

Chapter 7.8: Violation of the Rights of the Child

Chapter 7.8: Violation of the Rights of the Child	1
Chapter 7.8: Violation of the Rights of the Child	2
7.8.1 Introduction	2
7.8.2 Children in the armed political conflicts and the clandestine movement	6
7.8.2.1 Children as TBOs and on operations	7
7.8.2.2 Children recruited by pro-autonomy militias	22
7.8.2.3 Children in the clandestine network	27
7.8.2.4 Children in Falintil	35
7.8.3 Arbitrary detention, killings and sexual violence perpetrated against children	43
7.8.3.1 Arbitrary detention and torture	43
7.8.3.2 Killings and disappearances	55
7.8.3.3 Sexual violations	65
7.8.4 The transfer of children to Indonesia	76
7.8.4.1 The number of children sent to Indonesia	77
7.8.4.2 Patterns over the mandate period	78
7.8.4.3 Conditions for children living in Indonesia	94
7.8.5 Findings and conclusion	98
7.8.5.1 Children in armed conflict and the clandestine movement	98

Chapter 7.8: Violation of the Rights of the Child

7.8.1 Introduction

1. Children in Timor-Leste experienced the full range of human rights violations during the period of the Commission's mandate, 25 April 1974 to 25 October 1999. The Commission's research has revealed that all sides to the political conflicts in Timor-Leste perpetrated violations against children. The overwhelming majority of these violations were committed by the Indonesian military and their auxiliaries. These forces killed, sexually violated, detained and tortured, forcibly displaced and forcibly recruited children.

2. In some ways, then, children's experience was like that of adults; they suffered from the general failure on all sides to distinguish civilians from combatants. As a result children were not spared when mass killings took place or when they were caught with their families in the line of fire during military operations. The data collected by the Commission through the statement-taking process show that children suffered most violations during the years 1976-81 and 1999, more or less exactly mirroring the pattern of violations experienced by the population as a whole.

3. Moreover, the manner in which violations were perpetrated against children was often the same as for adults. Except for the age of the victims, the content of the reports of sexual violence against children recounted below barely differ from those in the chapter on sexual violence. They describe:

- rape and sexual slavery in the resettlement camps;
- "proxy" sexual violence aimed at family members still in the forest
- violations against children engaged in clandestine activity that could turn into long-term sexual exploitation, and
- strategic use of sexual violence as a form of torture, and its apparently opportunistic perpetration.

4. For children, as for adults, sexual violence was conducted openly without fear of sanction by all ranks of the military and by East Timorese paramilitaries, as well as by persons in positions of civilian authority such as village heads.

5. Further muddying the distinction between the experience of adults and children is the fact that the East Timorese have a more flexible understanding of childhood than the clear-cut one adopted under international definitions. Consistent with instruments of international law, such as the Convention on the Rights of the Child, the Commission has adopted the definition of children as persons aged 17 years old and under.

6. Why then are children being dealt with separately in this Report?

7. First, violations perpetrated against children are universally deplored. Thus, the expectation that all sides would treat them with greater respect than would be shown to adults

* In Timor-Leste the group is understood to consist of persons who are not yet married. Thus persons younger than 18 years who are married may be regarded as adults, and single persons over the age of 17 may be regarded as children. The conflict itself created further complications: for example, children as young as 15 held positions of authority in Falintil and were treated as adults; because of the disruption caused by war, many high-school students were aged 18 and above.

makes violations against children on any scale especially shocking. This sense that they are particularly shocking derives from an understanding that children as a group are innocent and that their innocence should be preserved from the corruptions of adulthood for as long as possible.

8. Second, it is plain that children are among the most vulnerable sections of society, particularly in situations of conflict and upheaval such as Timor-Leste underwent during the 25 years of the Commission's mandate. As described in Chapter 7.3: Forced Displacement and Famine, children were among those who were moved from their homes following the invasion, sometimes for years at a time, and were the main casualties of famine and illness. Many others were left without family members to support them and were therefore vulnerable to abuse, kidnapping, or forced recruitment. The use of children as TBOs (Tenaga Bantuan Operasi, Operations Assistants), for example, endangered their lives, their health and their future prospects. Their relative physical weakness meant that the heavy loads they were obliged to carry were more liable to undermine their health. Periods of service that could last for several years blighted their educational chances.

9. The special position of children in Timor-Leste does not arise only from the universal acknowledgment of their unique status. It is also derived from the fact that children represent the future. Both sides sought to cultivate loyalty to their cause among children from a young age. The Indonesian military actively involved children in the military and paramilitaries through using them as TBOs and militia. Some rose through the ranks to become senior milita leaders. As described in Chapter 7.9: Economic and Social Rights, Indonesia openly used the education system to deliver propaganda on integration and the Indonesian State to children from the earliest days of the occupation. The Resistance mainly engaged with children through using them in minor roles such as couriers and guards. However, as the stories below demonstrate, it allowed them to rise up through the ranks of the clandestine movement. There were practical reasons for engaging with children as well: for the Indonesian military children were more malleable and more compliant than adults. For the Resistance, children had the advantage of being above suspicion from the authorities and of having existing church and community networks that could be co-opted into the struggle.

10. Because of the special vulnerability of children, the Commission believes that trauma is widespread among East Timorese who grew up under the Indonesian occupation. There is evidence that the incidence of trauma may be acute among those recruited as child militia in 1998-99. In their case trauma was due not only to their exposure to extreme violence, but also to the psychological impact of forced recruitment, divided loyalties and the shame of ending up on the wrong side. Reported below are the cases of other children who were subject to comparable stresses. TBOs, for example, were often recruited precisely because they or their families were suspected of having ties to the pro-independence movement. There was a gross imbalance in power and resources between the occupier and the occupied. As with the rest of the population, the line between coercion and acquiescence was never a clear one. The need to balance these pressures put children at risk of being called two-faced or two-headed (*kepala dua* [Indonesian], *ulun rua* [Tetum]) by either side. Children's responses to these pressures might change over time as a result of torture, inducements or exposure to battle.

11. Third, Timorese children suffered abuses that were specific to them rather than those perpetrated against the population as a whole. In particular, only children were transferred in their thousands to Indonesia. Many of these children were transferred to Indonesia forcibly and in the face of parental opposition and, thus were in effect abducted. It is unclear if this practice was formalised in policy. However, there is plenty of evidence that high-level officials, both military and civilian, failed to regulate it and were sometimes themselves involved. Even where the transfers were motivated in part by humanitarian concerns or where parental consent was sought, little effort was made to ensure that children maintained contact with their families. They were not able to choose freely whether or not to return to Timor-Leste nor were they allowed to maintain their cultural identity. In some cases all of these things were positively discouraged.

12. Like women, children were often treated as chattels. As TBOs, for example, they were not regularly paid for their services. They were required to carry heavy loads. They could be taken back to Indonesia by the soldier who had recruited them or passed on to another soldier. Their ties to their families and their special status as children were largely ignored.

13. Fourth, the special status of children is recognised under international law and most systems of domestic law, including that of Indonesia. Most legal systems give special consideration to the needs of children. In situations of armed conflict and occupation international law provides children protection not accorded to the general population.

14. Some of the relevant provisions of international law apply equally to all sections of the population. For example, forcing civilians to serve in military operations against their own country is prohibited by humanitarian law¹ and also constitutes a grave breach of Geneva Convention IV.² Human rights law provides rights to both children and adults, including the rights to life, food and freedom from torture and arbitrary detention. There is also an extensive body of international standards governing how children are to be treated by the state, both in situations of armed conflict and in peace-time.

15. Under Geneva Convention IV, Indonesia had responsibilities towards Timor-Leste's children during the conflict. It was required to:

1. make attempts to evacuate children from the field of conflict³
2. ensure that if evacuations or transfers of population were necessary within the occupied territory, members of the same family were not separated⁴
3. take measures to care for children under 15 years who were orphaned or separated from their families⁵
4. take all necessary steps to identify children and register their parentage⁶
5. facilitate the proper working of institutions for the care and education of children⁷ and
6. refrain from changing children's personal status or enlisting them in its organizations.⁸

16. By ratifying the Convention on the Rights of the Child in September 1990, Indonesia accepted further obligations under international human rights law in respect of children in Timor-Leste. These include, to:

1. give priority to the best interests of the child when making decisions in relation to children⁹
2. protect children from physical or mental harm, sexual exploitation and abuse, and all other forms of exploitation¹⁰
3. provide children with a standard of living adequate for their physical, mental, spiritual and social development¹¹
4. regulate adoption processes and ensure that adoption was undertaken by competent authorities according to the applicable law¹²
5. combat the illicit transfer of children abroad and the abduction, sale or traffic of children¹³
6. provide special care for children separated from their families, taking the child's cultural background into account¹⁴ and
7. take steps to promote the physical and psychological recovery and social reintegration of child victims of armed conflicts and abuse.¹⁵

17. Indonesian domestic law also contains provisions that could have been invoked to protect children. Thus, aside from general provisions outlawing kidnapping (Article 328) and the deprivation of a person's liberty (Article 333), the Indonesian Penal Code (*Kitab Undang-undang Hukum Pidana*, KUHP) also specifically criminalises the act of withdrawing a minor from those

exercising lawful authority over the child, for which the penalty is increased if deception, force or the threat of force are used (Article 330).

Research methods

18. The Commission has drawn material together from a number of different sources to investigate violations committed against children.

19. Through the Commission's truth-seeking process of taking statements from the community and entering them into a database, a total of 2,991 victims under the age of 18 were identified. This is 3.4% of the total number of victims reported to the Commission through its statement taking process. However, it does not represent the proportion of child victims in Timor-Leste, as in 73.3% of cases the age of the victim was not provided. This is because many statement givers did not know the ages of the victims, particularly where the victim was not a close family member. In other cases statement-givers could not remember the age of the victim where the violation occurred some time ago. Also, the statement taking process itself focussed on narrative rather than specific biographic details.

20. The Commission also conducted over 100 interviews with individuals who had suffered violations as children, or who had some knowledge of the treatment of children during the occupation. This was particularly important in the Commission's investigation of children taken to Indonesia, which was not a violation included in the Commission's statistical truth-seeking process. The Commission also organised 257 Community Profile workshops throughout the country, which provided additional information on children. The details of each community's human rights violations including those suffered by children were given in these workshops.

21. Statements provided to the Commission's community reconciliation unit by perpetrators of minor violations gave context to research into children involved in pro-autonomy militias. However, the purpose of such statements was to facilitate the deponent's return to communities rather than truth-seeking, and so they did not provide detailed information on the topics covered in this chapter.

7.8.2 Children in the armed political conflicts and the clandestine movement

22. One of the most direct ways of involving children in conflict is by forcing them to join the armed forces or to take part in related military activities. Physically vulnerable, more impressionable and more easily controlled than adults, children can be a valuable source of support to military operations. However, the costs, both to the children and to the broader community, are high. Children lose their status as civilians in armed conflict and thus the entitlement to protections from the violence of war that international humanitarian law provides. Further, they are exposed to extreme danger and to violence as a routine occurrence over the most formative period of their lives. This often includes serious human rights violations, whether as victims, perpetrators or witnesses. The use of children in this way contributes to the militarisation and polarisation of the broader society. It puts children not just on the frontline of the military conflict, but on the frontline of societal conflict as well.

23. For these reasons, forcing children in occupied territories to work in or with the armed forces is specifically prohibited under international law. There has been and continues to be controversy over the age at which children may join the military.

24. Under the Convention on the Rights of the Child, which Indonesia ratified in 1990, the following rules apply:

- States must refrain from recruiting children under the age of 15 into their armed forces, and must take measures to prevent children under the age of 15 from directly participating in hostilities.¹⁶
- If recruiting children between the ages of 15 and 18 into their armed forces, states must give priority to older children.¹⁷
- Children have a right to protection from economic exploitation and from performing work that is likely to be harmful or dangerous to the child.¹⁸

25. In addition, Article 51 of Geneva Convention IV prohibits an Occupying Power from forcing any civilians to serve in its armed forces and from using propaganda to secure voluntary enlistment. Children under the age of 18 must not be compelled to do any work.

