occupation, around 45% of reported killings were attributed solely to the Indonesian military and police. At around the time of the UN-sponsored Popular Consultation, 8.5% (71/838) of reported killings were attributed solely to the Indonesian military and police. As the Indonesian occupation progressed, an increasing proportion of reported killings were attributed to the Indonesian military and police acting in concert with their East Timorese

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<sup>30</sup> Note that 42.2% (237/561) of documented killings and disappearances attributed to Fretilin in 1975 occurred during the internal political party conflict in August and September of that year and that 4.8% (27/561) of documented killings and disappearances attributed to Fretilin in 1975 occurred in December, but 43.3% (243/561) of killings and disappearances in 1975 attributed to Fretilin did not contain specific information about the month in which the violation occurred.

auxiliaries. Hence the Commission's narrative statement data are consistent with the hypothesis that during the initial invasion and the years of "normalisation and consolidation", the Indonesian military largely acted alone in carrying out killings of civilians, whereas in 1999 the Indonesian military aided and abetted their East Timorese auxiliaries (principally pro-autonomy militias) in carrying out killings of civilians.

[Insert Figure <t\_100\_perp\_resp\_share\_phase.rtf> about here]

### **The pattern of reported killings and disappearances of non-combatants against individual and group victims**

81. Some killings and disappearances were reported to the Commission as being perpetrated against a lone individual, whereas some others were reported as being perpetrated against multiple individuals at the same time. Figures <ggpsize100M.pdf> and <ggpsize500M.pdf> show the distribution of violations by victim group size for killings and disappearances.<sup>31</sup>

[Insert Figures <ggpsize100M.pdf>, and <ggpsize500M.pdf> about here]

82. Both killings and disappearances show a similar pattern in the proportions of the violations that were committed against individuals one-by-one and collectively. As Figures <ggpsize100M.pdf> and <ggpsize500M.pdf> show, 95.9% (5,120/5,339) of reported killings and 96.9% (835/862) of reported disappearances were perpetrated against people one-by-one. This empirical finding appears to be consistent with the hypothesis that killings and disappearances were both used as a form of oppression in a targeted fashion.

83. As Figures <gpTS\_groupindiv100.pdf> and <gpTS\_groupindiv500.pdf> show, in statements given to the Commission, both killings and disappearances against individual victims and group victims are positively correlated over time. When reported killings against individuals increase, so do reported killings against group victims. The same is the case for reported disappearances.<sup>32</sup> Hence, large-scale reported group killings are concentrated in the early invasion years between 1975 and 1979, as are large-scale reported individual killings. Large-scale reported group disappearances are concentrated during the period of counter-Resistance campaigns in 1979 and 1984, as are large-scale reported individual disappearances.

[Insert Figure <gpTS\_groupindiv100.pdf> and <gpTS\_groupindiv500.pdf> about here]

84. There are at least two possible explanations for the positive correlation between (i) reported individual killings and group killings, and (ii) reported individual disappearances and group disappearances:

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<sup>31</sup> As is the case with reported violations against individual victims, violations against victims in groups can be reported by more than one deponent. Group victim records were matched to identify duplicate reports of the same violation and victim in multiple statements. The methods used for matching are described in the Statistical Annex.

<sup>32</sup> The correlation coefficient between reported individual killings and reported group killings over time is 0.95, while the correlation coefficient between reported individual disappearances and reported group disappearances over time is 0.84.

- Either individual killings and group killings are driven by the same practices or the same policies of those responsible for these crimes, as is the case for disappearances; or
- Some deponents to the Commission's statement-taking process had more difficulty than others specifically identifying individual victims of killings and disappearances during large-scale military offensives in the late 1970s and between 1983 and 1984. Consequently some deponents may have described these killings and disappearances as being suffered by anonymous groups of victims.

85. Whichever explanation is correct, the Commission's narrative statement data are consistent with the hypothesis that large-scale disappearances and large-scale killings were concentrated in time: large-scale killings being particularly concentrated in the early invasion and occupation years (1975-79), while large-scale disappearances are concentrated in 1978-79 towards the end of the invasion years and during the counter-Resistance crackdowns in the Eastern districts and, to a lesser extent, elsewhere in 1983-84.

### **The reported pattern of killings and disappearances of non-combatants across demographic characteristics and political affiliation**

86. The Commission's research considered whether killings and disappearances were conducted in a systematic fashion and were targeted at victims with particular demographic characteristics (such as age and sex) or political affiliations. This section describes the reported extent and pattern of killings and disappearances according to the sex and age of victims and according to whether they were civilians, armed Resistance fighters or political activists.

87. Killings and disappearances reported during the Commission's statement-taking process were overwhelmingly against male victims. 86.9% (4,451/5,120) of reported killings were of male victims and 90.5% (756/836) of reported disappearances were also of males. In addition, young adults between the ages of 20 and 34 were the most frequently reported age groups for victims of killings and disappearances: 37.4% (663/2,090) of killings victims whose ages were known were in this age group.<sup>33</sup> 40.0% (138/345) of disappearance victims whose ages were reported were between the ages of 20 and 34.<sup>34</sup>

88. As can be seen in Figures <g21910000100.pdf> and <g21910000500.pdf>, young males between the ages of 20 and 34 were the most frequently reported victims of killings and disappearances to the Commission's statement-taking process.

[Insert Figures <g21910000100.pdf> and <g21910000500.pdf> about here]

89. Moving from simple violation counts of killings and disappearances to population-based violation rates, notable differences can be observed. Relative to the overall East Timorese population, middle-aged and elderly males experienced the highest rates (relative to their share of the population) of reported killings and males in the age group 50-54-years-old experienced the highest rates (relative to their share of the population) of reported disappearances. These patterns are shown in Figures <g4910000100.pdf> and <g4910000500.pdf>.

[Insert Figures <g4910000100.pdf>, <g4910000500.pdf> about here]

90. 48.7% (2,487/5,120) of killings and 45.3% (377/835) of disappearances reported to the Commission were committed against the civilian population, including both those civilians who

<sup>33</sup> Specific ages for 59.6% (3,030/5,120) of killing victims reported to the Commission's statement-taking process were either not known or not reported.

<sup>34</sup> Specific ages for 59.2% (490/835) of disappearance victims reported to the Commission's statement-taking process were either not known or not reported.

were not known to have a political affiliation and those who were formally part of a pro-independence group or political party, as can be seen in Figures <gVinstM100.pdf> and <gVinstM500.pdf>.

[Insert Figure <gVinstM100.pdf> and <gVinstM500.pdf> about here]

91. 40.9% (2,092/5,120) of killings reported to the Commission's statement-taking process were against victims who were either formally affiliated with Fretilin or a pro-independence group that was not directly involved in the armed struggle. 6.4% (329/5,120) of reported killings were against victims who were reported to be affiliated with Falintil.

92. 33.5% (280/835) of disappearances reported to the Commission's statement-taking process were against victims who were either formally affiliated with Fretilin or a pro-independence group not directly involved in the armed struggle. 7.6% (64/835) of reported disappearances were against victims who were reported to be affiliated with Falintil.

93. The Commission's narrative statement data are consistent with the hypothesis that the overwhelming majority of killings and disappearances were committed against members and suspected associates of the Resistance movement (even though those persons suspected of being associates of the Resistance movement may not have been formally associated with a political party or armed group).

#### **The association between conflict-related deaths and periods of detention**

94. The pattern of arbitrary detentions and civilian killings reported to the Commission are positively correlated over time.<sup>35</sup> In particular, both reported non-combatant killings and arbitrary detentions were overwhelmingly concentrated during the initial years of the Indonesian invasion and occupation as shown in Figures <g122Mhrvd100.pdf> and <g122Mhrvd400.pdf>.

[Insert Figures <g122Mhrvd100.pdf> and <g122Mhrvd400.pdf> about here]

95. Furthermore, of those civilians who were reported to have died for reasons related to the conflict (that is, due either to a civilian killing, death by hunger and illness or disappearance), 98.6% (10,659/10,809) were reported to have been arbitrarily detained at least once during the Commission's mandate period. As Table <tStdInDetnVlnfatalsx\_lo\_dist.rtf> shows, 3.5% (378/10,809) of these victims died while they were being held in detention. For 12.2% (1,314/10,809) of conflict-related deaths suffered by individuals who were also arbitrarily detained during the Commission's mandate period, the dates of their detention were not known. Hence the Commission was not able to discern whether or not these conflict-related deaths occurred while the individual was being detained. However, of the victims reported to have been arbitrarily detained during the conflict, 15.7% (1,692/10,809) died as a result of the conflict.

[Insert Table <tStdInDetnVlnfatalsx\_lo\_dist.rtf> about here]

96. Of the fatal violations reported to the Commission which occurred while the victim was being held in detention, 96.6% (365/378) were civilian killings or disappearances and 3.4% (13/378) were deaths due to hunger and illness. Whereas, the distribution by cause of death for those individuals who died of conflict-related causes outside of detention was substantially different: 49.0% (4,390/8,967) of the victims documented by the Commission died as a result of killings or disappearances whereas the remaining 51.0% (4,577/8,967) were deaths due to hunger and illness. Hence, the Commission's quantitative data are consistent with the hypothesis that persons were at a relatively higher risk of being killed or of disappearing while being held in detention than when they were not being detained.

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<sup>35</sup> The correlation coefficient for the two series is 0.83.

[Insert Table <tStdInDetnVInfatalsx\_vln\_1.rtf> about here]

97. The pattern of conflict-related deaths and their relationship to detention-periods varied over the phases of the conflict. As shown in Table <tStdInDetnVInfatalphase.rtf>, reported deaths in detention were overwhelmingly concentrated in the first and last phase of the conflict. Conflict-related deaths which occurred outside of detention (for those victims who had been arbitrarily detained during the Commission's mandate period) were overwhelmingly concentrated in the first phase of the conflict: 85.3% (7,651/8,967) of these conflict-related deaths occurred in the first phase of the conflict, whereas 8.5% (762/8,967) occurred in 1999.

[Insert Table <tStdInDetnVInfatalphase.rtf> about here]

## 6.3 Non-fatal violations

### 6.3.1 Introduction

98. In this section we present an analysis of non-fatal violations which were reported to the Commission. This analysis does not include overall estimations of the total extent, pattern, and trend of non-fatal violations, as the analysis is based on a convenience sample of narrative statements collected by the Commission. However, the analysis presents the statistical patterns of non-fatal violations reported to the Commission and notes hypotheses which the data support. In addition we compare the statistical patterns and trends observed in the Commission's data on non-fatal violations to data collected contemporaneously by Amnesty International and also data collected by the East Timorese NGO Fokupers immediately after the UN-sponsored Popular Consultation.