26. The Commission documented 146 cases of child recruitment in the statement-taking process. This accounted for 6.8% (146/2,157) of all forced recruitments documented by the Commission. However, in 45.5% (981/2,157) of cases of recruitment the victim's age was not known. It is likely, therefore, that some of the 981 cases of recruitment where the victim's age was unknown were perpetrated against children.

27. The overwhelming majority, 83.6% (122/146), of the documented cases of child recruitment occurred between 1975 and 1983. Hence, child recruitment appears to have been mainly used during the initial years of the Indonesian occupation. Of the cases of child recruitment documented by the Commission, 84.3% (123/146) were attributed to the Indonesian military and 17.8% (26/146) were attributed to the Timorese associates of the Indonesian military, including the militias in 1999.* Only 3.4% (5/146) of cases of child recruitment documented by the Commission were attributed to the clandestine movement or Falintil.

* When calculating proportional responsibility for violations, some violations may be counted more than once because responsibility may be shared among perpetrators.

28. All sides to the political conflicts in Timor-Leste used children over the mandate period of the Commission. As TBOs children performed a variety of tasks. Although not generally directly involved in fighting, child TBOs were frequently brought to the battlefield and thus were exposed to physical danger. At the very least they lived in difficult conditions and were prey to mistreatment by soldiers. Children also had an important role in the Resistance, both in fighting for the Armed Forces for the National Liberation of Timor Leste (Forças Armada de Libertação Nacional de Timor Leste, Falintil) or as part of the clandestine movement. Finally, children were recruited into the militias that terrorised Timor-Leste in 1999. Often they joined the militias as a result of intimidation that seriously violated their human rights, and then went on to commit grave human rights violations themselves.

29. The following section looks not only at cases of forced recruitment but at the broader experience of children involved in the conflict either as TBO for the Indonesian military, as militia in 1999 or into the Resistance, either through the clandestine movement or Falintil.

7.8.2.1 Children as TBOs and on operations

30. The main form of involvement of East Timorese children with the Indonesian military was as TBOs. The Indonesian military used both adults and children, primarily males, as TBOs from immediately after the invasion as porters, servants and general assistants in military operations. TBOs were kept in military camps but would often accompany soldiers into the field. The immediate purpose of recruiting TBOs was to provide operational logistical support. Recruitment was therefore often undertaken when a need arose to move supplies through unfamiliar territory. A secondary purpose, according to Indonesian military documents in the hands of the Commission, was to encourage children to become supporters of integration.

31. For the children, the motivation to become a TBO was complex. Many were overtly coerced by threat of force against themselves or their families. Others became TBOs in order to get food to survive, or provide a measure of security for their families. This was particularly evident during the late 1970s when food was scarce and families were vulnerable. Some children joined precisely because they or their families were suspected of being supporters of the Fretilin (Frente Revolucionaria de Timor Leste Independente, Revolutionary Front of Independent East Timor). Some also joined voluntarily.

32. According to the Commission's research and secondary source material, including military documents, most child TBOs were recruited in the early years of the conflict, 1976-1981. Although there are cases of TBOs as young as six, male teenagers appear to have been the most heavily represented group among children.¹⁹ This finding is consistent with the statistical patterns resulting from the Commission statement taking process, which suggests that forced recruitment mostly affected young males between the ages of 19 and 34. Of the children forcibly recruited, almost all were adolescent. Periods of service ranged from a few weeks to more than a year. In most cases TBOs were awarded certificates at the end of their service and returned to their homes, sometimes in large groups after a battalion shipped out. There are also cases of TBOs who returned to Indonesia with the particular soldier they had served, joined another battalion or remained in Dili.

33. It is clear from the testimony of former TBOs that they were put at risk by being forced to carry ammunition, to guide soldiers to find Fretilin supporters in the forest, and to gather water and firewood in combat areas.

¹⁹ The database includes one first-person account of a boy recruited by ABRI Airborne Infantry Battalion 700 in Ainaro in 1978 "at the age of about six years old". In HRVD Statement 3242, Eurico Guterres also claims to have begun working as a TBO at age six.

Patterns of recruitment of TBOs

34. The Commission was not able to make direct statistical measurements of TBOs because TBO cases were documented as child recruitments in the statement-taking process. The bulk of child recruitment cases documented by the Commission occurred between 1975 and 1983, so it is likely that the use of TBOs was also most frequent between those dates. Military documents and individual cases show that TBOs continued to be recruited in the mid-1980s, albeit at lower levels, and there are isolated cases into the 1990s.²⁰ The decline in child recruitment can be explained by the scaling down of military operations and increased regulation of the recruitment.

35. In the period immediately following the invasion, Indonesian battalions forcibly recruited large numbers of people of all ages to help carry ammunition and supplies for short periods. Community Profiles indicate that short-term, large-scale recruitments, including of children, continued throughout Operation Seroja (Lotus) to fulfil immediate operational needs between 1975 and 1979.

36. Albino Fernandes, for example, reported that he was forcibly recruited in Lebos (Alas, Manufahi) in September 1978 when he was 15 years old, together with all children in the village over the age of 12. He served for more than a month and escaped before his unit in the ABRI (Angkatan Bersenjata Republik Indonesia, Armed Forces of the Republic of Indonesia) was able to carry out its plan to send him by ship to the eastern region to serve as a TBO. Bonifacio dos Reis reported that as a 17-year-old, he and many others were captured and forced to carry military supplies from Letefoho (Ermera) to Hatulia (Ermera) for three days and three nights without food.²¹ A 14-year-old was also among a large group of civilians captured and then held at the Maubara Koramil (Komando Rayon Militer, sub-district military command) in February 1977.²² He was one of five youths forced to be a TBO for one month by Battalion 310.

37. Other TBOs were recruited on an individual basis to provide assistance to a particular soldier, and this was increasingly the pattern following the end of Operation Seroja. These TBOs not only assisted in transporting goods, but would also undertake domestic or other duties as required by the soldier that they served and would live with their soldier in the camp and accompany them into the field. The relationship was personal enough that in several cases the Commission heard that a TBO accompanied his soldier to the hospital in Dili by helicopter after he was wounded.²³ Initially, such recruitment was undertaken by individual soldiers on an *ad hoc* basis. By 1982, if not earlier, this form of recruitment was recognised and regulated and soldiers seeking TBOs were required to approach the local Village Guidance Officer (Bintara Pembina Desa, Babinsa).²⁴

²⁰ CAVR Interview with Albino Fernandes, Alas, Manufahi, 6 March 2003. See also HRVD Statement 06117, in which Augusto Guterres told the Commission that in 1978 in Baguia, Baucau, he saw many youths recruited as TBOs when he surrendered.

The status of TBOs in the military

TBOs were not part of the ABRI/TNI in that they were not given a rank, a uniform or a salary. Nevertheless TBOs were recognised as a specific category of assistant, and were distinguished from other civilians recruited for operations, such as Operation Keamanan (Operation Security, also known as Operation Fence of Legs [Operasi Pagar Betis]) conducted in 1981. The following factors suggest that the recruitment of TBOs was official military policy:

- The various roles and tasks undertaken by TBOs were common across battalions and over time.
- Although not paid a salary, TBOs generally received food and board for their services.
- According to Operational Instruction 15, by 1982 TBOs were a formal and regulated part of the military structure.²⁵ Each Kodim (district-level military command) was instructed to:

provide TBOs for combat units, territorial forces and police forces and carry out the monitoring and administration of TBOs recruited.

- This document also directed units needing TBOs to make a request to the local Village Guidance Officer - the village-level military representative. Although this may not always have been followed, it implies that the military had a system in place for the recruitment of TBOs from their home villages.
- Operational Instruction 15 also directs Kodims to screen TBOs in order to provide formal recognition of those who were killed, compensation for those injured and awards in deserving cases. Other military documents mention awards for bravery and even posthumous elevation to the rank of private for TBOs killed in battle.
- TBOs received certificates signed by the Battalion commander at the end of service, sometimes accompanied by modest amounts of money.

38. The ways in which TBOs were selected varied greatly. Research interviews and statements taken by the Commission suggest that in the 1970s many children were recruited following their surrender or capture by the invading forces. Others were selected because they were presumed to be sympathetic to the Indonesian cause. The Commission received testimony about one supporter of the Timorese Democratic Union (União Democrática Timorense, UDT), who was detained by Fretilin. The invading Indonesian army freed him and he became a TBO.²⁶ In another case, Antonio da Costa reported being among very large numbers of TBOs recruited by landing parties in areas of Manatuto known to have little Fretilin support, though few of them were children.²⁷

39. In a few cases, TBOs were recruited after other members of a group with whom they had been caught were killed. Cipriano de Jesus Martins reports that after his older sister and her child were shot by ABRI in Riheu (Ermera, Ermera) in January 1976, he was forced to become a TBO for one year.²⁸ The Commission received two statements about another incident from Eurico de Almeida and Marcos Gusmão. They described how a group of their family members were seeking food outside the camps in Venilale (Baucau) on 12 October 1979 when they ran into three platoons from Battalion 745. Three male adults were reportedly shot and killed, three young children were sent home, and one ten-year-old child, Manuel de Almeida, was recruited as a TBO.²⁹ In a third such case, Marcos Loina da Costa told the Commission that when he was 12 years old in Laleia (Manatuto), he went looking for food and met up with two men who turned out to be former Falintil members. The group was captured by the Indonesian military and taken to

the post at Larimasa Laleia (Manatuto). The two men were killed, while Marcos was forced to become a TBO³⁰.

The number of child TBOs

40. As mentioned above, TBOs were not specifically documented through the statement-taking process so the Commission was not able to make direct statistical measurements of TBOs. However, other sources including interviews conducted by the Commission, military documents and Community Profiles suggest that large numbers of TBOs were recruited.

41. A conservative estimate of the number of TBOs overall can be derived from military documents. By 1982, guidelines for the mobilisation of civilians limited the number of TBOs to 5-7% of a unit's total strength, while recognising that in practice the number generally reached 10%, suggesting that about 80 TBOs served each battalion. A 1984 military document restricted the numbers further, allowing battalion-sized units to recruit just 15 TBOs, or five per company.[†] These overall quantities are significantly lower than those estimated by former TBOs who spoke to the Commission.[‡] The number of battalions fluctuated over time. At the peak in 1976 and 1978 up to 30 battalions operated in Timor-Leste, but it is not clear whether all battalions had TBOs, or how many TBOs served on different occasions, or whether TBOs were "rotated" out of service more frequently than battalions, as appears to be the case from the lengths of service described by former TBOs. Nevertheless, if it is assumed that the Indonesian military's guidelines on TBO recruitment were broadly followed and not exceeded, it is clear that the use of TBOs was a common and widespread practice by Indonesian military units. The Commission recommends that further research be undertaken to determine the extent of the practice.

42. It is also difficult to calculate the proportion of TBOs who were children. Anecdotal evidence suggests that while children made up a minority of TBOs, the overall numbers were still quite large. The Commission has received reports of child TBOs in every district except Oecusse. However, some units may have recruited few or none, while others recruited many minors as porters for days, weeks or years. One source recalled that, of a group of 200-300 TBOs serving Battalion 121, there were about seven children who were aged below ten in the group, including himself. He estimated less than 30 children were aged 12-13 years, and up to 60 were aged 14-17 years, whom he considered no longer children. Taken together, from one-half to one-third of the TBOs in this battalion were aged under 18.³¹ Consistent with these figures, another former TBO reported that in his experience a platoon of about 30 soldiers had 10-15 TBOs and in his platoon there were seven children. That figure included two young children, who had been picked up during operations and did not have work duties.³² However, another person who had been a TBO in 1976 recalled that his whole battalion had just 18 child TBOs.³³

Why ABRI recruited children as TBOs

43. The primary purpose of the recruitment of TBOs appears to have been operational: transporting supplies and providing for the day-to-day needs of soldiers. In some cases TBOs were used to guide soldiers, help locate both civilians and guerrillas in the forest or to carry

³⁰ Augustinho Soares remembers that after a mass capture at Letefoho, many suspected Fretilin or Falintil members were trained as Ratih or Hansip, including some who were 14 and 15 years old. CAVR Interview with Augustinho Soares, Ermera, Ermera, 13 August 2003.

[†] A battalion of about 800 soldiers is generally made up of five companies, each of which has five platoons of about 30 men, further divided into three squads (*regu*).

[‡] João Rui recalls that after Battalion 121 left Timor-Leste in 1980, 200-300 TBOs who had served with the Battalion were sent by ship from Dili to their homes in the eastern districts, suggesting that up to 40% of the Battalion was comprised of TBOs. CAVR Interview with João Rui, Dili, 5 May 2004. Another source recalls that in his experience a platoon of about 30 soldiers had 10-15 TBOs, or one per two soldiers. CAVR Interview with Alfredo Alves, Dili, 5 March 2004. Albino Fernandes however recalled that in 1978 in his Battalion each company (about 150 men) had a total of about ten TBOs. Hence there appears to have been significant variation in the number of TBOs in a battalion. CAVR Interview with Albino Fernandes, Alas, Manufahi, 6 March 2003.

ammunition, equipment and supplies during combat. There are also reports of TBOs being deployed in front of units in the field.

44. The question remains why children and youths were selected for service. There are several possibilities: indiscriminate demand for unpaid labour, a hearts-and-minds tactic, or a perception that young TBOs posed a lower risk of betrayal or escape.

45. There is some evidence that the recruitment of youths was driven by the need to satisfy the military hunger for free labour in support roles. This seems especially likely in the early years after the invasion when larger numbers of TBOs were recruited for short-term, ad hoc tasks. One source describes children as young as 11 being pressed into service from the local population to replace some adult TBOs who had fled, either due to simple availability or perhaps because they were preferred as easier to control than adults.³⁴

46. There is evidence that once individual soldiers had the main responsibility for the recruitment of TBOs, children were specifically targeted as recruits. A 1982 military document details the roles of the various civilian paramilitary groups particularly with regard to Operation *Kikis* (see section below, entitled Children on operations: Operation *Keamanan*). In an illuminating passage the document lists the strengths and weaknesses of TBOs. The strengths, derived from spending time with Indonesian soldiers, include the ability to speak Indonesian, good health and loyalty to the particular soldiers they served. Of greatest relevance to this chapter, the final strength listed is “[r]elatively young age, between 12-35”, although the passage does not explain why youth was regarded as a strength.³⁵

47. It may have been assumed that children were easier to influence ideologically than adults and would therefore go on to support Indonesia. There are several cases in which children who served as TBOs subsequently joined paramilitaries, or even the Indonesian military, as adults.^{*} The 1982 handbook for the Village Guidance Officers (Babinsas), provides advice about former TBOs:

Those of school age should be encouraged to go back to school, while those who meet the criteria and are aged between 18 and 25 can become members of Ratih units[†] and then members of ABRI[‡].

48. Leaders of the militia groups in 1999 who were previously TBOs include Joanico Cesario Belo of Tim Saka militia, Cancio Lopes de Carvalho of Mahidi militia (Mati Hidup Demi Integrasi, Live or Die for Integration) and Eurico Guterres of Aitarak militia (Tetum for “thorn”).³⁶

49. Some children were forcibly recruited as TBOs precisely because of their real or suspected ties to Fretilin, and thus as an effort to control them. According to Father Locatelli, the

^{*} See CAVR, *Children and Conflict*: Submission to CAVR by Helene van Klinken. *Case Summary Collection*, 2003. See also, CAVR, Community Profile of the aldeia of Vaviquinia, Maubara Sub-district, Liquiça District, 3 July 2003, which notes that twelve villagers of unknown age were captured in 1976 by Infantry Battalions 403 and 401 and Secret Warfare Command (Komando Pasukan Sandhi Yudha, Kopassandha), made to serve as TBOs and then recruited into Civil Defence Force (Pertahanan Sipil, Hansip) at the end of their service.

[†] Indonesian civilians were regularly selected to undergo basic military training, after which they were referred to as Trained Populace (Rakyat Terlatih, Ratih). Further selections may be made from the ranks of the Ratih to form (a) the Civil Defence Force (Pertahanan Sipil, Hansip), responsible for protecting civilians in case of natural disaster or war, (b) the People's Security Force (Keamanan Rakyat, Kamra).

[‡] ABRI, “Petunjuk Teknis tentang Kegiatan Babinsa” [Instruction Manual: Village Guidance Officer/TDP Activity in developing and phasing out Trained People's Resistance Forces], *Juknis /06/IV/1982*, (Korem 164, Wira Dharma, Intelligence Section, Williem da Costa [Chief of Intelligence] translated in Budiardjo and Liang, *The War Against East Timor*, Zed Books, London, 1984, pp. 223-227; see also ABRI, “Komando Pelaksana Operasi Timor Timur” [Military Command East Timor Operations], *Rencana Operasi No. 01/Bayu*, Lampiran D (Rencana Teritorial), [Operational Plans No.01/Bayu. Attachment D (Territorial Plan) p. 5. which directs forces to “assign TBOs from returned Battalion to strengthen Wanra in the Tactical Resistance bases, PPT.”

recruitment of TBOs was also a strategy by the military to prevent youths from becoming involved with Fretilin.³⁷ Adults, including Falintil members, were often forced to become members of the Civil Defence (Pertahanan Sipil, Hansip), Trained Civilians (Rakyat Terlatih, Ratih), People's Resistance (Perlawanan Rakyat, Wanra) or members of other paramilitaries.

50. Finally, children may have been preferred over adults as they were less likely to desert or betray their units. One former TBO told the Commission that of the three TBOs in his unit, an adult ran away one night with TBOs from other units, while he and the other under-age TBO did not know the way home and so were afraid to flee.³⁸ However, as noted in section 7.8.2.3 Children in the clandestine network in fact played an important role in providing intelligence and supplies to the Resistance, and there are several cases of child TBOs being killed or disappearing because they were suspected of communicating with Falintil.*

51. Indeed, several 1982 military documents warn that the knowledge gained by TBOs could easily fall into the wrong hands. One warns:

As a consequence of [TBOs] accompanying members of ABRI, they will learn much of the strengths and weaknesses of ABRI members. If not guided, they may turn around and pass on information to the GPK for its use. A number of cases prove that the GPK has sent its people to become TBOs and then return to the forest with equipment, logistics and the most important thing, information.³⁹

52. Another document warns that the Security Disturber Movement (Gerakan Pengacau Keamanan, GPK) "can also disguise themselves as, or infiltrate into the ranks of, TBOs attached to ABRI units".⁴⁰ To guard against this risk, another document from 1982 instructs Babinsas on how to handle ex-TBOs: "Give them continual guidance so that they are not influenced by the GPK."⁴¹

Reasons for joining

53. The Commission's research suggests that TBOs were recruited by a variety of means, which varied depending on the individual and the broader military and socio-economic situation.

54. In many cases recruitment was undertaken forcibly, but other children chose to join for material benefit or security, and others because they enjoyed the work. João Rui who served as a TBO four times as a child explained his reasons for joining each time: the first time he was forced, the second time he was persuaded by the promise of food, sweets and friends, the third and fourth times he joined voluntarily because he was used to the work and did not enjoy the heavy farm work that he was doing at home with his uncle. He was also hoping to receive an education, although that never happened.⁴²

Coercion

55. José Pinto, who in 1977 at the age of 16, became a TBO for Infantry Battalion (Yonif) 724 said:

* See HRVD Statement 04435, in which João Pinto describes the killing of his son, Domingos Mario, a 17-year-old TBO who was forcibly recruited on 4 December 1979 by the Koramil in Luro, Lautém. After it was known by ABRI that he had been writing letters to a Falintil member in the forest for 4 months, Domingos was brought by ABRI force 305 to Nundelarin, Luro where he was beaten, stabbed in the chest with a bayonet and burnt on the cheeks with cigarette butts. After he had been detained for nine days he went home for three days. A Hansip called C1 along with ABRI then came and took Domingos to the Koramil in Luro and he never returned.

When they came into the house, [the Indonesian soldiers] would always bring their weapons with them. So whatever they wanted my parents had to agree to. We couldn't say whether we wanted to or not⁴³.

56. As seen from the above stories, in many cases children were openly forced to become TBOs, for example after capture or surrender. Domingos Maria Bada told the Commission that after several years in the mountains, he and his family were captured by the army and Hansip members in Faturasa (Remexio, Aileu). While the rest of his family were taken to the town of Remexio, he and a friend were kept at the army post in Faturasa as TBOs. Domingos explained that he did not want to become a TBO but was threatened with a weapon and so had no choice. He joined the army and was ordered to carry their knapsacks into the battlefield.⁴⁴

57. Some of the coercion was directed at those suspected of supporting Fretilin. For example, Luis Soares told the Commission that when he was 16, he was captured in 1976 by a Hansip in Ermera and turned over to Yonif 412, because he had helped Falintil. He was forced to serve as a TBO in Aileu and Same for one year.⁴⁵ The Community Profile of Aidabaleten (Atabae, Bobonaro) states that in one year around 300 young men were considered to be members of the traditional forces (*Armas Brancas*) or Fretilin militias were arrested and detained for three months. Following their release, those who were still adolescents were forced to undertake military training and were then made TBOs.

58. Coercion also took place in the broader context of military control over the civilian population. One former TBO pointed out:

No civilian could oppose a soldier. People were afraid. Even a Bupati [district administrator] didn't dare oppose a soldier...Not joining was dangerous - we would be dead, no problem.⁴⁶

59. The persuasive approach was used with Oscar Ramos Ximenes, who became a TBO at the age of 12 in 1980 in Cairui (Laleia, Manatuto):

I couldn't go to school because I was hungry, so I gave myself up to become a TBO, just so I could survive⁴⁷.

60. The Indonesian military also used more subtle methods of recruiting boys and young men to work as TBOs.

61. Gil Parada Martins Belo told the Commission that when he surrendered in 1979 and began living in Lacluta (Viqueque), the Indonesian military approached him regularly to persuade him to become a TBO, even though he was only ten years old at the time:

They were always trying to persuade me, that's why I went [with them]. They brought me cakes, clothes, trousers. They didn't threaten me. I didn't feel comfortable though because there were always soldiers coming and calling for me. They always waited for my father, and that is why I left in the end...At that time it was very difficult to get food. Many people died. This is what made me think that it would be better for me to join with them.⁴⁸

⁴³ *Armas Brancas* was an unofficial term for civilian forces charged with helping Falintil forces in the battlefield by providing food and other supplies. *Armas Brancas* forces were armed with swords, spears, or bows and arrows but only for self-defence. They were not involved in direct combat.