### 6.3.2 Overview of statistical findings on non-fatal violations

99. This section summarises the main findings of the Commission's descriptive statistical analysis of the almost 8,000 narrative statements collected in all 13 districts of Timor-Leste.

- Non fatal violations reported to the Commission were overwhelmingly concentrated in the period of the initial invasion and occupation by the Indonesian military forces and around the time of the UN-sponsored Popular Consultation: 56.3% (33,224/60,047) of documented non-fatal violations occurred between 1975 and 1984, and 21.0% (12,634/60,047) occurred in 1999.
- In almost all districts, except for Oecusse, detention, torture and ill-treatment were the most frequently reported violations, accounting for between 69.4% and 82.7% of the reported violation counts in districts. In Oecusse, physical integrity violations (such as detention, torture and ill-treatment) accounted for 43.0% of the district's violation count. Relative to other districts, in Oecusse, property and economic violations were reported in higher proportions, comprising 30.8% (1,271/4,133) of the district's total violation count.
- The patterns of non-fatal violations during the first and last phases of the conflict varied from region to region. While the initial violence around the time of the Indonesian invasion in 1975 was most intense in the Western and Central Regions, after 1976 the focus of non-fatal violations shifted to the Eastern Region.

- The documented age-sex distribution counts for arbitrary detention, torture and ill-treatment are remarkably similar, each showing that the most frequently documented victim group for these types of violations were young men of military age (between the ages of 20 and 39). Very few documented acts of detention, torture and ill-treatment were experienced by female victims. By contrast, women experienced the overwhelming majority of sexually-based violations: 90.1% (769/853) of the sexually-based violations documented by the Commission involved female victims.
- The Commission's data on non-fatal violations show a general upward trend in the ratio of adults to children over time, that is, the number of adult victims relative to child victims is larger in the latter part of the conflict.
- Contemporaneous reports from Amnesty International show three distinct waves of detentions of identified individuals in 1985, 1989-93 and 1994-99 of 402, 891 and 811 respectively, whereas retrospective narrative statements given to the Commission suggest that the bulk of arbitrary detentions occurred in 1999 and around 1975-84.
- The Commission's comparative analysis between its own statistical data and contemporaneous reports by Amnesty International show that although international human rights groups, such as Amnesty International, meticulously documented the human rights situation in Timor-Leste throughout the 1980s and 1990s, there was substantial underreporting of the overall magnitude of non-fatal violence at the time, especially during the initial invasion and occupation years.
- The Commission's statistical evidence is consistent with the hypothesis that the detention practices of the Indonesian military shifted from a focus on both individual and group victims in the early occupation years of 1977-84 to a more targeted strategy focused on individual detainees from 1985 to 1999. The Commission's statistical evidence also suggests a positive correlation between acts of torture committed against group victims and individual victims over time.
- The pattern of reported detentions and torture over time was strongly positively correlated. Over time violence became increasingly coordinated and the magnitude of reported acts of torture increased over time (between the late 1970s and mid-1980s) relative to the number of reported detentions. The Commission's statistical evidence also suggests that over time (and particularly after 1984) the practice of arbitrary detention became more targeted and was used more regularly in combination with acts of torture.
- The abuses which were most often committed during known periods of detention were torture (38.4%, 4,267/9,094), ill-treatment (33.2%, 27,998/9,094) and threats (21.3%, 634/9,094). Furthermore, torture and ill-treatment are reported much less frequently among victims who never have been held in detention: of the torture violations documented by the Commission, 16.4% (1,820/11,123) were suffered by victims who never experienced detention. The Commission's statistical evidence is consistent with the hypothesis that victims who are held in detention were at an increased level of risk of being subjected to torture or ill-treatment than individuals who had never been detained during the Commission's reference period.
- Districts which reported relatively higher proportions of torture and ill-treatment tended to also report higher proportions of abuse within detention.



- Children and older people were detained substantially less often, and when they were detained they were subjected to proportionally lower levels of abuse.
- Data collected independently by the Commission and Amnesty International confirm that large groups of people were detained on the island of Ataúro in the period between 1980 and 1984, in addition to continued large-scale detentions in other parts of Timor-Leste.
- 88.7% (68,943/77,748) of non-fatal violations reported to the Commission were violations against the civilian population. However, as the pro-independence movement grew more organised and open in the lead-up to the UN-sponsored Popular Consultation in 1999, increasing numbers of civilians with pro-independence affiliations appear to have suffered non-fatal violations.
- The overwhelming majority of non-fatal violations reported to the Commission were attributed to the Indonesian military and police: 62.2% (37,343/60,047) of documented non-fatal violations were attributed to the Indonesian military and police, 38.7% (23,253/60,047) to the East Timorese auxiliaries of the Indonesian occupation force and 11.9% (7,157/60,047) to the Resistance movement.<sup>36</sup>
- The Commission's quantitative analysis of arbitrary detentions is consistent with the hypothesis that coordination and cooperation between the Indonesian occupation force and their East Timorese auxiliaries was particularly strong after the Indonesian military had secured large parts of Timor-Leste and started consolidating its occupation of the territory, and then again in 1999 in the lead-up to and the aftermath of the UN-sponsored Popular Consultation.
- The Commission's statistical data is consistent with the hypothesis that in 1999 the Indonesian military and police aided and abetted their East Timorese auxiliaries (principally the pro-autonomy militias) in the widespread use of arbitrary detention in the lead-up to and the aftermath of the UN-sponsored Popular Consultation.

### 6.3.3 In-depth descriptive statistical analysis of non-fatal violations

#### Overall distribution of reported non-fatal violations

100. The overall statement-taking process implemented by the Commission was unprecedented in scale compared with all previous human rights documentation projects carried out in Timor-Leste.

101. As is shown in Figure <TVInTypDataSourceM>, the types of non-fatal violations documented by the Commission, Amnesty International and Fokupers differed significantly. This is reflective of both the differing nature of the three projects and the different social networks to which the three institutions' data collection strategies gave them access. Of all the non-fatal violations reported to the Commission, 42.3% (25,347/59,972) were detentions, 18.5% (11,123/59,972) were acts of torture and 14.1% (8,436/59,972) were acts of ill-treatment. By contrast, a substantially lower proportion of detentions (23.4% (184/788)) and tortures (7.5% (59/788)) were reported to Fokupers compared with those reported to the Commission, although approximately similar proportions of displacements and ill-treatments were reported to Fokupers as to the Commission.

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<sup>36</sup> Note that for some reported violations, perpetrator responsibility was attributed to multiple institutions. Hence the percentage share of attributed institutional perpetrator responsibility does not sum to 100%.



102. As a women's rights NGO, Fokupers documented a significantly larger proportion of rapes than both the Commission and Amnesty International: 7.7% (86/1,115) of all their documented non-fatal violations were rapes. By contrast, of the violations documented in the available Amnesty International reports, 59.7% (3,272/5,479) were detentions, 18% (986/5,479) were unfair trials and 11.5% (631/5479) were acts of torture.

[Insert Figure <t\InTypDatasourceM> about here]

103. The broad relative distributions of victims per violation for the different violation types was fairly similar for the Commission, Fokupers and Amnesty International projects, as shown in Figures <stdVPV1M.rtf>, <stdVPV2M.rtf> and <stdVPV3M.rtf>. The Commission tended to document slightly more violations per victim than the Fokupers and Amnesty International projects. On average, 2.36 violations per victim were reported to the Commission, compared with 2.01 and 1.53 respectively for Fokupers and Amnesty International. This difference reflects the different character of the different projects. The Commission documented violations across the entire mandate period, including the initial invasion years, while Amnesty's work was concentrated mostly on the consolidation years of the occupation and was compiled during the conflict when communication between Timor-Leste and the rest of the world was limited. The Fokupers project focused almost exclusively on the third phase of the conflict around the time of the UN-supervised Popular Consultation. Fokupers relied exclusively on female deponents and was focused on documenting sexual violations.

[Insert Figures <stdVPV1M.rtf>, <stdVPV2M.rtf> and <stdVPV3M.rtf> about here]

### **The three phases of large-scale violence in Timor-Leste**

104. The Commission defines three phases of conflict during April 1974-September 1999. The first phase includes the initial Indonesian invasion and occupation of Timor-Leste, spanning 1975 to 1984. The second phase is the consolidation and normalisation of the occupation, from 1985 to 1998. The third phase of conflict includes the first three quarters of 1999, the period surrounding the UN-sponsored Popular Consultation process.

105. As can be seen in Figure <g122Mhrvd8888.pdf>, there were high levels of non-fatal violations during the initial invasion and occupation. During the second phase, in general there were relatively lower levels of non-fatal violations, and a concentration of acts of detention, torture and killings around the time of the 1991 Santa Cruz Massacre. The second phase of "normalisation" included a new wave of targeted detentions and physical abuse of suspected members and collaborators with the Resistance movement. Finally the last phase of the conflict, which includes the lead-up to the Popular Consultation and also the period between the Popular Consultation and the deployment of the multinational Interfet (International Force in Timor-Leste), produced two distinct waves of killing, displacement and looting and destruction of property. This final phase was characterised by large-scale violations concentrated in a short period of time overwhelmingly carried out by "pro-autonomy militias" supported, trained, armed and directed by the Indonesian military.

[INSERT Figure <g122Mhrvd8888.pdf> about here]

106. The pattern of massive non-fatal violations during the initial invasion and occupation years, followed by relatively low-level violence during the "consolidation and normalisation" years and then an increase of violence in 1999 is also mirrored in the pattern of fatal violations over time, as discussed above.

107. During 1999, reported violations were overwhelmingly concentrated in April and September. As Figure <g4TS4006001000.pdf> shows, the reported pattern of detention, ill-treatment and torture are positively correlated over time, that is, when any one of the violations increases, the others also tend to increase, and vice versa. All three violation types have reported peaks in April with a slightly smaller peak being reported in September, although both peaks are of a similar magnitude. In 1999 reported violence was concentrated into two main bursts before and after the process leading to the UN-sponsored Popular Consultation. This pattern is consistent with the hypothesis that physical intimidation was used in a coordinated fashion to intimidate the East Timorese population in the lead-up to the arrival of the UN mission, UNAMET, that was authorised to conduct the Popular Consultation and as further intimidation and retribution in the immediate aftermath of the ballot.

[Insert <g4TS4006001000.pdf> about here]

108. There was a substantial shift in practice by the Indonesian-backed militias and the Indonesian military before and after the Popular Consultation (see also Chapter 7.9: Economic and Social Rights). As Figure <g1st1480004000400.pdf> shows, the most frequently used form of repression used before the ballot were physical integrity violations. Immediately after the ballot, looting and forms of property and economic violations were used most frequently. After the ballot, physical integrity violations occurred at a slightly lower level compared with the pre-ballot period, but they are overshadowed by property violations. This pattern appears to be consistent with the hypothesis that the Indonesian military and militias switched from using violations of physical integrity before the ballot to pressure the population to vote for autonomy, to retributive acts after the ballot result consisting of large-scale looting and property destruction coupled with retributive acts of physical violence, which may also have been linked with a campaign to intimidate the population into transfer to West Timor, Indonesia.

[Insert Figure <g1st1480004000400.pdf> about here]

109. The Commission's empirical data on non-fatal violation patterns over time in 1999 are consistent with the hypothesis that violence was coordinated in 1999.

### **Reported levels of institutional responsibility for non-fatal violations**

*Overall distribution of attributed institutional responsibility for reported non-fatal violations*

110. A number of different institutions were involved in acts of violence over the course of the conflict. The main institutional groups were the Indonesian military, Falintil, East Timorese political parties (such as Fretilin, UDT and Apodeti), East Timorese members of the civil defence forces (such as Hansip, Wanra and Ratih), militias and other East Timorese auxiliaries. This section reviews the reported levels of responsibility for the main non-fatal violations across the main institutional perpetrator groups.

111. The majority of non-fatal violations reported to the Commission were attributed to the Indonesian military and their East Timorese collaborators, as shown in Figure <VInTypePe1M.rtf>: 41.2% (37,298/90,635) of the perpetrator involvement in non-fatal violations was attributed to the Indonesian military, and 25.6% (23230/90635) to East Timorese auxiliaries (such as the militias, civil defence force and local officials who worked under the Indonesian administration). For 7.9% (7146/90635) of reported violations, institutional perpetrator responsibility was attributed to the Resistance groups and pro-independence forces.

[Insert Figure <VInTypePe1M.rtf> about here]

*Temporal patterns of attributed institutional responsibility for non-fatal violations*

112. The levels of attributed institutional responsibility for documented non-fatal violations varied over the course of the conflict. During 1975, 51.0% (6,229/12,206) of perpetrator involvement in non-fatal violations documented by the Commission were attributed to the Indonesian military, whereas 29.9% (3,653/12,206) were attributed to East Timorese political parties.

113. Of the documented non-fatal violations which occurred in 1975, 31.2% (3169/10162) were attributed to Fretilin, 19.4% (1,972/10,162) to UDT and 2.6% (261/10,162) to Apodeti. As is shown in Figure <gTSpolparty.pdf>, the overwhelming majority of documented non-fatal violations in 1975 (where the exact month of the violation is known) attributed to East Timorese political parties occurred in August and September.

[Insert Figure <gTSpolparty.pdf> about here]

114. As is shown in Figure <g1stIM5000indtim.pdf>, during the period in which the Indonesian military occupation developed from 1977 to 1984, the pattern of non-fatal violations attributed to the Indonesian military and its East Timorese auxiliaries is positively correlated.<sup>37</sup> Furthermore, a substantially higher relative proportion of perpetrator responsibility is attributed to the civil defence units and other East Timorese auxiliaries of ABRI between 1977 and 1984 than during the initial invasion years (1975-76) or the consolidation years between 1985 and 1998. The Commission's statistical data are consistent with the hypothesis that the Indonesian military drew heavily on its East Timorese auxiliaries between 1977 and 1984 in containing Resistance activities and normalising the occupation through physical integrity violations. Of the non-fatal violations attributed to East Timorese auxiliaries between 1977 and 1984, 54.0% (4660/8633) were acts of detention, 16.6% (1435/8663) were acts of torture and 10.9% (938/8633) were acts of ill-treatment.

[Insert Figure <g1stIM5000indtim.pdf> about here]

115. Deponents in the Commission's statement-taking process attributed substantial responsibility to specific units of the occupying Indonesian forces and their East Timorese collaborators at particular times during the conflict. As Figures <gcid400x600.pdf> and <gkop400x600.pdf> show, after the party conflict and initial invasion in 1975, there is a relative peak in attributed responsibility of detentions and tortures by the civil defence units between 1978 and 1983, after which Kopassandha/Kopassus (Indonesian Special Forces) carried out several hundred reported detentions and acts of torture in 1984 and 1986. In the late 1990s, as can be seen in <gpol400x600.pdf>, responsibility is attributed to the police for detentions and tortures. The reported magnitude of detentions and tortures attributed to the civil defence forces in 1983 is 1.6 times bigger than detentions and acts of torture attributed to Kopassandha/Kopassus in the same year and 2.0 times bigger than those attributed to the police in 1999.

[Insert figures <gpcid400x600.pdf>, <gkop400x600.pdf>, and <gpol400x600.pdf> about here]

116. By contrast in 1999, overwhelming responsibility for non-fatal violations is attributed to the militias and the Indonesian military—with the militias being associated with more than twice as many non-fatal violations as the Indonesian military, as is shown in Figures <g1stIM5000miltni.pdf> and <g1st145000miltni.pdf>.

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<sup>37</sup> The correlation coefficient for reported non-fatal violations attributed to the Indonesian military and police and those attributed to its East Timorese auxiliaries is 0.88.

[Insert Figures <g1stIM5000miltni.pdf> and <g1st145000miltni.pdf> about here]

117. Sometimes non-fatal violations were attributed to the Indonesian military and police acting alone, other times to East Timorese auxiliaries acting alone and other times to the Indonesian military and police acting in concert with their East Timorese auxiliaries. The pattern of shared and individual responsibility between the Indonesian forces and their East Timorese auxiliaries differed by violation type and varied over time.

118. Of the acts of arbitrary detention documented by the Commission, 82.3% (20867/25347) were attributed to the Indonesian security forces, their East Timorese auxiliaries or both. As Figure <gTS\_pg400M.pdf> shows, reported acts of arbitrary detention attributed to the Indonesian military and police alone, East Timorese auxiliaries, or both forces acting together, are positively correlated over time. In particular, periods in which substantial documented acts of detention are attributed to both forces acting together (as well as each acting individually) include the period of the initial invasion and occupation (particularly between 1978 and 1983) and around the time of the UN-sponsored Popular Consultation. Hence the Commission's quantitative analysis of arbitrary detentions is consistent with the hypothesis that coordination and cooperation between the Indonesian occupation force and their East Timorese auxiliaries was particularly strong after the Indonesian military had secured large parts of Timor-Leste and started consolidating its occupation of the territory and then again in 1999 in the lead-up to and the aftermath of the UN-sponsored Popular Consultation.

[Insert Figure <gTS\_pg400M.pdf> about here]

119. Between 1975 and 1998, substantially more acts of arbitrary detention are attributed to the Indonesian military acting alone relative to acts of detention which were attributed solely to East Timorese auxiliaries, or jointly to both the Indonesian occupying force and their East Timorese auxiliaries. However, in 1999, most acts of detentions were attributed to East Timorese auxiliaries. Of the acts of arbitrary detention in 1999 documented by the Commission, 75.7% (2,104/2,779) were attributed to either the East Timorese auxiliaries acting alone or in collaboration with the Indonesian military and police, while 19.2% (534/2,779) of documented acts of detention which occurred in 1999 were attributed to the Indonesian military alone. Almost all these acts were reported to have occurred in the months of April, May and September of 1999, as shown in Figure <gTS\_pg4004.pdf>. The resulting statistical pattern is suggestive of prior planning and operational coordination between both forces in their use of arbitrary detention. During these months the Indonesian government was reassuring the United Nations that its military was trying to bring the violence in Timor-Leste under control. The Commission's statistical data, however, are consistent with the hypothesis that in 1999 the Indonesian military and police, rather than seeking to control their East Timorese auxiliaries (principally the pro-autonomy militias), aided and abetted them in the widespread use of arbitrary detention in the lead-up to and the aftermath of the UN-sponsored Popular Consultation.

120. The pattern of responsibility attributed both solely and jointly to the Indonesian security forces and their East Timorese auxiliaries has some notable similarities to arbitrary detentions, despite acts of ill-treatment and torture being used in a more targeted fashion.<sup>38</sup> A similar proportion (namely 82.5% (16135/19559) of the documented ill-treatments and tortures) are attributed to the Indonesian occupation forces and their East Timorese auxiliaries. Also, similar to acts of arbitrary detention, in 1999, 75.8% (3278/4324) of reported acts of ill-treatment and tortures were attributed to East Timorese auxiliaries (either acting alone or in collaboration with associates of the Indonesian military and police). However, a greater proportion of acts of ill-treatment and tortures were reported to have occurred in 1999 than between 1974 and 1998 relative to documented cases of arbitrary detention, as can be seen when comparing Figures <gTS\_pg600M.pdf> and <gTS\_pg1000M.pdf> to Figure <gTS\_pg400M.pdf>.

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<sup>38</sup> For a detailed explanation on the more targeted nature of torture and ill-treatment relative to acts of detention, refer to the section on the three phases of large-scale violence in Timor-Leste above.

[Insert Figures <gTS\_pg600M.pdf> and <gTS\_pg1000M.pdf> about here]

121. In 1999 the pattern and magnitude of documented acts of torture and ill-treatment attributed to the Indonesian occupying forces and their East Timorese auxiliaries both solely and jointly is similar to that of documented acts of detention in 1999, as can be seen in Figures <gTS\_pg6004.pdf> and <gTS\_pg10004.pdf>.

[Insert Figures <gTS\_pg6004.pdf> and <gTS\_pg10004.pdf> about here]

122. Hence as is the case for arbitrary detentions, the Commission's statistical data on ill-treatment and torture are consistent with the hypothesis that coordination and cooperation between the Indonesian forces and their East Timorese auxiliaries was particularly strong after the Indonesian military had secured large parts of Timor-Leste and started consolidating its occupation of the territory, and then again in 1999 in the lead-up to and aftermath of the UN-sponsored Popular Consultation.

123. The nature and pattern of attribution of perpetrator responsibility for documented sexually-based violations and property/economic violations were both notably different than for documented detentions, tortures and ill-treatments.

124. A higher proportion of sexually-based violations were attributed to the Indonesian military acting alone, whereas a much smaller proportion of sexually-based violations was attributed to the Indonesian occupation forces acting together with their East Timorese auxiliaries. In particular, 61.0% (520/853) of documented sexually-based violations were attributed to the Indonesian military and police acting alone, 22.0% (188/853) to East Timorese auxiliaries acting alone and 10.3% (88/853) to both forces acting together. As for all other non-fatal violations, the higher counts of sexually-based violations were attributed to Indonesian military alone between 1975 and 1998 than those attributed solely to East Timorese auxiliaries or jointly to both forces; whereas for 1999 the majority of sexually-based violations (66.2% (94/142)) reported to the Commission were solely attributed to East Timorese auxiliaries. These temporal patterns are shown in Figures <gTS\_7000M.pdf> and <gTS\_70004.pdf>.