62. In his autobiography Eurico Guterres writes of becoming a TBO to survive:

Although I was only six years old, I joined in helping out the TBOs at the Battalion 502 Base Camp at Burkaila [Uatu-Lari, Viqueque]. Although working as a TBO was looked on with contempt, I had to work hard at it to lighten the load of my mother. Becoming a TBO meant that, at the very least, I could eat.⁴⁹

63. Once in the camps the promise of extra food allowed TBOs to help feed their families. Agostinho Soares reported that even though TBOs usually received only what was left over from soldiers' meals, at times he was able to get some food to his family: "If I hadn't become a TBO, then my whole family might have died. We had a bit of luck because I was a TBO."⁵⁰

64. Because of the material benefits that could come from serving as a TBO, there are also cases of families pushing their children to join. After three years in the mountains, José Viegas and his family surrendered in 1978. Despite their strong Fretilin background, his family pressured him to become a TBO:

Most people knew that my father had been armed, that my mother was a delegate and that I was an estafeta [courier]. In 1978, our family's movements were watched and monitored, so it was very difficult for my father to find the basic necessities to satisfy his family's needs. We couldn't even plant vegetables...As a way out, my mother begged me: "Join as a TBO so we can get food from [ABRI]." But I didn't want to, even though my mother insisted on it until she had to beat me. I ran away from home and wandered around in the forest for a week.⁵¹

Duties

65. A 1984 military document states that TBOs may be deployed only as guides, only in their home areas and only with knowledge of the territorial command.⁵² However, this does not seem to have been general practice. Information that the Commission received from former TBOs indicates that the duties of TBOs were varied and often involved moving around with troops to wherever operations were being conducted.^{*}

66. Many TBOs were used for logistical purposes during military operations such as carrying army supplies or the packs of individual soldiers containing items needed on the battlefield.⁵³ In the base camps, TBOs were used for domestic tasks such as cooking, laundry, and finding water and firewood. José Pinto reported that he became a TBO for four months when he was 16 years old. He would draw water from a well 10-20 times a day using a 15-litre container. Because he was also attending school at the time, he would draw the water in the mornings and evenings. If the army post was at the top of the mountain, he would have to walk more than 100 metres up and down the mountain with the water.⁵⁴

67. TBOs were also used as guides or scouts which could involve the dangerous task of walking ahead of the frontline to check that the path was clear.[†] Statements received by the

^{*} For example: Mário dos Santos told of travelling with the military from his hometown in Bazartete (Liquiça) to Fatolia (Ermera) then to Dili and Ainaro, and back to Bazartete over a nine-month period, CAVR Children and Conflict Research Team, Research Paper, "Forced Recruitment", 31 August 2003; Albino Fernandes told of the TBOs from Lebos (Bobonaro) travelling in 1978 through the mountains of Bobonaro, Ainaro and Manufahi, CAVR Interview with Albino Fernandes, Manufahi, 6 March 2003.

[†] See statement of Leoneto Martins, who was forced to walk ahead of the frontline when he worked as a TBO for Infantry Battalion 410, CAVR Interview with Leoneto Martins, Saburia, Aileu, 15 October 2003.

Commission indicate that the role of guide was often linked to a role as a courier for ABRI to make contact with members of the Resistance, or calling on people living in the forest to surrender. Domingos Maria Bada, who served as a TBO for eight months for four members of Battalion 410, told of his experiences during an operation in Fahinehan and Turisca in Manufahi District:

But there was one thing that was important, which was that when there were operations held in the forest, TBOs had to form the frontline as guides for the soldiers. And TBOs had to go and look for and call to people still in the forest to give themselves up.⁵⁵

68. Belchior Francisco Bento Alves Pereira testified to the Commission Public Hearing on Children and Conflict about his forced service as a TBO in 1990 in Manutasi (Ainaro, Ainaro) after being detained for clandestine activities:

If we were doing an operation in the jungle I was told to carry the packs, weapons and bullets. They gave me new army clothes and I became their bait in the forest. First I was with [Infantry Battalion] 613, then [Infantry Battalion] 641, [Infantry Battalion] 642 and, finally, with [Infantry Battalion] 643.⁵⁶

69. The Commission has also heard that TBOs would be forced to provide support once battle had been joined. Alfredo Alves testified to the CAVR National Public Hearing on Children and Conflict that at the age of 11 he accompanied Battalion 725 into battle, mainly to refill magazines.*

Conditions and treatment

70. Although in many cases TBOs received more food than average members of the population, their conditions could also be difficult. At best they were expected to live in conditions that were as harsh as those of the soldiers they served, even though the soldiers had been trained to deal with physical deprivation. Former TBOs have reported suffering from exhaustion, hunger and thirst. Several former TBOs reported that they ate only what was left over after the soldiers finished, or in some cases rice that was already rotten.⁵⁷ If helicopter supply drops were delayed, there were food shortages for everyone. However, when the supplies arrived the TBOs had heavy loads to carry, often over long distances. Alfredo Alves told the Commission that on two occasions all TBOs with his Battalion were given injections in their legs before carrying heavy packs, in order that they would not feel the weight or become tired.

71. Marcos Loina da Costa from Cairui (Laleia, Manatuto), who was only 12 when he was forced to become a TBO, said he found it very difficult to carry the heavy loads:

Throughout the journey we felt as if we were almost dead because what we carried was so heavy and so much. Whoever was no longer strong enough to carry their loads would just be left behind.⁵⁸

72. Domingas Freitas told the Commission of her younger brother Rai Ano who was recruited with a friend, Zeca, in 1978 in Ossu (Viqueque), by a member of Battalion 744. Zeca later told the

* See also HRVD Statement 09081 by Cipriano de Jesus Martins: "As long as I was with ABRI I was forced to carry their combat equipment such as bullets and food into the field of battle between ABRI and Falintil."

family that Rai Ano had died in Uatu-Lari (Viqueque) because he was not strong enough to carry the heavy military equipment.⁵⁹

73. The treatment of TBOs by the military, including incidences of physical abuse, seems to have depended on the personality of the soldier to which each TBO was assigned.

The everyday life of a TBO

“If we died, it didn’t matter”

One young boy was recruited by soldiers from [Infantry Battalion] 121 by giving him sweets and asked him to carry a backpack for several kilometres. By the time they had arrived at their destination it was dark and he was afraid to go home. They took him with them to the forest where he collected firewood and water, pitched tents and cooked:

[W]e would walk for up to 12 hours a day. We would leave at 5.00am and walk until 12.00 when we would have a break and eat lunch, then we were off again until it was dark. The next morning we would set off again and we went back and forth through the forest like that. I was already carrying heavy loads then...We climbed up [Mount] Matebian, it rained the whole time and I couldn't sleep because everything was wet. Sometimes we would go to the towns to get rice, sometimes by helicopter. The soldiers would send smoke signals or use a radio. They would give us food and milk. We were on Matebian for two months going back and forwards. I thought we would go to the towns but we couldn't - we didn't go into any towns, we were in the forest the whole time.

One mountain that we climbed was extremely difficult; there were some who fell off...at the border of Uatu-Lari, at the base of the mountain, we rested for two days but it was seriously raining heavily and the helicopter couldn't get to us for two days and two nights. We ran out of rice and cigarettes, everything ran out. They were stressed and were only drinking tea. When the sun set we would go looking for fruit, coconuts, anything. Then before we knew it a helicopter landed. The soldiers had sent smoke signals and the helicopter came down to us and gave us rice. Suddenly, all of the bigger TBOs ran away. They knew the way and so ran back to their villages. It was harder for us [little ones], we were in the middle of the forest, how would we find the way? That night when the company commander ordered us to get rice, it was discovered that two TBOs had gone. One other TBO then ran away from our regiment, leaving just two of us. The other TBO was 16 or 17, but I was just eight or nine.

The next morning we were moving again. There was a lot of rice now and the sacks were wet...Usually if we were staying in one place we could receive rice twice a week. But when we were moving we received [supplies] maybe once a week ... For nine people, that is a lot of rice at once. There were about 50 kilos in the sacks...So we left carrying all of that but there were no more TBOs so in Uatu Lari [Viqueque] we called more people to join. There were some older ones, I saw one even given bullets to carry. That area was still dangerous and there were some people called up who were too scared to join. We weren't careful either, if we died, it didn't matter. There were tens of people [who joined] including children around 11 years old. We left directly from there into the forest to climb Matebian again. Some of the bigger TBOs became annoyed because the bags were heavy and then they were given bullets. We were at a river called Uaibobo and they were so annoyed they threw all of them in...We were told to climb back up into the forest and we stayed in an area near the border between Venilale (Baucau) and Ossu (Viqueque) near a river. We were there for maybe six months or more...Then we moved again to a town, which was nicer but we had to work every day: cooking, collecting water and washing clothes.⁶⁰

Fatalities

74. Qualitative sources, such as interviews and community profiles, suggest that many TBOs, including children, may have been killed in combat. However, more focused data collection and research is required to make a finding on this issue.

75. Testimonies received by the Commission also indicate a high level of fatalities. One TBO, who began service in 1976 and spent time with three different battalions over two years, finally ran away with several others because of the high casualty rate in the eastern districts:

When there was an operation in the forest, we would always be in the frontline. So there were TBOs that were shot by Fretilin because TBOs were used as guides each time there was an operation. Of nine TBOs, three died and others were wounded. My TBO friends were wounded or died just because they were always ordered by the soldiers to walk in the frontline.⁶¹

76. Evaristo da Costa Silva reported to the Commission that in 1983 nine boys, including Aureliano da Silva (ten years), Bonifacio da Silva (ten years), Domingos Mendonca (11 years), Ernesto Amaral (14 years), Jacinto Amaral (14 years) and Domingos Mesquita (14 years), were forced by Infantry Battalion 514 to carry packs full of rice from Liurai village (Remexio, Aileu) to Hera (Dili). When they arrived in Ailebur/Pamketaudun, Ernesto Amaral was reportedly shot by an Indonesian soldier named C2, because he could not carry his pack any further. The other boys fled to Dili or to their home villages, where ABRI members went looking for them until a soldier from the Remexio Koramil called off the chase.⁶²

77. Several cases were reported to the Commission of child TBOs who were not seen again after being recruited. In one case, Apolinario Soares reported that his younger brother João Soares was ten years old when he was caught by Battalion 745 and forced to become a TBO in 1980, because the family was suspected of supporting Fretilin.⁶³ In another case, Costavo da Costa Ximenes told the Commission that his younger brother, ten-year-old Avelino Pinto, was taken by ABRI in November 1982 from his home in Alaua Atas (Baguia, Baucau). Ostensibly, he was to be adopted but actually he was made a TBO and was not seen again.⁶⁴ One man from Atsabe (Ermera), Eduardo Casimiro, remembers several children from the area dying after being recruited as TBOs.⁶⁵

78. Some children may have died in combat, but the Commission has also been told of several incidents in which TBOs were killed or threatened with death by the Indonesian military. Alfredo Alves remembers in 1977, the killing of a TBO by Infantry Battalion 725 in Fatubolu (Maubisse, Ainaro):

One day a TBO refused to increase the load of goods he was carrying, which invited emotion from the commander. And when we reached the camp, all soldiers and TBOs were gathered together and the commander said: "TBOs are not allowed to refuse to carry goods because the military has come here to help and give you independence." Then that TBO was called to the front and shot dead. We were then given a clear reminder that if there was someone who refused [to do what he was told], his fate would be the same.⁶⁶

79. According to Marcos Loina da Costa, a former TBO from Cairui (Laleia, Manatuto), another TBO in his unit was nearly killed by a soldier because he could not carry a heavy load of rice, bullets and mortar shells, but was saved at the last minute by another soldier. He remembered that after that incident "every load that I carried felt light because of my fear".*

* CAVR Interview with Marcos Loina da Costa, Manatuto, 24 June 2003 . Da Costa added that the Battalion commander ordered that all TBOs be sent home because of the unfair way they were treated by his men.