[Insert Figure <gTS\_7000M.pdf> <gTS\_70004.pdf> about here]

125. Of the documented property/economic violations attributed to the Indonesian occupying forces and/or their East Timorese auxiliaries acting alone or jointly, 65.1% (2,673/4105) occurred in 1999. As can be seen in Figure <gTS\_8000M.pdf>, 70.2% (1942/2766) of the documented property/economic violations in 1999 were attributed solely to East Timorese auxiliaries, 20.0% (553/2,766) were attributed to both forces acting together and 6.4% (178/2,766) to the Indonesian military and police acting alone. The Commission's quantitative analysis is consistent with the hypothesis that most property and economic destruction was carried out in 1999 and was usually carried out by the militias acting alone or in collaboration with the Indonesian military and police.

[Insert Figure <gTS\_8000M.pdf> about here]

### **Variations in reported non-fatal abuses across space**

126. The Commission's narrative data cannot be used to assess directly the differences in the magnitude of violations between regions and districts. Data based on convenience samples are representative only of the total extent of violence from region to region in so far as the deponents whose statements were taken are representative of their local population and were selected in proportion to the violence suffered in each district. As described above, the narrative information collected by the Commission, Fokupers and Amnesty International all are subject to a number of biases. Consequently, patterns of non-fatal violations across space are presented in this section in order to gain insight into the social processes of data collection by the Commission, Fokupers

and Amnesty International, and to assess whether the reported patterns across space are consistent with relevant qualitative analysis and argument.

[Insert Table [VInTypDIST1M](#)> about here]

127. Figure [VInTypDIST1M](#) shows the counts of each violation by district reported during the Commission's statement-taking process. Dili District has a significantly higher number of reported violation counts than any other district, comprising 14.0% (8,389/59,972) all violations in the country. The districts with other relatively high violation counts are Ermera, Manufahi, Viqueque and Lautém. In almost all districts, except for Oecusse, detention, torture and ill-treatment were the mostly frequently reported violations, accounting for between 69.4% and 82.7% of the reported violation counts in districts. In Oecusse, physical integrity violations accounted for 43.0% of the district's violation count. Relative to other districts, in Oecusse, property and economic violations were reported in higher proportions, comprising 30.8% (1,271/4,133) of the district's total violation count.<sup>39</sup> Property and economic violations in other districts were reported significantly less frequently, on average comprising 7.4% (3,464/56,574) of reported violations.

128. Although physical integrity violations reported to the Commission constituted 61.5% (36,911/60,047) of all documented non-fatal violations, detention, torture and ill-treatment were not documented in the same proportions in each district, as shown in Figure [<gVtypeDisthrvd4006001000.pdf>](#). In particular Dili has a higher proportion of documented detentions relative to the number of its documented acts of ill-treatment and torture, whereas Bobonaro, Ainaro, Aileu, Manatuto, Liquiça and Covalima have proportionally lower numbers of documented detention compared with their respective proportions of ill-treatment and torture. The Commission's data are consistent with the hypothesis that policies and practices of detention and physical abuse varied across regions. In particular the Commission's empirical analysis found that while detentions were used more often in Dili, ill-treatment and torture were used less frequently there relative to the rest of the country.

[Insert Figure [<gVtypeDisthrvd4006001000.pdf>](#) about here]

129. Sexually-based violations documented by the Commission comprised 1.4% (853/59,972) of all reported violations. However, in Ermera, Ainaro and Lautém the Commission found a relatively higher proportion of sexual violations at 3.3% (199/5,981), 2.7% (102/3,727) and 2.1% (105/5,004) of the total reported violations respectively. Sexual violations were reported less frequently in Dili and Oecusse representing 0.3% (27/8,389) and 0.1% (4/3,398) of the total respectively.

130. The types of documented sexually-based abuses varied across districts, as shown in Figure [<gVtypeDisthrvd800900700.pdf>](#). Across Timor-Leste, of all the sexual violations documented by the Commission, rape accounted for 46.1% (393/853), other sexual violence 27.1% (231/853) and sexual slavery 26.8% (229/853). Rapes accounted for a higher proportion of sexual violations in Aileu and Bobonaro than the national average: 71.9% (23/32) and 66.2% (45/68), respectively; whereas sexual slavery accounted for a higher proportion of sexually-based violations in Manufahi and Ainaro than the national average: 39.1% (34/87) and 39.2% (40/102), respectively. Similarly, other sexual violence accounted for 57.9% (11/19) and 51.4% (54/105) of all documented sexual violations in Liquiça and Lautém, respectively.

[Insert Figure [<gVtypeDisthrvd800900700.pdf>](#) about here]

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<sup>39</sup> 96.8% (1,230/1,271) of these property violations in Oecusse were reported to have occurred in 1999. Furthermore 94.0% (3,194/3,398) of reported violations in Oecusse occurred in 1999. Hence it appears that, unlike other districts, the violence in Oecusse was almost exclusively in 1999.



## **Non-fatal violations over time and space**

131. Broadly speaking, violence in Timor-Leste occurred in distinct phases, as discussed above. However, the patterns of non-fatal violations during the first and last phases of the conflict varied from region to region as shown in Figure <gpTS\_regional5555.pdf>. In particular, violence associated with the initial Indonesian invasion and the East Timorese political party conflict in 1975 was more intense in the Western and Central Regions relative to the Eastern Region. However, as the occupation continued, reported non-fatal abuses in the Western Region decreased from its initial high levels in 1975 to a relatively low level by 1980, whereas in the Central Region violence also decreased after the initial invasion period to a level of intensity of about half that experienced in 1975. In the Eastern Region the level of documented violence in 1975 was only about as half as much in absolute terms as that reported in the Western and Central Regions. However, across Timor-Leste, throughout the late 1970s and early 1980s violence continued at around the same levels as was experienced in 1976 without any substantial decrease until 1984. While the initial violence around the time of the Indonesian invasion in 1975 was most intense in the Western and Central Regions, after 1976 the focus of non-fatal violations shifted to the Eastern Region.

132. Apart from the Santa Cruz Massacre and its aftermath in 1991 in Dili, reported violence during the “consolidation years” from 1984 through to 1998 took the form of sporadic low-level violence in all three regions. During the final phase of the conflict in 1999, 75.1% (9,494/12,634) of reported non-fatal violations occurred in the Western Region. The Commission’s data are consistent with the claim that populations close to the West Timor border and in Oecusse in 1999 were subjected to higher levels of violence as the pro-autonomy militias and Indonesian military withdrew towards West Timor.

[Insert Figure <gpTS\_regional5555.pdf> about here]

## **Age-sex victim demographics of reported non-fatal violations**

### *Reporting levels of age and sex information for victims*

133. The Commission examined several hypotheses that might establish whether or not victims were targeted on the grounds of age and sex. This section describes the notably different demographic age-sex patterns for reported victims of the main non-fatal violations. This analysis includes only victims whose age and sex at the time of the violation was known.

134. Of the 60,047 non-fatal violations reported to the Commission, 34,047 (63.4%) contained exact age information of identified victims. Unfortunately there is no way of knowing what the distribution of unknown ages is for these data. Hence it is not possible to assess how representative the age distribution of victims with known ages is of the age distribution of all reported victims.

135. The Commission considered a child to be any person under the age of 18 years old. This definition conforms to the definition set out in the United Nations Convention on the Rights of the Child.<sup>vi</sup> The majority, 89.8% (30,574/34,047), of non-fatal violations documented by the Commission, where the victim’s age was known, were perpetrated against adults. 10.2% (3,473/34,047) of violations where the victim’s age was known were suffered by child victims.

136. Of the 60,047 non-fatal violations documented by the Commission, 99.4% (59,715/60,047) were against victims whose sex was known. Of these violations 14.0% (8,355/59,715) were committed against females and 86.0% (51,360/59,715) were committed against males. 25,476 victims (including those whose sex was not known) experienced these documented violations, of whom 15.7% (4,002/25,476) were females and 83.6% (21,308/25,476) were male.

137. The Commission documented 3,473 violations against children, of which 3,451 violations have known information about the sex of the child. Of these violations, 27.5% (950/3,451) were against girl victims and 72.5% (2,501/3,451) were against boy victims. There were 22 children whose sex was either unknown or not reported by the witness. Of the 30,446 documented violations against adults where the sex of the victims is known, 12.7% (3,870/30,446) were females and 87.3% were males. Thus, the proportion of documented violations against female children is greater than the proportion of documented violations against female adults. Hence, both adult and child victims tended to be males. Relative to males, female victims tended to be younger.

#### *Victim analysis by sex*

138. The types of violations perpetrated against males and females are substantially different. In Figure <VictSex1M.rtf>, it is clear that females suffer the overwhelming majority of sexual violations: for every one sexually-based violation against a male, the Commission documented ten violations against females. Whereas for every act of torture and forced recruitment against a female victim, the Commission documented around 12 or 13 acts of torture and forced recruitment against males. Other types of violation, such as threats, property and economic violations, ill-treatment and detention were documented in an average proportion of about 5.8 male victims for each female victim.

[Insert Figure <VictSex1M.rtf> about here]

139. In Figure <VictYrSex1M.rtf> analysis of the pattern of victims by sex over time is provided. There is significant variation in the ratio of male to female victims across the different years of the conflict: the male-to-female ratio varies from a low of 2.7 in 1981 to a high of 43.1 in 1991. Higher than average male-to-female ratios are recorded in 1975, 1987 and 1999. These findings are consistent with the hypotheses that substantial numbers of females were transported to Ataúro in 1981 and that the nature of the post-Santa Cruz crackdown by the Indonesian military forces was that it was largely directed against males.

[Insert Figure <VictYrSex1M.rtf> about here]

140. Although a district breakdown shows less variation across space in male-to-female victim ratios than over time, higher than average ratios were documented in Liquiça (11.4), Oecusse (9.4), Aileu (8.3) and Dili (8.2), whereas Lautém (3.7), Ainaro (4.5) and Ermera (4.5) recorded lower than average male-to-female ratios. These findings are shown in Figure <VictDistSex1M.rtf>.

[Insert Figure <VictDistSex1M.rtf> about here]

#### *Victim analysis by age*

141. This section examines victims' age by violation types, time and space.

142. The counts of specific violations by adults and children are given in Figure <VictAge1M.rtf>. For almost all the violation types documented by the Commission, for every one violation suffered by a child, approximately 7-10 violations against adults are documented. However, for sexual violations the proportion of adult to child victims was substantially lower than other violation types: for every sexually-based violation documented by the Commission against a child, 3.4 violations against adults were documented. Hence, the adult-to-child ratio was about 2.5 times lower for sexual violations than for other non-fatal violations.