80. As noted above, the Commission has received information that a 17-year-old TBO, Domingos Mario, was tortured and disappeared after writing a letter to Falintil.⁶⁷ Another statement reports the case of a 14-year-old, Teodoro de Oliveira, who was shot and killed on Christmas Day 1984 by Infantry Battalion 131 in Serlau (Los Palos, Lautém) for reasons unknown.⁶⁸

Payment

81. In general, TBOs received food for themselves or to take home to their families in return for their services. No former TBOs reported receiving a regular salary, and no mention of payment is made in the military documents. This is unlike members of Wanra or Ratih who were either paid salaries monthly or for the duration of operations (see the section on the militarisation of East Timorese society in Part 4: The Regime of Occupation)

82. Many former TBOs reported receiving small amounts of money at the end of their service. Domingos Maria Bada reported that after six months of service in 1978, mostly searching for civilians in the forest, his work with Infantry Battalion 410 ended and he was given Rp6,000 (equivalent to about US\$14 at the time).⁶⁹ Another former TBO reported receiving Rp20,000 (about US\$32 at the time) at the end of nine months of service with Infantry Battalion 133 in 1981, and Rp25,000 (about US\$23 at the time) in February 1985 after a year serving with Infantry Battalion 507. Each time he was demobilised, this TBO received official certificates with the heading "Letter of Appreciation" (*Surat Tanda Penghargaan*) (1981) and "Statement of Gratitude" (*Ucapan Terima Kasih*) (1985) and signed by the battalion commander.* Gil Parada Belo Martins received Rp25,000 and a certificate from Airborne Infantry Battalion (Lintas Udara, Linud) 401, or Banteng Raiders, which he was told would be helpful in getting employment.⁷⁰

Post-service

83. In many cases a TBO was returned to his village following completion of his service. The Village Guidance Officer (Babinsa) handbook specifically requires that TBOs be sent home and encouraged to return to school, and one TBO remembers hundreds of TBOs traveling home by ship to the eastern districts after their battalion left Timor-Leste. He also remembered:

Some stayed in Dili, since the economy was bad at home. I was given Rp 9,000 and a certificate. We stayed at the Dili Kodim and were then moved to the Becora Koramil. We were left by the soldiers. Little kids were threatened by the bigger kids and there was a risk of being robbed. It was chaotic and sometimes I was harassed. But we felt free: no more cooking, collecting wood, or washing. I was given a military uniform, which went down to my knees like a dress.⁷¹

84. In some cases TBOs were taken back to Indonesia when the soldier returned after his tour of duty. The case of Alfredo Alves, who was tricked into boarding the ship in a box, illustrates that this was not always a voluntary arrangement (see section 7.8.4 The transfer of children to Indonesia).

85. As noted above, for some TBOs the experience led to a long-term relationship with the Indonesian military through joining the army, or becoming a member of the Wanra or other paramilitary groups. However, in many respects service as a TBO does not carry the same

* CAVR Interview with João Rui, Dili, 5 May 2004. He told the Commission that he was also able to save up another Rp25,000 running errands or doing other tasks for soldiers.

stigma as becoming a militia member. It is understood that many were compelled to join, that they often performed only menial work and that they were victims in other respects.

86. Captured army documents from 1982 specifically instruct soldiers to return children to the classroom after their tasks were completed and at least some TBOs were able to return to school only slightly older than their classmates due to their fluency in Indonesian.⁷² However, there were limited educational opportunities anyway during the early years of the conflict when the use of child TBOs was at its height. Serving for a year or more in the military camps or in the forest meant that child TBOs missed out on what opportunities existed.

Children on operations: Operation Security

87. In mid-1981 the Indonesian military conducted an operation in which tens of thousands of Timorese were moved across the territory as a human fence in an attempt to capture Fretilin and Falintil members. This tactic was used on several occasions in operations generically referred to as Operation *Kikis*. The operation that took place in mid-1981 was called Operation *Keamanan* and was the largest Operation *Kikis* ever conducted in Timor-Leste (see the section on Operation *Keamanan* in Part 4: The Regime of Occupation and Chapter 7.5: Violations of the Laws of War, for detailed accounts of this operation).

88. Although TBOs were deployed in Operation *Keamanan*, several thousand ordinary civilians, both children and adults, were recruited specifically for the operation. There was some regional variation, but in many areas all males over the age of 12 were assembled by local administrators or military personnel and assigned to a military unit involved in the operation. Helio Freitas recalled that in his village an order came from the military through the village chief for all males to join without specifying age. The heads of the neighbourhood associations (*rukun tetangga*) and sub-neighbourhood associations (*rukun warga*) made sure that all the males in the village were recruited. There was no formal registration or checking of ages:

Liurai [village head, Koramil and Hansip members gathered together the whole community, all men, and assessed their condition. Small children were separated and assessed for their condition, not their age.

89. The youngest of those selected to join the operation were aged about ten.[†]

90. Eduardo Casimiro from Atsabe (Ermera) told the Commission that soldiers came to his school to take pupils to the Kodim before leaving for Ainaro, but as a 12-year-old he was considered too young to be recruited for the operation.⁷³ Osorio Florindo also told the Commission that 1,000 residents from Luro Sub-district (Lautém) joined the operation, including all the boys from his elementary school, their teachers, and children of the same age who were not in school.⁷⁴

91. The minimum age for recruitment varied widely. The Community Profiles suggest that many school children were forced to take part in Operation *Keamanan* (Security). In Pairara (Moro, Lautém) all children aged 17 and above were recruited and in Vatuvou (Maubara, Liquiça) around 600 people were involved, including children. In Vemassee Tasi (Vemassee, Baucau) the community remembers that throughout the operation, only women, babies and the elderly were left at home. In Aisirimou (Aileu, Aileu) and in some villages in Liquiça, all school children were

⁷² When Osorio Florindo returned to school, after missing three months because of Operation *Kikis*, he discovered that the school rewarded those who participated by promoting them to the next class, CAVR Interview with Osorio Florindo, Dili, 31 May 2003.

[†] CAVR Interview with Helio Freitas, Dili, 19 May 2003. Several sources (including one former sub-district administrator [Camat]) point to the sub-district administrator as having a lead role in enlisting participants under the direction of military authorities. CAVR Interview with Fransisco da Conceição Guterres, Tocolul, Railaco, Ermera, 17 June 2003.

forced to take part. In Lospalos and Tutuala (Lautém), all male residents above the age of 15 were forcibly recruited. In Quelicai (Baucau) and Viqueque (Viqueque), males as young as 13 took part.⁷⁵

92. There were also areas where only adults were recruited. In the village of Parlamento (Moro, Lautém) only those older than 17 years were taken on the operation and in 1979 in Seloi Malere (Aileu, Aileu), mothers and children stayed at home while all adult males joined the operation.⁷⁶

93. Local civilian administrators, such as sub-district administrators and village heads, directed the recruitment process in coordination with local military commanders. In some cases they may have been able to influence the minimum age of recruits. For example, in Railaco, Ermera, the sub-district head, Francisco da Conceição Guterres, was required to provide 500-600 people to join the operation. He remembers telling the sub-district military commander that there were enough adults to fill the quota and asked him who would be responsible for the children if the food ran out. In the end, only those over 30 were registered.⁷⁷

94. While there are few reports of recruits being caught in crossfire, those forced to join suffered from disease and hunger, in some cases resulting in death. Several participants reported that soldiers gave them a small amount of corn each week. According to Osorio Florindo, who was 15 years old at the time, people survived by finding food in the forest. Each morning they prepared their food for the day and then walked without stopping for any reason. If there was no track, they cut their way through the forest.⁷⁸

95. The mass recruitment of men and boys for the purpose of this operation was a different phenomenon to the general recruitment of TBOs. However, a large number of TBOs also took part in the operation. While TBOs did not receive special training, they were differentiated from other Operation *Kikis* recruits by the fact that they served with particular soldiers or in some cases with Hansip. In 1982, one military document notes that from the start of the operation every unit used TBOs, which are estimated to have totalled 1,200, or 10% of the total force (exceeding the permitted 5-7%).[†] It is not known what portion of these 1,200 TBOs were minors, although the document describes TBOs as ranging in age from 12 to 35 years and statements from participants say that children as young as 11 took part.

96. One 11-year-old, Helio Freitas, was not at first selected for the operation but he joined voluntarily as a TBO to a Hansip who knew his family. Helio explained to the Commission that he asked to join because he was afraid that soldiers would punish him if he stayed in the village. His group climbed Mount Matebian with the combat force (*barisan tempur*) out in front, consisting of Hansip members, soldiers and their respective TBOs. There were about 15-20 Hansips and a platoon of 30 soldiers. Most Hansip members had one TBO each, whereas the soldiers shared several TBOs between them. One or two kilometres to the rear were more military, Hansip, TBOs and civilians. Helio was the only child TBO on the frontline, but there were other TBOs his age in the rear and many children among the civilians. All children were over ten. His responsibilities were similar to those of the TBOs used in regular operations: cooking, washing and setting up camp. His group saw no Falintil and captured only two civilians, one of them a child.⁷⁹

[†] HRVD Statement 05785 notes that five friends of the deponent died from lack of food and medicine during the operation in Manatuto. The violations database also includes a second-hand account of a 15-year-old named Januario Mendes who was shot and killed in camp during Operation *Kikis* by a member of Hansip in front of two witnesses; HRVD Statement 03943

[†] Operation Instructions No:INSOP 03/II1982I, p. 7: "From the beginning of Operation *Keamanan*, each unit used TBOs. The number of TBOs permitted was between 5% and 7% of the force. But most units increased their numbers by giving support not to the unit but to each person, so that it became around 10% of the force. In the early period of Operation *Kikis* in mid-1981, 15 Yon units were operating, with 1200 TBOs."

7.8.2.2 Children recruited by pro-autonomy militias

97. Although paramilitaries had existed since the earliest days of the Indonesian occupation, a new variety appeared in 1998-99. These were created in response to the political climate in Timor-Leste created by the fall of Soeharto and indications from President Habibie of a shift in policy towards the territory, which culminated in his announcement of a referendum in January 1999. There had already been signs of the mobilisation of militia groups in the months preceding this announcement, but from early 1999 the number of new militias mushroomed and they moved quickly to recruit thousands of members. Established militias, such as Tim Saka (Saka Team), Tim Alfa (Alpha Team) and Halilintar (Lightening), also sought to expand their membership base. The militias recruited members from civil defence organisations, such as Ratih and Hansip, as well as from criminal, youth and other gang networks, West Timorese, and active duty soldiers. They also recruited many youths, including an unknown number of children. (Membership lists and other records are thought to have been removed or destroyed in 1999; see Part 4: The Regime of Occupation for more information on the 1999 militias)

98. In the child recruitment cases documented by the Commission, 6.2% (9/146) were attributed to the pro-autonomy militias. All of these cases occurred in 1999. Six of the nine cases involved children 15 and over. The other three cases involved children of unknown ages. These figures do not suggest that children were targeted for recruitment into the militias. However, neither do they suggest that children were given sufficient protection from recruitment.

99. This analysis is supported by other sources that suggest that militia members were for the most part young men and teenagers. An East Timorese reporter told a United Nations International Children's Emergency Fund (UNICEF) researcher that Red and White Iron (Besi Merah Putih, BMP) had as many as 100 members under 18 when she visited them in Liquiça in April 1999:

*I spoke with a few of them and they were young, very young. Some of their weapons were almost the same size as they were.*⁸⁰

100. In September 1999 another journalist reported that most were teenagers and in some cases, children appeared to be as young as 12.⁸¹ One child militia member from Atabae (Bobonaro) reported that about 60 other children, including 20 girls, had been recruited into ARMUI (*Atabae Rela Mati Untuk Integrasi*, Atabae Would Die for Integration), an offshoot of the longer established Halilintar paramilitary in Atabae.⁸²

101. Militia groups were subdivided into smaller quasi-military groups such as platoons and companies. For example, a child member of the ARMUI militia reported to UNICEF that it had 20 platoons, each with about 40 members.⁸³ Although few child-militia members have been interviewed, those who have report that there were other children in their groups. One clandestine member, who was forced to join Red and White Whirlwind (Dadurus Merah Putih) in Maliana (Bobonaro), reported to UNICEF that there were more than ten young boys in his group participating in guard duty and house burning, some as young as ten.⁸⁴

Methods of recruitment

102. According to a report issued by Foundation HAK (Yayasan HAK) several months before the referendum, there was a "wave of coerced membership" in December 1998 and January 1999 as the militias began to recruit ordinary civilians.⁸⁵ Recruitment was reportedly based on targets established by government and military authorities - typically ten people per village.⁸⁶ The BMP militia, established on 27 December 1998 in Maubara, Liquiça:

Recruited its members from ordinary peasants, old people and boys younger than 18. According to some sources, the process of recruitment was done through terror, intimidation, death threats and stigmatisation as “pro-independence” people. Those who finally agreed to join the gang were promised a wage of Rp25,000 per day. This group is one among those who are very active in terrorising, intimidating, wounding and killing civilians.⁸⁷

103. Testimony, news accounts, statements provided by perpetrators in the Commission’s Community Reconciliation Process (CRP)^{*} and Community Profiles⁸⁸ indicate that many children joined the militias due to coercion and intimidation, including death threats towards them or their families. All of the children interviewed for the UNICEF study and many of those who gave statements to CRP claimed to have been forcibly recruited. While these claims seem credible and are supported by the documented recruitment of members of clandestine groups,⁸⁹ the fact that these samples include only those who chose to return to Timor-Leste must be considered in evaluating these statements. This is particularly the case given the ostracism experienced by former militia members.

104. Rofino Mesak sought to undertake the Commission reconciliation process in his village of Abani (Passabe, Oecusse) following his involvement in the Scorpion (Sakunar) militia when he was 17 years old. He claimed to have been forced to join by C3, the head of the militia group, under threat of death.⁹⁰

105. Antero joined the Sakunar militia for one month just before the referendum in 1999 when he was 17 years old. Interviewed in the Becora prison in Dili he told a researcher:

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

106. Venancio, from the village of Lauhata (Liquiça, Liquiça), joined the BMP militia four months before the referendum when he was 16. His family was pro-autonomy, but he reported to UNICEF that he joined the militia due to threats and intimidation:

The militia came in April 1999 after they had attacked the church. I was shocked and afraid because they came here with machetes covered in blood. They said, “If you don’t come with us then we will kill you.” There were older ones and young ones. They had been drinking and some of

^{*} The Commission created a database of statements given by perpetrators seeking to be reintegrated into their villages, of which there were 1,543, 47 of them from children. See Part 9: Community Reconciliation.

[†] It was later determined that there was no evidence against him, UNICEF, pp. 56.

them covered their faces and looked like ninjas...Sometimes when the militia came they offered money and other times they threatened us. They said we had to join the militia and that the Indonesians would give us money, but after that we did not receive anything...Many of the other children in the militia were orphans, from broken homes, those who didn't attend school and those who were involved in gambling rings.⁹¹

107. He reported that every night he had to serve on guard duty and that there were seven other children working at his checkpoint.

108. In some cases youths were captured and beaten before being forced to take part in militia activities. Mundus de Jesus testified during his community reconciliation hearing in his aldeia of Caicassa (Maubara, Liquiça) that, although he ran from the militia, the BMP militia caught him on 23 April 1999. He then joined because he was afraid he would be killed. He was 15 years old at the time and was given a gun.⁹² The Commission also heard of other cases of forced recruitment of youths, for example in Covalima to the militia group Laksaur.

109. In another case, which also indicates the close cooperation between the TNI (Tentara Nasional Indonesia, Indonesian National Army) and the militias, the Commission heard from Santiago dos Santos Mendes. Santiago was a 17-year-old boy in Vaviquina (Maubara, Liquiça) when he was beaten and then forced to guard a militia post before being sent home due to the severity of his injuries. He told the Commission:

When my story happened I was 17 years old. On 8 April 1999, BMP [Besi Merah Putih] militia C7 beat, punched, slapped and kicked me in Lisalau, Maubara. After I was treated in this way I was taken to the town of Maubara but on foot. I walked while C7 [from] BMP followed by motorbike.

When we reached Maubara, C7 told me to report to the Maubara Koramil, which I obeyed because I was threatened that I would be killed if I didn't report. When I got to the Maubara Koramil I was interrogated by a TNI member [Indonesian] C8. After I was interrogated, C8 ordered me to guard the BMP post.

This didn't happen because there was a BMP member called Jorge who rejected the idea and said I was not allowed to do the watch because my condition was so bad - [I was] black and blue. So Jorge took me to my home in Pukulete. I was at home for only two weeks because C7 then forced me to go to Atambua [Belu, West Timor]. I refused but C7 wanted to kill me and threatened me with a homemade weapon. So in the end I just did what he told me. This all happened because I was a clandestine member.

⁹¹ HRVD Statement 05859. See also HRVD Statement 07239 in which a 15-year-old boy is repeatedly assaulted and submerged in water by Mahidi members in Noumogue, Hato Builico, Ainaro and then forced to join overnight guard duty in the aldeia of Lelo-moo for one night before he was able to escape.

110. Vasco told UNICEF that he was 14 years old when he was recruited by BMP in Maubara (Liquiça) for eight months in 1999, one of 15 children in his group:

The militia first came to my village in early January. When they came they beat many people and killed some people in my village. They told us that if we did not join them we would die. They said, "autonomy is the best", and that to stay with Indonesia is the right way, and if we followed CNRT [Conselho Nacional de Resistência Timorese, National Council of Timorese Resistance] or Falintil, they would kill us. We were so afraid and we had to join them or they said they would kill us. They said that if we did not do what they said, they would murder us. The commander came with a group of BMP militia. When the militia came my parents were very afraid and they said to me: "If the militia ask you do anything, just do it or they will kill us." They were afraid. My parents told me to hide at first, but later the militia found me. The first time the militia caught me in Januar, they said to me: "Now you are a militia!" They promised to give me money and rice and they gave it to me. Sometimes they gave me Rp250 [US2 cents] and 10 kg of rice.⁹³

111. Girls were also forcibly recruited, sometimes being forced to cook for militia members. Verónica do Rosário reported to the Commission that she was 17 when she was detained with six friends in Umenoah (Cunha, Oecusse) in April 1999 by the Sakunar militia. The militia tortured her and forced her to cook for them for several days.⁹⁴ A child member of the ARMUI militia in Atabae, Bobonaro, told a researcher that about 20 girls were forced to cook for militia commanders.⁹⁵

112. As late as 4 September 1999, the day the results of the referendum were announced, a 16-year-old boy, Feliciano Maichado was reportedly forcibly recruited into Mahidi after being told that any young person who did not join would be killed. He was forced to guard a militia post and to burn houses in Beicala (Hatu Udo, Ainaro).⁹⁶

113. Coercion also operated through families. The UN High Commissioner for Human Rights found that:

Parents were threatened and bribed to coerce the young men, and the youths were harassed and intimidated into becoming members of the militia.⁹⁷

114. Not all recruits were forced to join, however. Other motives included promised material rewards (though the promises were rarely kept) and in some cases the desire to escape from poverty or abuse at home. Some recruits also came from families who supported or benefited from the Indonesian occupation, including some who had family members killed by pro-independence groups.⁹⁸

Activities

115. Once in the militia, children report participating in guard duty in villages and at checkpoints on the main roads, as well as in the widespread burning and killing of livestock. Vasco described his tasks as carrying messages, cooking, gathering information on the local CNRT, building a checkpoint and carrying wood. But he was also ordered to participate in more serious crimes:

The first time they took me from my house, we had to rape a woman and then kill anything we could find like animals and people. They ordered us to rape. We did this together. Everyday we were taken with them by car to burn houses, kill animals and harass people...They threatened me and told me that I had to kill people and rape women. They gave us training in how to use guns and knives, also how to attack and how to kill. We were given training at Kaekasain at a house - the headquarters of BMP militia. An East Timorese militiaman was our teacher. We were also trained by the Indonesian military. Every week we were trained twice a week for two hours...If I cried in front of them, I would die. I would cry only in my home.

116. Nine months before the referendum, Francis [pseudonym], 17, was recruited by ARMUI. UNICEF reports that his father had asked him to join ARMUI in December 1998, after the militia began systematically beating suspected independence supporters in his village. He was forced to take part in attacks on suspected clandestine members:

I was forced to go from house to house and find members of a clandestine group. We found members of the Jesus Homeu Salvador (JHS) clandestine group. We knew where they were because the militiamen had made lists of all the clandestine members in our village...When we found JHS members they beat them and demanded their lulik (a sacred object, in this case a red cloth belt). They took their lulik belts to the post and waited for the owners to come and get them, and then beat them again.⁹⁹

117. Francis' stepfather was beaten and a friend from the JHS group was taken to the beach and killed after he was seen with a Timorese flag.

Child militia members killed or disappeared

118. The Commission has not received any reports of child militia members killed in Timor-Leste. However, some may have died in the refugee camps of West Timor, Indonesia. It was quite common for child militia members to be forced over the border with their militia commanders.¹⁰⁰ The Commission heard of at least one case where the child then disappeared. Alda Martins reported that her 17-year-old son, Agostinho Martins Trindade, was forcibly recruited from Railaco (Ermera) by an Aitarak militia commander named C9 in 1999. C9 forced Agostinho to flee to Atambua with him but then returned home alone. Alda later heard from a third person that Agostinho died in Atambua but she was not told how.¹⁰¹

Impact

119. The greatest impact on child members of the militia is thought to relate to their emotional well-being. Not only have they experienced the usual trauma associated with witnessing and participating in violence, but they must now also suffer the lasting stigma that some members of the community attach to those seen to have been on the "wrong side". Many former militia members have not returned from West Timor because of the fear of retribution or ostracism. These fears are compounded by militia propaganda and continued coercion by militia leaders in the refugee population in West Timor.

⁹⁹ He later denied direct participation in the rape UNICEF, pp. 65,

120. Those who have returned also face serious challenges. While there have been few cases of violence against former militia, especially young rank-and-file members, the fear of social ostracism is well-founded. According to the UNICEF study:

The radicalisation of pro-autonomy youth brought few positive effects. In some cases children were given a sense of community. However most of the effects were negative. Most children who joined the militias report feeling guilt and shame, and appear extremely traumatised by their experiences. Many also have been desensitised to committing extreme acts of violence. Most, like the pro-independence child soldiers, expressed distrust in authority, particularly government institutions.

121. Venancio, a 16-year-old recruit from Liquiça, told UNICEF:

*Often I had bad dreams that the militia would kill me. When I woke up I was afraid and felt depressed. The other young ones woke up after having bad dreams at the checkpoint too. I get headaches since I came back to Timor-Leste. I try to forget that time but sometimes the bad stories come back, so I try to do things to forget. Often I feel sad. Sometimes others at school accuse me of being a militia and this makes me very upset - I had to stay with the militia. Sometimes I think people are talking about me and I feel very sad. I am afraid that the militia will come back here.*¹⁰²

122. Similarly, Vasco told a UNICEF researcher:

*I had bad dreams and I woke up thinking that somebody wanted to kill me. Now I still wake up from bad dreams. I don't remember my dreams but I feel afraid when I wake up. At this time, I am still constantly afraid. Sometimes I change from feeling happy to feeling sad very quickly.*¹⁰³

7.8.2.3 Children in the clandestine network

Five- to ten-year-old school children in our Homeland know as much as the adults about the subordination tactics of the enemy, of counter-information, of bribery and about the persecution of the clandestine organisation. These children, born during war, make war; a war that is not just of their parents, a war that is not just theirs - a war, a resistance, of an entire people against a foreign occupier.

Xanana Gusmão, "Message to Catholic Youth in Timor-Leste and Students in Indonesia", May 1986¹⁰⁴.

123. One of the pillars of the Resistance against the Indonesian occupation was the Clandestine Front (Frente Clandestina). This underground network maintained links with Falintil, the Armed Front (Frente Armada), providing support and acting on their instructions. It also acted as a conduit between the Frente Armada and the Diplomatic Front (Frente Diplomática) of

¹⁰² UNICEF p. 19. A UNICEF official told a reporter: "Among the former militia youth, of the few who returned to their villages and towns, most have been ostracised and branded by their communities", Christine T. Tjandraningsih, "Child soldiers, the story behind East Timor's freedom", Kyodo (news agency), 13 September 2001, pp. 3.

activists working for independence overseas. In the beginning, the clandestine network worked simply through direct links between Falintil commanders and smaller groups. However, by the early 1990s the clandestine movement was developing into a nationwide network and its activities had become more centrally organised.