[Insert Figure <VictAge1M.rtf> about here]



143. Figure <VictYrAge1M.rtf> shows the counts of violations against adults and children by year. The Commission's data on non-fatal violations show a general upward trend in the ratio of adults to children over time, that is the number of adult victims relative to child victims is larger in the latter part of the conflict. However, since there is a substantially larger amount of "age-missingness" for victims in the earlier part of the conflict, it is difficult to make comparisons between the adult-to-child victim ratio in the early and late periods of the conflict.

[Insert Figure <VictYrAge1M.rtf> about here]

144. On average the Commission documented 8.8 adult victims for every one child victim. However, there is variation in the adult-to-child victim ratio between districts, as is shown in Figure <VictDistAge1M.rtf>. In Bobonaro a relatively high number of child victims were documented, as is shown by the reported adult-to-child victim ratio of 4.8, whereas in Covalima, Indonesia and Oecusse noticeably higher than average adult-to-child victim ratios were documented.<sup>40</sup>

[Insert Figure <VictDistAge1M.rtf> about here]

#### *Victim analysis by age and sex*

145. This section describes the distribution of victims by both age and sex. The analysis is presented as both counts and in terms of population-based rates of each violation's occurrence. The population-based rates are calculated using the 1990 Indonesian Population Census.<sup>vii</sup>

146. Figures <g4910000400.pdf>, <g4910000600.pdf>, <g49100001000.pdf> present counts of documented age-sex violations for detention, torture and ill-treatment. The documented age-sex distribution counts for these three violation types are remarkably similar, each showing that the most frequently documented victim group for these types of violations were young men of military age. Very few documented acts of detention, torture and ill-treatment were experienced by female victims.

[Insert Figures <g21210000400.pdf>, <g21210000600.pdf>, <g212100001000.pdf> about here]

147. When analysis moves from simple violation counts to population-based violation rates, it can be seen that relative to the overall East Timorese population middle-age males experienced the highest rates of these forms of violence. Furthermore, old males above the age of 70 experienced these forms of violence at a similar rate to middle-aged males. These patterns are shown in Figures <g4910000400.pdf>, <g4910000600.pdf> and <g49100001000.pdf>.

[Insert Figures <g4910000400.pdf>, <g4910000600.pdf>, <g49100001000.pdf> about here]

148. The age-sex distributions of victims of sexual violations documented by the Commission are substantially different to those for physical integrity violations. This can be seen in Figures <g21210000700.pdf> and <g4910000700.pdf>. Furthermore, there are notable differences in the age-sex distribution of victims for the different forms of sexual violations. The Commission documented rapes of women in all age categories under 65 years old. However, the highest frequency of documented rape and highest population-based rates of rape were for young women of reproductive age. 15-24-year-old women appear to have been the sub-population at most risk of rape.

[Insert Figures <g21210000700.pdf> and <g4910000700.pdf> about here]

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<sup>40</sup> On average, the adult-to-child victim ratio documented by the Commission was 17.3 in Covalima, 15.3 in Indonesia and 14.1 in Oecusse.

149. By contrast only women between the ages of ten and 44 were among the documented victims of sexual slavery. Of these victims women between 20 and 24 years old experienced both the highest counts and highest rates of sexual slavery. As was the case for rape, no cases of sexual slavery of men were documented by the Commission.

[Insert Figures <g21210000800.pdf> and <g4910000800.pdf> about here]

150. However, the Commission documented cases of other sexual violence against both men and women. This form of violence was most commonly directed against men in the 20-24 and 35-39 age groups and women between the ages of 15 and 29-years-old.

[Insert Figures <g21210000900.pdf> and <g4910000900.pdf> about here]

151. Hence, the Commission's quantitative analysis suggests that young women experienced the overwhelming majority of sexual violations. Furthermore, rape and sexual slavery were exclusively reported to have been suffered by women.

### **Comparison of retrospective and contemporaneous human rights monitoring**

152. This section compares the extent and pattern of non-fatal violations reported by the Commission with the extent and pattern reported by Amnesty International. It shows how isolated Timor-Leste was from the international community and the paucity of information and limited extent to which knowledge of violations in Timor-Leste were known during the early and harshest periods of the conflict.

153. As discussed above, access to the territory during the Indonesian occupation was extremely limited, especially for international human rights groups such as Amnesty International. As a result the geographic coverage of contemporaneous reports by Amnesty International is significantly different to that reported to the Commission and Fokupers in their retrospective statement-taking processes.

154. 35.6% (1,953/5,479) of reported non-fatal violations documented by Amnesty International did not contain information about the location where the respective violation took place, as is shown in Figure <DistDatasourceM.rtf>. This appears to be consistent with the limited information flow out of Timor-Leste during the occupation (particularly from remote, mountainous villages and sub-districts). Furthermore, the nature of contemporaneous reporting to the international community was more focused on reporting the nature of the human rights situation in Timor-Leste rather than describing the differing conditions in different parts of the territory. However, 32.3% (1,770/5,479) of the non-fatal violations reported by Amnesty International occurred in Dili; a higher proportion than was reported in the retrospective projects conducted by Commission and Fokupers, in which violations in Dili accounted for 14.0% (8,389/59,972) and 4.6% (36/788) respectively.

[Insert figure <DistDatasourceM.rtf> about here]

155. As indicated in Figure <gcavrai400.pdf>, contemporaneous reports from Amnesty International show three distinct peaks in detentions of identified individuals in 1985, 1989-93 and 1994-99 of 402, 891 and 811 respectively; whereas retrospective reports given to the Commission suggest that the bulk of arbitrary detentions occurred in 1999 and between 1975 and 1984. Furthermore, these reports suggest that at least 2,779 separate acts of arbitrary detention occurred in 1999 and at least 16,509 of such acts between 1975 and 1984. These comparisons are evidence of the difficulty of documenting human rights abuses in Timor-Leste during the Indonesian occupation. Figure <gcavrai400.pdf> shows that although international human rights groups such as Amnesty International meticulously documented the human rights situation in Timor-Leste throughout the 1980s and 1990s, there was substantial underreporting of the overall

magnitude of non-fatal violence at the time. Figure <gcavrai400.pdf> also shows the substantial difference in social understanding gained from retrospective reports compared with contemporaneous reports about the early invasion years: of the violations documented by Amnesty International, 10.9% (734/6,717) occurred in the early invasion years between 1975 and 1984. By comparison, of the violations reported to the Commission, 64.0% (47,390/74,024) occurred between 1975 and 1984. Given that retrospective reporting by the Commission is subject to notable “memory-loss” (due to some people who could have reported about violations in the early invasion years dying in the late 1980s and 1990s), the Commission's narrative statement data are themselves subject to a temporal bias against violations which occurred in the earlier years of the Commission's mandate. The Commission finds that, due to the limited access to Timor-Leste during the initial occupation years, contemporaneous reporting of violations between 1975 and 1984 were subject to notable underreporting of the overall pattern and magnitude of violations.

[INSERT Figure <gcavrai400.pdf> about here]

### **The nature of abuses against individuals and groups**

156. Some non-fatal violations were reported to the Commission as being perpetrated against a lone individual, whereas some other violations were reported as being perpetrated against several individuals at the same time. Figures <ggpsize400.pdf>, <ggpsize600.pdf> and <ggpsize1000.pdf> show the distribution of violations by victim group size for torture, detention and ill-treatment.<sup>41</sup>

157. The nature of the abuses committed against single individuals tended to be distinct from the nature of those committed against groups. As Figure <ggpsize400.pdf> and Figure <ggpsize1000.pdf> show, arbitrary detention and ill-treatment were more commonly reported as having been perpetrated against individuals or groups of 50 or more – with fewer people being detained or suffering ill-treatment in groups of 2-49 persons. Nearly all reported acts of torture were committed against individual victims one-by-one. This empirical finding appears to be consistent with the hypothesis that the use of torture as a form of oppression was used in a more targeted fashion (see Chapter 7.4: Detention, Torture and Ill-Treatment).

[Insert graphs <ggpsize400.pdf>, <ggpsize600.pdf> and <ggpsize1000.pdf> about here]

158. Figure <gpTS\_groupindiv400.pdf> shows that in statements given to the Commission, the detention of individual victims and groups of victims were positively correlated. When reported detentions against individuals increased, so did reported detentions against groups of victims.<sup>42</sup> Furthermore, there is a substantial difference between the extent of reported detentions of individual and groups of victims. Between 1974 and 1984, reported detentions against group victims are almost always substantially higher than detentions of individual victims.<sup>43</sup> Two possible explanations for this pattern are the following:

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<sup>41</sup> As is the case with reported violations against individual victims, violations against victims in groups can be reported by more than one deponent. The Commission matched group victim records to identify duplicate reports of the same violation and victim in multiple statements. The methods used for matching are described in the Statistical Annex.

<sup>42</sup> The correlation coefficient for the two series is 0.74.

<sup>43</sup> The only year in this period where reported detentions against groups of victims were fewer than reported detentions against individual victims was 1983.

- i) The pattern could reflect the increasingly targeted nature of the Indonesian military's detention practices over the course of the occupation and its increased ability in the 1980s and 1990s to target individuals who were contributing to the Resistance movement's activities.
- ii) Alternatively, deponents to the Commission's statement-taking process may have had more difficulty specifically identifying individual detainees detained in the earlier occupation years relative to detainees in later years. Consequently, deponents reporting on the earlier period may more frequently describe earlier detentions as anonymous groups.

159. However, it seems unlikely that the pattern among detentions is an artefact of respondent recall because none of the other violation types (namely torture, ill-treatments, threats and property violations) exhibits any evidence of such a recall bias – as is shown in Figures <gpTS\_groupindiv600.pdf>, <gpTS\_groupindiv1000.pdf>, <gpTS\_groupindiv1900.pdf> and <gpTS\_groupindiv7000.pdf>.<sup>44</sup> Hence the statistical evidence on detentions documented by the Commission is consistent with the hypothesis that the detention practices of the Indonesian military shifted from a focus on both individual and group victims in the early occupation years from 1977 to 1984 to a more targeted strategy focused on individual detainees from 1985 to 1999.

160. The Commission's statistical evidence also suggests a positive correlation between acts of torture committed against group victims and individual victims over time.<sup>45</sup> Furthermore, as shown in Figure <gp\_TSgroupindiv600.pdf>, peaks in reported acts of torture against group victims occurred in 1975, 1982 and 1999. Hence, the Commission's data suggest that the bulk of mass violence against groups was heavily concentrated in time.

[Insert Figure <gp\_TSgroupindiv600.pdf> about here]

### **The use of detention and the nature of violations committed during detention periods**

161. Throughout the Indonesian occupation of Timor-Leste arbitrary detentions and displacement were employed throughout the territory. As the phenomenon of displacement is discussed above, this section focuses on the nature and use of detention during the Commission's mandate period.

#### *The relationship between detention and forms of physical abuse*

162. In general, reported acts of detention, torture and ill-treatment appear to be positively correlated. Detentions often occurred in the same events with physical abuse throughout the territory. This is reflected in Figure <gVTypeDisthrvd4006001000.pdf>. The total number of reported acts of detention, torture and ill-treatment in Dili were higher than in any other district because the major detentions centres on the island of Ataúro and in the Comarca (Prison), Balide were both located in Dili.

[Insert <gVTypeDisthrvd4006001000.pdf> about here]

163. Furthermore, reported detentions and torture over time are strongly positively correlated.<sup>46</sup> Figure <g1stIM400600.pdf> also shows that, over time, violence became increasingly coordinated and the magnitude of reported acts of torture increased (between the late 1970s and mid-1980s)

<sup>44</sup> See also Figures <gpTS\_groupindiv600.pdf>, <gpTS\_groupindiv1000.pdf>, <gpTS\_groupindiv1900.pdf> and <gpTS\_groupindiv7000.pdf> in the Statistical Annex.

<sup>45</sup> The correlation coefficient for the series is 0.69.

<sup>46</sup> The correlation coefficient between reported tortures and detentions by year between 1974 and 1999 is 0.81.

relative to the number of reported detentions. This pattern might reflect the perpetrators' increasing capacity to target specific victims as the Indonesian occupation moved from its preliminary phase in the late 1970s and early 1980s to the consolidation phase from 1985 onwards. In the early invasion years there are approximately three reported cases of detention for each reported case of torture. After 1985, the two violations appear to be more closely linked, with approximately the same number of reported detentions and reported acts of torture each year. The resulting statistical pattern suggests that over time (and particularly after 1984) the practice of arbitrary detention became more targeted and was used more regularly in combination with acts of torture.

[INSERT <g1stIM400600.pdf> about here].

*Patterns of violations committed during periods of detention*

164. Of all the documented violations reported to the Commission during its narrative statement-taking process, detentions were the most frequently reported, representing 42.3% (25,383/60,047) of documented non-fatal violations. However, the use of detention was often combined with other forms of abuse: of the main forms of physical abuse reported to the Commission, at least 28.3% (7,174/25,383) were committed while the victim was held in detention. This empirical finding indicates that during detention victims were often vulnerable to other forms of physical abuse. This section explores the patterns of non-fatal forms of physical abuse committed during periods of detention and those committed while the victim was not detained.

165. The Commission's information on detentions and non-fatal violations often contains imprecise location and/or date information. In particular, 33.9% (20,334/60,047) of non-fatal violations were missing information about the month and day on which the violation occurred, while 52.9% (31,739/60,047) were missing information about the day on which the violation occurred. 2.3% (1,379/60,047) of non-fatal violations were missing information about the sub-district in which the violation occurred, while 31.2% (18,722/60,047) of non-fatal violations were missing information about the village in which the violation occurred. Hence, the following analysis of forms of physical abuse and their relationship to the victim's status as a detainee is limited by the lack of precise dates and locations in the reported data.

166. Some forms of physical abuse were reported to have occurred more frequently in detention than others. In particular, Figure <tStdInDetnVInsx\_vln\_1.rtf> shows that the abuses which were most often committed during known periods of detention were torture (38.4%, 4,267/9,094), ill-treatment (33.2%, 27,998/9,094) and threats (21.3%, 634/9,094). Furthermore, torture and ill-treatment are reported much less frequently among victims who never have been held in detention: of the torture violations documented by the Commission, 16.4% (1,820/11,123) were suffered by victims who never experienced detention. Of the acts of ill-treatment documented by the Commission, 26.4% (2,227/8,436) were suffered by victims who never experienced detention. This is suggestive of the increased vulnerability of victims who are held in detention to being subjected to torture or ill-treatment.

167. The statistical data alone cannot clarify whether the association between detention and physical abuse was part of a formal policy by perpetrators to combine physical abuse with arbitrary detention, or whether the correlation reflects opportunistic behaviour by military, police and other officials. However, the Commission's qualitative and historical research is informative in this regard. The Commission's qualitative research has identified evidence of policy and practice which encouraged the use of detention and special interrogation methods during detention (see Chapter 7.4: Detention, Torture and Ill-Treatment).

[Insert Figure <tStdInDetnVInsx\_vln\_1.rtf> about here]

168. The cases documented by the Commission indicate a change in the relationship between non-fatal violations and detention as the conflict moved into its last phase. As Figure <tStdInDetnVInphase> shows, 56.7% (5592/9855) of non-fatal violations in 1999 were committed against victims who were not in detention and had never been detained before. In 1999 the proportion of reported non-fatal violations which were committed outside places of detention is more than double that for the two earlier phases. Hence, it appears that in the first two phases of the conflict the use of detention had a stronger association with the commitment of other non-fatal violations.<sup>47</sup>

[Insert Figure <tStdInDetnVInphase> about here]

169. Of the reported violations committed during a known period of detention, 16.5% (505/9094) occurred in Dili. Hence, relative to other districts, a notably higher proportion of the reported violations occurring in detention were committed in Dili. While 42.8% (695/1,623) of violations in Liquiça were reported to have been committed during periods of detention, and 41.5% (886/2,135) in Covalima, the figure for Dili is 40.3% (1,504/3,731); whereas, of the non-fatal violations suffered by persons in Oecusse and Indonesia, 76.0% (2,209/2,897) and 73.2% (390/533) respectively were suffered by victims who had never been detained. Hence, districts which reported relatively higher proportions of torture and ill-treatment tended to also report higher proportions of abuse within detention.

[Insert Figure <tStdInDetnVInsx\_lo\_dist> about here]

170. Male victims experienced the bulk of detentions, constituting 85.6% (21,273/25,383) of the total. Relative to female victims, males were twice as likely to be subjected to another violation during their detention. As Figure <tStdInDetnVInsx\_sex> shows, of the male victims of detention, at least 28.1% (8,323/29,599) suffered another non-fatal violation, compared with 14.8% (716/4,833) for females who suffered another violation while detained.

[Insert Figure <tStdInDetnVInsx\_sex> about here]

171. According to the non-fatal violations data documented by the Commission, people of different ages suffered different levels of abuse while in detention. In particular, of those victims who suffered a known non-fatal violation during a period of detention, 55.5% (5,044/9,094) were young or middle-aged adults (that is, persons between 15 and 49). Children and older people were detained substantially less often, and when they were detained, they were subjected to proportionally lower levels of abuse.

[Insert Figure <tStdInDetnVInsx\_victage\_grp> about here]

#### *Reported statistical patterns of detention on Ataúro*

172. While arbitrary detention was used throughout the conflict in Timor-Leste, detentions on the island of Ataúro were reported to have been used mainly between 1980 and 1984. This is consistent with information collected by the Commission directly through its statement-taking process and in the secondary source reports collected from various sources by Amnesty International. However, there is a considerable difference in the level of documented detentions between these two data sources. The sources gathered by Amnesty International suggest that the detainee population on Ataúro grew from about 500 in mid-1980 to around 4,000 in September 1982 before declining to around 1,500 in October 1984, as shown in Figure <gai400Ataúro.pdf>.

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<sup>47</sup> It is difficult to make conclusive findings about the relative magnitude of non-fatal violations committed in detention in Phases 1 and 2 of the conflict, given that 50.8% (8,006/15,772) of detentions during Phase 1 and 33.5% (3,011/8,998) of detentions during Phase 2 lack sufficiently precise date information to determine whether they are associated with other violations suffered by the victim.



[Insert Figure gai400Ataúro.pdf> about here]

173. According to the Commission's data, reported detentions on Ataúro peak at 446 detainees in 1982, as is shown in Figure <gTSVInsInAtaúroM400.pdf>. Given that Amnesty International's data were collected from multiple sources, including by the International Committee of the Red Cross, Australian government officials and Indonesian administrative records, it is likely that the Commission's data significantly underreport detentions on Ataúro. However, both the Amnesty International and Commission data confirm that large groups of people were detained on the island of Ataúro in the early 1980s, in addition to continued large-scale detentions in other parts of Timor-Leste.

[Insert Figure <gTSVInsInAtaúroM400.pdf> about here]

### **Patterns of violations by political affiliations of reported victims**

174. A number of hypotheses examined by the Commission considered whether systematic and targeted campaigns were based on the victims' political affiliations. This section describes the reported extent and pattern of violations against civilians, armed-Resistance fighters and political activists.

175. 88.7% (68943/77748) of non-fatal violations reported to the Commission were violations against the civilian population, including both those civilians who were not known to have a political affiliation and those who were formally part of a pro-independence group or political party, as can be seen in Figure <gVinstM5000.pdf>.

[Insert Figure <gVinstM5000.pdf> about here]

176. As the pro-independence movement grew to be more broadly-based during the 1990s, increasing numbers of civilians with pro-independence affiliations appear to have suffered non-fatal violations, as is seen in Figures <gVinst15000.pdf>, <gVinst25000.pdf>, <gVinst35000.pdf> and <gVinst45000.pdf>.<sup>48</sup>

[Insert Figures <gVinst15000.pdf>, <gVinst25000.pdf>, <gVinst35000.pdf>, and <gVinst45000.pdf> about here]

177. For the major non-fatal violation types (detention, torture, ill-treatment, forced labour, threats and property/economic violations), there are no substantial differences in the proportion of documented victims with political/social affiliations, as shown in Figures <gVinstM400>, <gVinstM600>, <gVinst1000> and <gVinst80000>: civilians without any known political affiliations accounted for between 40% and 48% of the documented victims, whereas persons with a pro-independence affiliation accounted for between 43% and 55% of documented violations. For sexual violations, civilians without a known political affiliation accounted for a slightly higher proportion (56%, 441/770, of sexually based violations) than civilians known to be aligned with pro-independence groups and parties (43.1%, 427/770).

[Insert Figures <gVinstM400>, <gVinstM600>, <gVinst1000> and <gVinst80000> about here]

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<sup>48</sup> It must be noted, though, that only 87 statements were collected in West Timor refugee camps, and the Commission's district-based socialisation process was often convened in collaboration with local officials. As a result, people with pro-autonomy political affiliations may be under-represented in the Commission's statement-taking process.

## 6.4 Mauchiga case study: a quantitative analysis of violations experienced during counter-Resistance operations

### 6.4.1 Introduction

178. This section presents a detailed case study on the nature and pattern of violations experienced by the people of Mauchiga (Hatu Builico, Ainaro) in the early 1980s. The case study takes the form of a descriptive statistical analysis based on data collected by two village leaders from Mauchiga.

### 6.4.2 Background to documentation effort

179. Over a period of 18 years village leaders from Mauchiga documented displacements, detentions and killings arising from a crackdown by the Indonesian military in connection with attacks organised by the Resistance in the area in August 1982. The Mauchiga Documentation Project was completed in August 2004 when village leaders handed over tabulated lists compiled from their narrative interviews to the Commission during a Public Hearing held by the Commission in Mauchiga.