124. Children were involved in social and political activities during the years that Fretilin controlled territory and a sizeable part of the population, although these activities were not necessarily of a clandestine nature.[†] After the last of the Free Zones (*Zonas Libertadas*) were destroyed in 1979, the clandestine network began operating and involved children in its activities from the beginning. The main roles they played were as couriers (*estafeta*), spies and information dissemination. There was no clear distinction between these activities, and often a child would begin as an *estafeta* and later become involved in other clandestine activities.

How children became involved

125. The Commission has found no evidence that the Resistance had an explicit policy on the involvement of children in the network. Nevertheless, in practice children became involved because they could be useful. There was an assumption that children were less likely to be suspected by the Indonesian military than adults. The involvement of children was also seen as a necessary measure to ensure the continuity of the Resistance through what was expected to be a long, hard struggle (*luta dura e prolongada*).¹⁰⁵ According to the former Falintil chief of staff, José Maria de Vasconcelos (Taur Matan Ruak):

*If we didn't prepare other people, and we died only partway through our journey, our struggle would end. If that was to be the case, what were we suffering now for?...It could be said that this strategy made many leaders aware of the fact that the next generation was the determining factor in the process of struggle. Victory or defeat depended on them. If we were successful in engaging the youth, we could say that victory was certain. If not, the struggle would weaken and we could not guarantee that it would continue. Therefore, the youth were a fundamental factor. To that end every Timorese family had a very important role to play, from the father, to the mother and the child, to make the family the nucleus of resistance.*¹⁰⁶

126. From the beginning, the Resistance used family relationships to approach children. For example, fathers, uncles and brothers in the forest contacted their young relatives to take messages or bring food. Before long, the search was extended through the Catholic Scouts (Escuteiros), Church youth groups in each parish, and other groups of young people.[‡] With the

¹⁰⁵ CAVR Interview with Aitahan Matak (Antonio Tomás Amaral da Costa), Dili, December 2003; CAVR Interview with Francisco Guterres, Lú-Olo, Dili, 28 March 2003. Former Falintil commander Eli Foho Rai Boot (Cornelio Gama, L-7) described the development of the clandestine movement in the following terms: "And so from year to year, little by little, there were changes. This group was increasingly well known in each district. The reputation of this group in each district showed that the number of groups working for independence was growing, although each group in each district did not know of the existence of the others. But they had the same vision and mission, namely the way that the [Fronts] could support each other for the sake of the closeness of their relationship, for the sake of the single goal of independence." CAVR Interview with Eli Foho Rai Boot (Cornelio Gama, L-7), Former Deputy Commander Region III, Laga, Baucau, 9 April 2003.

[†] CAVR Interview with Virgílio Guterres Silva, Dili, 25 May 2004: "Those aged below 17 years were more likely to be involved in activities in the aldeia such as cultural activities. Those already in class 3 in primary school were recruited to give training in literacy, health and politics. This was handled by Manual e Programa Políticos Fretilin e Cartilha Política."

[‡] Maria Teresa dos Santos was a former leader of the youth in Baucau and of Mudika (an official Church youth group established in the late 1980s). She states that much of the work of the group was carrying letters and raising money for Falintil by asking for church donations. Girls were chosen for this work over boys because it was harder for soldiers to search them, CAVR Interview with Maria Teresa dos Santos, Baucau, (undated). The Resistance also worked through

formation of the National Council of the Maubere Resistance (Conselho Nacional da Resistencia Maubere, CNRM) in 1987, the role of clandestine youth was more formally recognised and the Executive Committee appointed a special person to deal with youth, including children.

127. From 1988 increasing numbers of high school students became involved in the clandestine networks. Students in the Catholic, Portuguese language school in Balide, Dili, the Externato de São José, began organising and their movement spread through sporting events or through former students who had become teachers at other schools. Leaders of the intra-school student organisations (Organisasi Siswa Intra Sekolah, OSIS) often met with other youth organisations, discussing political issues at sporting events between schools. Eurico Guterres was an OSIS head and was a clandestine member at the time he was arrested in 1988; his successor as chair of the school OSIS, Ricardo da Costa Riberio, was also involved in clandestine activity.¹⁰⁷

128. There is an indication that there were explicit efforts by Falintil to recruit students into the clandestine network. One student felt the impact of the occupation when his uncles were killed while he was in elementary school, and remembers fights in junior high school between Timorese and Indonesian students sparking nationalist feelings. But it was not until high school that he became formally involved with the clandestine movement after receiving a message from Falintil:

I went to high school and there I met many of my friends who were involved in a kind of clandestine, underground movement. I started to feel that I had an obligation to contribute, something like to donate money to the forest. One of my relatives was in the military and we stole his uniforms and sent them to the forest to give to Falintil. I was about 14 or 15 years old...Actually at the time I didn't know much about the clandestine movement, but my friend got a letter from Falintil and he showed me the letter...There was a message from Falintil saying: "You are the future of this country. You have to study hard but you also must find ways to help us in the forest." So it inspired me to do something.¹⁰⁸

Reasons for joining the Resistance

129. As mentioned above, children often became involved in clandestine activities through contact with family members who were living in the forest or were members of Falintil. Ricardo da Costa Ribeiro told the Commission that he began to contact his uncle in Falintil in 1984 at age 13 after he heard about Resistance figures from classmates and his priest, Father Locatelli. He describes his communications with his uncle:

I often had contact with my uncle Rodak who was in the forest, not through letters but through cassette recordings he sent me to listen to. I was 15 then and in my first year of junior high school, and he would always give me guidance on politics and the objectives of the Resistance. I was already becoming aware and knew exactly about this, because in the Fatumaca junior high school almost

another youth group, Sagrada Familia. It was already part of the clandestine network and so it did not have the same legal status as that of Mudika.

¹⁰⁷ Each high school had its own OSIS and clandestine groups tried to infiltrate each high school's OSIS group. As early as 1979 in Baucau, clandestine leaders establishing the network recognised the potential for church youth groups. According to Marito Reis, "At that time we planned to build a network through the church because we understood that the church had youth organisations.", CAVR Interview with Marito Reis, Baucau, 17 November 2002.

everyone was the child of a “GPK”. Everyday we would ask each other: “Where is your father?” And everyone would say, “My father is in the forest”, “My father has been killed by the Indonesian military.”¹⁰⁹

130. Experiencing or witnessing violations committed by the Indonesian military also encouraged children to join the clandestine network. For example, Naldo Gil da Costa told the Commission that he became active as an *estafeta* (courier) at 11 years of age when his father was executed by Indonesian soldiers after a Falintil attack on an ABRI post in Lospalos on 11 March 1985.¹¹⁰

131. Aquilina Imaculada explained that she became an *estafeta* through both her family relationships and negative experiences at the hands of the Indonesian military. She and her family were forced by ABRI to persuade other family members fighting with Falintil to surrender. After this led to the deaths of several members of her family, she said that she was instructed to become an *estafeta* by her uncle, Falintil Commander of Region I, Paulino Gama (Mauk Moruk) to assist her family.¹¹¹

132. In the cases considered by the Commission, children joined the network voluntarily. No cases were received in which children say that they were forced to join, however, given that many children joined to help family members, they may have felt a sense of obligation or felt they could not refuse. There are some who were recruited by chance and their political awareness developed later. For example, Mateus da Costa was reportedly 17 when he had a chance meeting with Falintil members in 1983 while hunting in the forests near Ainaro. They persuaded him to work as an *estafeta* which then led to organising clandestine groups.¹¹² Other cases indicate that children were used without their clear consent or knowledge of the risks involved. Francisco Silva Guterres from Becusi, Dili, told of the day that he was handed a letter to deliver by a stranger:

He told me that I had to go and watch TV at the Koramil and there would be someone meeting me to pick up the letter. Before I left, he said, “You must dress according to what they had planned”, which meant that I must wear a white uniform. That person placed an envelope in my back pocket to deliver to a person, whom I also didn’t know, who would come that night to the Koramil when I and other people were watching television. The person who told me to do this instructed that when the person came: “You should not turn around to look. Do not do that.” So I followed these instructions. And the person came and took the letter from my back pocket and took it away, and I never knew who it was that took the envelope.¹¹³

Impact

133. As earlier chapters on killings, detention and torture and sexual violence reveal, there were enormous personal risks in becoming involved with the clandestine movement. The military, the police and other agencies targeted members of the clandestine movement to break their lines of support to the armed Resistance. They also wanted to get information on the networks, on the armed Resistance and on the location of Falintil leaders. Children were not treated exceptionally by the Indonesian authorities. Many cases of the abuse of child clandestine members are set out below.

134. Like children’s involvement from a young age in the Indonesian military, those with active involvement in the clandestine networks also suffered disturbances to their education. Alexio Cobra stated that after the closure of the Externato School in Dili, a clandestine centre, some

students who had been regularly detained decided to stop attending formal classes and to concentrate on the movement.¹¹⁴ João Sarmento, who was studying at the Senhora de Fatima Seminary next to the school at the time, said he stayed away from school for six months because there were rumours that Externato and the surrounding schools were going to be attacked and closed down.¹¹⁵

Estafeta

135. The term *estafeta* was given to the couriers who carried information and correspondence for the Resistance. They also supplied food, medicine and other items to those living in the forest. As the above examples demonstrate, many children entered into the clandestine movement through working as an *estafeta*. *Estafeta* activities often depended on family connections and began soon after the invasion when guerrillas tried to communicate with their family members in areas controlled by Indonesia. For more information on the emergence of the clandestine front, see Part 5: Resistance: Structure and Strategy.

136. Gregorio Saldanha stated that he was 13 when the conflict broke out and he fled with his family to Karau Maten, a mountainous region near Dili. They returned to Dili three months later after the Indonesians dropped pamphlets from the air that called on people to surrender. Francisco Lobo, Gregorio's eldest brother, continued as a guerrilla in the forest:

*We agreed that I would return to the city and my brother, Francisco Lobo, would stay on as a guerrilla. My uncle, Mau Tersa, who lived on the outskirts of the city, acted as an estafeta, delivering letters in and out...I myself would meet my big brother [Francisco Lobo] in the years 1977-1978...Their presence in the forest was a big motivation for us, knowing that the Resistance still existed, so throughout the 1980s I played an active part in the extensive and systematic clandestine network.*¹¹⁶

137. As the clandestine movement became more organised and structured, it established formal, highly secretive information delivery systems, which were managed by *estafeta*. Naldo Gil da Costa described the work of an *estafeta* as follows:

*When I was an estafeta, in my first days I was given directions on how to carry letters in and out of the town and forest. When encountering the enemy or soldiers on our way, we had to get rid of the letters we were carrying by swallowing them. We were trained by Falintil members who were given this special assignment by the Commander...I, as an estafeta, was assigned to organise the caixa geral [general box, the centre for clandestine networks in a certain area] to deliver letters between Falintil members and those working as clandestine members in towns. I never gave any oral and written information to anyone for whom the information was not intended.*¹¹⁷

138. Not all *estafeta* were children. However, there were tactical advantages to using children to carry out this work. Analysis of the statements taken by the Commission shows that the majority of violations committed by the Indonesian security apparatus were committed against those between 18-40 years old, suggesting that this group was the focus of their attention.

139. Children were less likely to be suspected. Aquilina Imaculada told of her experiences as an *estafeta* between 1990 and 1993 when children were being used to avoid suspicion:

At that time, freedom of movement for adults was limited so us children were taught to play a role as contacts, although it was very risky because if others found out it could be fatal to the safety of our entire family. Because of that, we had to think creatively, to operate like mice in grass. If we came from one direction, we must return from another direction. We often stole time while drawing water...or collecting firewood or while we fed the cattle. Sometimes we went out at night and sometimes at dawn before people were awake.¹¹⁸

140. As the cases above demonstrate, working as an *estafeta* was often the first entry point into the clandestine movement and in many cases led to other clandestine activities. Ricardo Ribeiro, for example, went on to organise young people in both Sagrada Familia and youth groups. It was precisely because of the support that civilians gave their Falintil relatives that the Indonesian military began moving the families of Falintil members away from their home villages, and eventually to the island of Ataúro (Dili) in the early 1980s.¹¹⁹

Children as spies and lookouts

141. In the 1990s, adults involved in the clandestine front began to involve children as lookouts and as security for Falintil and Fretilin leaders when they entered towns.