180. The purpose of the project was to develop an accurate historical record of the extent, pattern, trend and nature of violations experienced by members of the community of Mauchiga during the early 1980s. Deponents were invited and encouraged to talk about any displacement, detention or fatal violation experienced by anyone they knew in connection with the August 1982 uprising (*levantamento*).

### 6.4.3 Limitations of the data

181. The data on which this case study are based were collected through a convenience sample of persons willing to report and share their experiences of human rights violations (namely displacements, arrests and detentions and conflict-related deaths) connected to the August 1982 uprising and counter-Resistance crackdown. Abilio dos Santos and Olga da Silva collected this data in two separate phases of data collection.<sup>49</sup> The first phase of data collection, from February 1986 until April 2003, involved Abilio dos Santos and Olga da Silva periodically carrying out narrative interviews in the different aldeias in the village of Mauchiga. The two visited the following aldeias during their data collection and documentation work: Mauchiga, Hataquero, Goulora, Leotelo-1 and Leotelo-2. Deponents were selected based on the interviewees' own social networks and referrals by other interviewees. The second phase of data collection, from May 2003 to July 2004, consisted of the compilation of lists of victims of detention, displacement, and conflict-related deaths. During this second phase, a number of respondents who had given information in the first phase of data collection were re-interviewed to fill in gaps in the narrative information which had been collected.

182. The project restricted the information it collected to the specific violations of arbitrary detentions, displacement and conflict-related deaths which were directly connected to the events of 20 August 1982 and the crackdown that followed. It therefore did not document other forms of abuse, such as property destruction and sexual violence, nor did it document abuses which were connected to events other than those that occurred in connection with the 20 August uprising.

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<sup>49</sup> Abilio dos Santos is the Village Secretary of Mauchiga. Olga da Silva is a teacher at the primary school in Mauchiga. The Commission has chosen to follow the official RDTL spelling of "Mauchiga", though it is known to many also as "Mauxiga".



183. Provision was made for duplicate reporting on the same victim by multiple deponents at two stages in the documentation process. First, the data collection team periodically scanned their lists for duplicate reports of victims. Second, once the data was entered into an electronic database, computerised searches and analytical tests were conducted to identify names which could be duplicate reports of the same victim.<sup>50</sup>

#### 6.4.4 Historical background

184. On 6 July 1982 members of Falintil and of the local clandestine movement began planning a series of attacks on Indonesian military posts in the area surrounding Mauchiga. An informer betrayed their plans to the Indonesian military. On 10 July members of the Indonesian army and Hansip from Hatu Bulico began house-to-house searches in Goulora, Mauchiga and Hatuquero. They arrested over 30 people, including 13 who had attended the 6 July meeting. Those arrested were taken directly to the district military headquarters (Kodim) in Ainaro Town. Over the following days, the Indonesian military arrested more people, whom they brought to the Hatu Bulico Sub-district headquarters (Koramil).

185. Despite the arrests, on 20 August 1982, at about 4.30am Falintil, together with a number of men from Dare and Mauchiga, attacked several ABRI posts around Mauchiga, including the Dare Koramil. The same day ABRI soldiers and Hansip from the posts that had been attacked as well as other posts in the area retaliated. During the following days additional ABRI troops from outside the area, including units of Battalions 745 and 746, were also deployed around Mauchiga. Between 20 August and 24 August Indonesian troops and Hansip destroyed and looted property. A large proportion of the population of the village of Mauchiga were either forcibly displaced or fled the village out of fear for their safety. The Indonesian military forcibly transferred villagers to several different locations, including the island of Ataúro (Dili), Dotik (Alas, Manufahi) and Dare (Hatu Bulico, Ainaro).

#### 6.4.5 Descriptive statistical analysis of violations reported to Mauchiga Documentation Project

##### **Reported displacements and detentions suffered by Mauchiga residents**

###### *The demographic profile of victims of reported displacements and detentions*

186. The project documented 1,803 acts of displacement involving Mauchiga residents between July 1982 and January 1986. These 1,803 displacements were experienced by 464 individual residents of Mauchiga: 48.7% (226/464) of whom were females and 38.8% (180/464) were children.<sup>51</sup>

187. These 464 victims of displacement and detention amounted to approximately 20.4% (464/2,269) of the total population of Mauchiga Village.<sup>52</sup> Hence, the project's findings are consistent with the hypothesis that displacement was widespread in Mauchiga during the 1980s.

188. Of the reported victims of displacement, 80.0% (371/464) of reported victims were initially arrested and displaced with their families. The remaining 20% (93/464) of documented victims of displacement were initially detained by themselves (and not along with their families).<sup>53</sup> As Figure

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<sup>50</sup> This process uncovered seven duplicated reports of fatal violations.

<sup>51</sup> The Commission used the internationally-recognised standard that defines children as persons under the age of 18 (see Article 1 of the UN Convention on the Rights of the Child (UN Doc A/44/49 (1989)), which was adopted by General Assembly Resolution 44/25, 20 November 1989 (entered into force on 2 September 1990).

<sup>52</sup> The 2001 Timor-Leste Suco Survey was used for the population base for Mauchiga.

<sup>53</sup> Those who were deported as individuals were displaced in this manner, as they were captured by the Indonesian military while they were alone, usually either in their agricultural gardens, or in other places away from their place of residence.

<gMauchigaASD1100.pdf> shows, 41.2% (191/464) of the displaced were between the ages of ten and 24. As was and still is the case in most parts of Timor-Leste, the population of Mauchiga was over-represented by persons under 25. Hence the findings of the Mauchiga Documentation Project are consistent with the hypothesis that the Indonesian military actively sort to eliminate the social and operational base of the resistance movement in Mauchiga by forcibly deporting the general population (including women, children and the elderly).

[Insert Figure <gMauchigaASD1100.pdf> about here]

*Accountability for the large-scale displacement and acts of detention of Mauchiga residents*

189. All of the reported acts of displacement of these 1,803 individuals, documented by the Mauchiga Documentation Project, were attributed to the Indonesian military. In some specific cases, deponents reported the involvement of specific units of the Indonesian military or of the civil defence forces. The Hatu Builico Hansip were reported to have taken part in 31.7% (571/1,803) of reported acts of displacement involving Mauchiga residents. In these same acts of displacement it was reported to the Mauchiga Documentation Project that the Hatu Builico Hansip were working in collaboration with and under the direction of the Sub-Regional Command (Korem) in Dili, the District Military Command (Kodim) in Ainaro and the Hatu Builico Sub-district Military Command (Koramil). All of these acts occurred either on 7 July 1982, 29 August 1982 or 30 August 1982.

*The pattern of reported acts of displacement and detention over time*

190. Reported acts of displacement are concentrated in two main time-periods: the third quarter of 1982, when 51.0% (919/1,803) of displacements were reported, and in the fourth-quarter of 1985 when 40.6% (732/1,803) of displacements were reported. This pattern is shown in Figure <gTSMauchiga400.pdf>. It was during these two periods that most of the Mauchiga residents who were interned on Ataúro were transferred from Mauchiga to Ataúro and sent back to Mauchiga from Ataúro. At both of these times, individuals were first temporarily transferred to transit locations for short periods of time varying between one day and a few weeks.

[Insert Figure <gTSMauchiga400.pdf> about here]

*The pattern of reported acts of displacement and detention over geographic space and by duration of detention*

191. As can be seen in Figure <t400duration.rtf>, the duration of detention periods reported to the documentation project varied widely, lasting from one day to 1,005 days. Around 41.0% (739/1,803) of all reported displacements lasted for ten days or less, 22.1% (399/1,803) of displacement events lasted between 101 and 300 days, and 20.4% (368/1,803) between 701 and 900 days. The data collected by the Mauchiga Documentation Project are consistent with the hypothesis that although Mauchiga residents were displaced several times (on average each individual was displaced 3.9 times), around half of these displacements were short-term (of duration less than a week), whereas the other half were substantially longer (ranging from three to 33 months).

**Table 1 - Figure <t400duration.rtf>: Distribution of reported duration periods of displacement events of Mauchiga residents, 1982-1985**

Duration	Count	% Share
1 day	192	10.7
2-10 days	547	30.3
11-100 days	113	6.3
101-300 days	399	22.1
301-500 days	87	4.8
501-700 days	8	0.4
701-900 days	368	20.4
901-1005 days	87	4.8
Unknown	2	0.1
Total	1,803	100.0

*Source: Data collected by the Village Secretary of Mauchiga.*

192. The Indonesian military held Mauchiga residents in long-term detention in a number of locations, including the island of Ataúro, Dotik, Ainaro Town and Dare. 79.3% (368/464) of the Mauchiga residents documented by the Mauchiga Documentation Project were held in long-term detention on Ataúro.<sup>54</sup> Smaller groups of Mauchiga residents were reported to have been held in long-term detention in Dotik and Ainaro Town: 80 individuals were held for two years and six months years in Dotik starting in November 1982, and seven individuals were held for two years and nine months in Ainaro Town starting in April 1983. Follow-up interviews conducted by the Commission with Mauchiga residents in 2005 in Mauchiga indicated that those individuals who were held in long-term detention in Dotik and Ainaro were held there due to overcrowding on Ataúro.<sup>55</sup>

<sup>54</sup> The Indonesian military sent 360 of these 368 Mauchiga residents to Ataúro on 30 August 1982. The remaining eight Mauchiga residents were sent to Ataúro on 5 September 1982 after being interrogated for one week in Lesuhati.

<sup>55</sup> CAVR Interviews with Olga da Silva, Abilio dos Santos, Xavier do Amaral and Antonio Pires, Mauchiga, 16 April 2005.

193. The broad reported pattern of displacement to and from long-term detention locations for Mauchiga residents was as follows: victims were usually arrested and detained in Mauchiga and then deported to nearby locations where they were kept for anywhere between one day to ten days. Because these locations were usually transit stops en route to long-term detention centres or back to Mauchiga, periods of detention in them usually occurred in quick succession. The places where people were held for these short periods included Ainaro Town, Bonuk (Hatu Udo, Ainaro), Dare (Hatu Bulico, Ainaro), Lesuhati (Hatu Bulico, Ainaro), Same (Manufahi) and the Comarca prison in Dili. Others were held in other locations, such as Dotik, Ainaro Town and Dare, before or after their long-term detention periods. Mauchiga residents were also detained for several months in Dare, Dotik, Same, Ainaro Town and Bonuk en route to or from their long-term internment locations.

**Table 2 - Figure <t400duration.rtf>: Cross-tabulation of reported duration periods of displacement events of Mauchiga residents by location, 1982-1985**

	1 day	2-10 days	11-100 days	101-300 days	301-500 days	501-700 days	701-900 days	901-1005 days	Not Known	Total
Ainaro	2	0	16	22	0	0	0	7	0	47
Ataúro	0	0	0	0	0	8	368	0	1	377
Bonuk	0	355	22	0	0	0	0	0	0	377
Comarca	13	0	0	0	0	0	0	0	0	13
Dare	172	0	0	377	80	0	0	0	1	630
Dotik	0	0	6	0	7	0	0	80	0	93
Lesuhati	1	182	0	0	0	0	0	0	0	183
Same	4	10	69	0	0	0	0	0	0	83
Total	192	547	113	399	87	8	368	87	2	1,803

194. The data collected by the Mauchiga Documentation Project are consistent with the hypothesis that the Indonesian military used long-term detention on Ataúro and in Dotik and Ainaro Town of supporters and suspected supporters of the Resistance movement as a strategy to eliminate the social and operational support base of the Resistance in Mauchiga. These data also show that Mauchiga residents experienced a series of displacements and detentions before and after their long-term period of detention on Ataúro, or in Dotik and Ainaro Town.

### **Reported fatal violations suffered by Mauchiga residents**

*The distribution of reported fatal violations suffered by Mauchiga residents over time and by cause-of-death*

195. The Mauchiga Documentation Project documented 262 unique conflict-related deaths of Mauchiga residents during the Commission's reference period: 44.7% (117/262) of these were killings, and the remaining 55.3% (145/262) were deaths due to illness or hunger. As Figure <gMauchiga1st1M100200.pdf> shows, 68.3% (179/262) of these fatal violations occurred during the period of Indonesian military's initial invasion and occupation between 1978 and 1984. Furthermore, the reported patterns of killings and illness/hunger-related deaths of Mauchiga residents are positively correlated.<sup>56</sup> Hence the data documented by the Mauchiga Documentation Project are consistent with the hypothesis that conflict-related killings and illness/hunger deaths in Mauchiga were overwhelmingly concentrated during the Indonesian military's counter-Resistance operations.

[Insert Figure <gMauchiga1st1M100200.pdf> about here]

<sup>56</sup> The correlation coefficient for these two series is 0.57.

196. While the pattern of killings and illness/hunger-related deaths are correlated over time, there are some notable differences between the two phenomena. Documented killings are concentrated mostly in 1978 and 1982-83 (with 19.7% (23/117) occurring in 1978 and 47.9% (56/117) in 1982-83), whereas 44.8% (65/145) of illness/hunger-related deaths are concentrated in 1983-84 when Mauchiga residents experienced mass deportations from their homes.

*The pattern of attributed responsibility for reported fatal violations of Mauchiga residents*

197. Of the killings documented by the Mauchiga Documentation Project, 83.8% (98/117) were reported to be the sole responsibility of the Indonesian military, 6.0% (7/117) the sole responsibility of East Timorese auxiliaries and for 10.3% (12/117) institutional perpetrator responsibility was not reported. No reported killings were attributed to the Indonesian military and East Timorese auxiliaries acting together, nor were any killings attributed to individuals associated with the Resistance. This pattern of attributed responsibility appears to distinguish Mauchiga from other parts of Timor-Leste, where a substantial proportion of killings were attributed to Indonesian forces and East Timorese auxiliaries acting together (see above).

198. Of the documented killings of Mauchiga residents attributed to the Indonesian military, 66.3% (65/98) were suffered by individuals associated with the Resistance and the remaining 33.7% (33/98) by members of the civilian population.

*The pattern of fatal violations against Mauchiga residents by the victim's political affiliation*

199. The distribution of documented killings and illness/hunger-related deaths varied substantially by the political affiliation of victims. As is shown in Figure <MauchigaVictAffil100200.rtf>, 64.1% (75/117) of killings were reported to have been committed against individuals formally associated with the Resistance. By contrast all but one death due to illness or hunger was reported to have been experienced by an unarmed civilian. This is consistent with the hypothesis that although killings were mostly targeted against Resistance and clandestine members, the Indonesian military and its associates killed a substantial portion of civilians during its counter-Resistance operations. Figure <MauchigaVictAffil100200.rtf>:

**Table 3 - Distribution of reported fatal violations by political affiliation of victim, 1974-1999**

Victim's affiliation	Killings		Illness/Hunger-Related Deaths	
	Count	%	Count	%
Unarmed civilian	42	35.9	144	99.3
Resistance/ Clandestine member	75	64.1	1	0.7
Total	117	100.0	145	100.0

*Source: Data collected by the Village Secretary of Mauchiga.*

200. The geographic distribution of reported killings of Mauchiga residents differed from that for deaths from hunger and illness. As Figure <tMauchigaVictAffilLoca100200.rtf> shows, documented illness/hunger-related deaths were almost uniformly distributed between the sub-districts of Ainaro Town (Ainaro), Alas (Manufahi) and Ataúro (Dili), whereas reported killings were mostly concentrated in Ainaro Town (Ainaro), Alas (Manufahi) and Same (Manufahi).

**Table 4 - Figure <tMauchigaVictAffilLoca100200.rtf>: Distribution of reported fatal violations by political affiliation and geographic location, 1974-1999**

Sub-district in which violation occurred	Killings		Illness/Hunger related deaths		Total	
	Count	%	Count	%	Count	%
Ainaro, Ainaro	45	38.5	43	29.7	88	33.6
Maubisse, Ainaro	4	3.4	0	0	4	1.5
Bobonaro, Bobonaro	1	0.9	0	0	1	0.4
Alas, Manufahi	31	26.5	47	32.4	78	29.8
Fatuberliu, Manufahi	4	3.4	0	0	4	1.5
Same, Manufahi	31	26.5	0	0	31	11.8
Laleia, Manatuto	1	0.9	0	0	1	0.4
Ataúro, Dili	0	0	55	37.9	55	21.0
Total	117	100	145	100	262	100

*Source: Data collected by the Village Secretary of Mauchiga.  
The pattern of reported fatal violations against Mauchiga residents by the age and sex of the victim*

201. As was the case for killings throughout Timor-Leste, males in Mauchiga suffered the overwhelming majority of killings reported to the Mauchiga Documentation Project (92.3% (108/117) of reported killings were against males and the balance of 7.7% (9/117) was against females). When we move from simple violation counts to population-based violation rates, it can be seen that, on average, relative to their share of the population of Mauchiga Village, the population-based rate at which men were killed was more than ten times higher than that for women. Ninety-five men per 1,000 were reported to have been killed during the Commission's reference period compared with eight women per 1,000.<sup>57</sup>

202. As can be seen in Figure <ggMauchigaASD100.pdf>, 41.0% (48/117) of documented killings were against young males between the ages of 15 and 29. This is consistent with the hypothesis that as part of its counter-Resistance strategy the Indonesian military targeted young males of military age.

[Insert Figure <ggMauchigaASD100.pdf> about here]

203. By contrast documented deaths due to illness and hunger were more evenly distributed across the sexes: 50.3% (73/117) of these were male deaths and 49.7% (72/117) were female deaths. In terms of population share, equal population-based rates of deaths due to illness/hunger were observed for males and females: 64 per 1,000 males in Mauchiga were reported to have died due to hunger/illness during the Commission's reference period, as was also the case for females.<sup>58</sup>

<sup>57</sup> These population-based rates are derived using population figures from the 2001 Timor-Leste Suco Survey.

<sup>58</sup> These population-based rates are also derived from population figures in the 2001 Timor-Leste Suco Survey.

204. As can be seen in Figure <gMauchigaASD200.pdf>, the residents of Mauchiga who were most frequently reported as suffering deaths due to hunger and illness were young infants and the elderly. This pattern of vulnerability to famine-related deaths of the very young and the elderly is similar to that which was documented by the Commission throughout Timor-Leste.

[Insert Figure <gMauchigaASD200.pdf> about here]

## 6.5 Summary and conclusion

205. The Commission collected and utilised a wide array of empirical data sources. It collected nearly 8,000 narrative statements from East Timorese people regarding their experiences over 25 years of conflict, conducted a household survey which inquired into mortality and displacement from almost 1,400 households, conducted a census of public graveyards in all 13 districts of Timor-Leste, and developed datasets from information collected from other organisations and groups.<sup>59</sup> The purpose of this statistics chapter has been threefold:

- To present multiple, independent, scientific estimates of the total extent, pattern and trend of mortality and displacement which were experienced during the Commission's reference period;
- To outline and interpret the descriptive statistics regarding the nature and extent of violations, the behaviour of perpetrators, and the characteristics of victims that were gathered from multiple independent data sources; and
- To document the statistical methods employed in reaching the Commission's statistical findings.

206. In order to achieve this depth and breadth of analysis, the Commission and the Benetech Human Rights Data Analysis Group jointly developed multiple data projects which involved large-scale data collection, data coding, database representation, record linkage and statistical analysis. The resulting statistical analysis helps to uncover and clarify social and historical knowledge of political violence in Timor-Leste between 1974 and 1999. However, as one part of its overall findings, the Commission's statistical findings need to be combined and integrated with its qualitative, historical and legal findings.

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<sup>59</sup> External information which was compiled into datasets included reports and other material from Amnesty International, narrative interviews collected by the East Timorese women's rights organisation Fokupers and lists tabulated by village leaders in the village of Mauchiga.

### ENDNOTES

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<sup>I</sup> John Waddingham, "Timor-Leste Death Toll, 1975-1999", Submission to CAVR, 22 July 2003.

<sup>II</sup> Terence Hull, "From Province to Nation: The Demographic Revolution of a People", in James J Fox and Dionisio Babo Soares (eds.), *Out of the Ashes: The Destruction and Reconstruction of East Timor* Crawford House Publishing, Bathurst, Australia, 2000, p. 38.

<sup>III</sup> Arnold Kohen and John Taylor, *An Act of Genocide: Indonesia's Invasion of East Timor*, Tapol, London, 1979, p. 58.

<sup>IV</sup> John G Taylor, "'Encirclement and Annihilation': The Indonesian Occupation of East Timor," in Robert Gellately and Ben Kiernan (eds.), *The Specter of Genocide: Mass Murder in Historical Perspective* Cambridge University Press, Cambridge, 2003.

<sup>V</sup> "Report on Timor-Leste," East Timorese Church document, 12 July 1979, cited in C Gilbert and J Waddingham, "Timor-Leste – How many people are missing?" A report by the Timor Information Service to the Australian Senate Standing committee on Foreign Affairs and Defence, 28 March 1982.

<sup>VI</sup> Article 1 of the UN Convention on the Rights of the Child (UN Doc A/44/49 (1989)).

<sup>VII</sup> Biro Pusat Statistik, *Sensus Penduduk Indonesia*, 1990, Jakarta, 1994.