142. Naldo Gil da Costa, a son of a pro-independence family, had tried to flee to the forest when his father was killed:

I wanted to run to the forest, but Larimau did not agree with my request and he suggested that because I was still small I needed to study while also finding a way to work for the Resistance.

143. Later, he gained the trust of Resistance leaders, including Xanana Gusmão, and took part in organising the clandestine network in the Central Region (*Região Centro*). At the time Naldo was 14:

In 1990, Sabalae instructed me to organise a caixa [box/group] in Ponte Leste...In June 1991, I took Commander Xanana to Lospalos to meet with Falintil in Ponta Leste along with Sabalae, Inacio Bernardino [alias Adik, younger brother], Acacio Bernardino [alias Moris Nafatin, continue to live], Americo, and my older brother [alias Doben Hadomi Timor, darling loves, Timor].¹²⁰

144. A teacher from Ermera told the Commission of how he instructed his own children to ensure the safety of Konis Santana when the Resistance leader stayed in his house in 1993:

In the beginning it was kept a secret from the children. But after Konis came to stay at our house, we had to teach the children to keep it a secret and we gave them the

¹¹⁸ Naldo Gil da Costa, testimony to the CAVR National Public Hearing on Children and Conflict, Dili, 29-30 March 2004; Larimau was the clandestine name of a political cadre working with Falintil in Region 1 - Lospalos, Lautém.

*responsibility of acting as security guards. Their task was to guard the places that had clear views so that they could watch the situation clearly. They had to communicate with us using codes that we agreed beforehand, such as by coughing three times or shouting according to code.*¹²¹

145. Similarly, the children of Gil Araújo from Ainaro were given the task of entertaining Xanana as well as acting as lookouts. In Soibada, Bibrani organised his nephews and nieces to guard the hiding place of Francisco Guterres (Lu Olo), Vergilio dos Anjos (Ular Rheik), Domingos Raul (Falur Rate Laek) and Americo Ximenes (Sabica Besi Kulit).*

Campaigning

146. The clandestine network was also involved in information dissemination on a community level to broaden support for the Resistance and on an international level to raise awareness of Timor-Leste. Campaigning was generally carried out by groups of young people, including high school and university students, as well as members of church youth groups such as Mudika. Some of the individuals mentioned above as *estafeta* were involved in setting up this aspect of clandestine work.

147. Aquilina Imaculada, for example, joined the clandestine network as an *estafeta* and later became a leading campaigner. In 1995 at the age of 17, she organised several clandestine groups in Baucau. Going by the clandestine name Peregrina, she was an intermediary between L-7 and the Sagrada Familia, which was one of the largest clandestine networks in Baucau. Peregrina then moved into organising “door-to-door” campaign activities among youth, women and the elderly. This campaign method was undertaken through secret discussions, often held at birthday parties or other gatherings to avoid suspicion.¹²²

148. Gregório Saldanha, also an *estafeta*, later went on to become a leader of the clandestine youth organisation Ojetil, as well as becoming a member of the Executive Committee for Clandestine Affairs.

149. Visits by foreigners in the 1990s, although limited and closely supervised, provided new opportunities for campaigning. Public demonstrations, usually organised and attended by students and youth activists, began to be used as a tactic to attract international attention. The activists used techniques such as throwing stones, asking Indonesians nearby “When are you going home?”, writing anti-integration graffiti or posting flyers and posters in public places.¹²³

150. Between 1989 and 1999 the independence movement organised at least 60 demonstrations in Timor-Leste and Indonesia[†] Some demonstrations were spontaneous. Belchior Francisco Bento Alves Pereira told the Commission:

* See also, UNICEF, pp. 44. One case study is Luis, aged ten when he joined the clandestine movement as an *estafeta* and spy: “I had to find information for Falintil. I had to listen to other people talking and report on this to my brother Fabio. When I did this I was afraid. I watched the houses of certain people. My brother asked me to go and do this and I told him what they said and did. There were no other youth who had this job in the village. I also brought water and vegetables to Falintil in the fields behind the village. I pretended that I was going to work in the fields. I did my clandestine duties after I had finished school in the day.”

† “Because the actions were quite open, the strategy could be called ‘semi-clandestine’, although these actions were planned by clandestine groups.”, Vitorino dos Reis, interview with Gregório Saldanha., *Talitakum Magazine*, vol. 38, 25 March - 1 April 2002, pp. 24-25.

On 17 March 1990 there was an incident near St. Paulus School in Dili. We didn't know about what had happened, but in the morning when we came to school the flag and the rope [from the flagpole] had been stolen by someone. There was graffiti on the walls of our schools. There was writing that integration was no good. We didn't pay attention to the writing and we continued on studying. Later, many "intels" [people associated with the Indonesian intelligence network, formal or informal] showed up around our school and so we reacted. We came out of the school and threw [things] at them. I was the first to start throwing. I was only 13 or 14 then.

151. However, most demonstrations were carefully planned to coincide with international visits. Youth activists were often involved in planning or organising these actions[†] but in many cases they were guided by senior figures in the Resistance who sent instructions through the clandestine networks. Mateus dos Santos, for example, was involved in the activities of the Aleixo Cobra clandestine cell in the early 1990s and was given information and instructions through the network every time a demonstration was planned to take place.[‡]

152. The largest demonstration during the occupation occurred on 12 November 1991. A demonstration had originally been planned to coincide with the visit of a Portuguese parliamentary delegation scheduled for early November, but their visit had been cancelled at the last minute. However, on the night of 28 October a group of thugs, apparently backed by ABRI members, raided the Motael church and killed 18-year-old pro-independence activist Sebastião Gomes. A demonstration was then planned to follow a memorial mass that was to be held on 12 November two weeks after Sebastião's funeral and while the UN Special Rapporteur on Torture, Peter Kooijmans, was visiting Dili.

153. João da Silva, a youth leader in Becora, Dili, at the time, recalls that, "all information about every aspect of preparation always went through the clandestine networks."¹²⁴ Constancio Pinto, from the Executive Committee of the Clandestine Front, recalls that Xanana Gusmão endorsed the demonstration, but it was clear that the Dili clandestine youth leaders were ready to organise their own action should there be no decision from above.

154. In the end, many children paid heavily for their involvement in what came to be known as the 12 November Massacre or Santa Cruz Massacre. From the 271 registered as having been killed at the Santa Cruz cemetery, 42 were under 17 years old, including some as young as ten years of age.¹²⁵ As explained in following sections, students were specifically targeted by the security forces after the massacre at the cemetery and the Externato San José School was closed down the following year. In addition to raising the visibility of Timor-Leste internationally,

[†] Belchior Francisco Bento Alves Pereira, testimony to the CAVR National Public Hearing on Children and Conflict, Dili, 29-30 March 2004. See Chapter 7.6: Political Trials. In another incident, a spontaneous demonstration began following comments by an Indonesian official at a junior high school (SMPN 4) on 17 March 1990. Carolino Soares, 15 at that time, remembers that the official said that, "if we couldn't even make a single matchstick, Timor-Leste could not be independent. The feeling in the school grounds of Junior High School 4 caused students to react by holding a demonstration. A moment later a Brimob unit came to the place of the incident. When the Brimob police arrived, students threw things at them. My cousin, Ana Maria Soares, was killed when the police shot her on the road near SMPN 4, Dili", HRVD Statement 00195-1.

[†] For example, the Catholic scout organisation, the Escuteiros, played a central role in the demonstration held in October 1989 at Tacitolu, Dili, during Pope John Paul II's visit to Timor-Leste. It was also the first major public demonstration since the invasion, Constancio Pinto and Matthew Jardine, *East Timor's Unfinished Struggle*, South End Press, USA, pp. 108-109.

[‡] CAVR Interview with Mateus dos Santos, Suai, Covalima, 31 October 2003; see also text box of Naldo Gil da Costa in the following section 7.8.3 Arbitrary detentions, killings and sexual violence perpetrated against children. In August 1992 Xanana requested him to organise a demonstration in Dili to coincide with the Non-Aligned Block meeting in Jakarta scheduled for September 1992.

the 12 November Massacre fostered even stronger nationalist sentiment among young people who had seen friends, classmates, brothers and sisters killed during and after the massacre.

155. The important part played by students and youth in demonstrations can perhaps be explained by their greater willingness to be detained or take other personal risks for the cause. However, as can be seen in the Santa Cruz case, their involvement often had a heavy personal cost, ranging from expulsion from school to detention, torture and even death. It is clear that the security apparatus saw demonstrations as a threat and the participants as a suitable target. A student who was 15 at the time recalls:

I took part in a demonstration for the first time during the visit of the US ambassador...to Dili, specifically to Hotel Turismo, in 1990. After the demonstration we were chased by [Indonesian] security forces. I ran to the beach, where many demonstrators were beaten and arrested...I was wearing an SMP [junior high school] uniform, so I had to pretend that I was sitting on the beach taking off my shoes and playing in the water until I was sure the situation was safe.¹²⁶

156. Alexandrino da Costa, who was 14 in 1991, was heavily injured in the demonstration at Santa Cruz but took part in another demonstration in 1995. He was arrested by the police and the military and was threatened: "You're not afraid to die, you are still demonstrating?"¹²⁷ According to Xanana Gusmão:

In the eyes of the Indo [sic] invaders, the youth then appeared to be the most dangerous segment of society.¹²⁸

157. In following sections, the violations committed against children involved in the Resistance will be considered in greater detail.

7.8.2.4 Children in Falintil

158. Youths aged 17 and under joined Falintil and its militias from the time before the Indonesian invasion until just days before the Popular Consultation in August 1999. Children as young as 14 were recruited into the militia before the invasion and some of them were later enlisted as Falintil regulars. In 1976, some children as young as 13 reportedly joined Falintil but most child members were aged 15-18 years. This is not inconsistent with the first Additional Protocol to the Geneva Conventions[†] of 1977, which stipulates a minimum age of 15 years. A UNICEF study from 2000 found that most, but not all, child soldiers in Falintil were between the ages of 15 and 18.¹²⁹ Several of the youngest former child soldiers explained that they were first given less dangerous jobs, and then began taking part in military operations after a few years. Most child soldiers report being well treated.[‡]

¹²⁶ CAVR Interview with João Sarmento, Dili, 5 June 2004. João Sarmento, who was 16 at the time and 50 metres away from the cemetery when the shooting started, went on to help found the East Timor Student Solidarity Council (Dewan Solidaritas Mahasiswa Timor Timur) which played an important role in the run-up to the Popular Consultation in August 1999.

[†] The 1977 Additional Protocol I to the Geneva Conventions states: "The Parties to the conflict shall take all feasible measures in order that children who have not attained the age of fifteen years do not take a direct part in hostilities and, in particular, they shall refrain from recruiting them into their armed forces." ([Protocol I, Art. 77](#)). An Optional Protocol to the *Convention on the Rights of the Child* came into force in 2002, increasing the minimum age from 15 to 18 for soldiers taking a direct part in hostilities.

[‡] The children in the UNICEF study, the majority in FDTL, explained that they were treated better by Falintil than by their own families. One said: "The commanders treated us very well. They helped us when we had to fight and they treated us better than our parents did.", pp. 27. But there were also those who told of detention if they wanted to surrender or didn't

159. Children were among those soldiers who surrendered, or were captured or killed in the late 1970s, but there were also Falintil members who were recruited as children and continued to fight until Indonesia withdrew. As Falintil's strength in troops and weaponry shrank in the late 1970s, it is likely that the number of child soldiers declined. However, during the 1990s teenagers still occasionally joined Falintil, including members of the clandestine movement who fled the towns and villages after being targeted.

160. In addition to exposure to danger during combat, many of these youths experienced a variety of difficulties after their service. After surrender or capture they, like older Falintil members, commonly became victims of human rights violations. Those who were demobilised after lengthy service with Falintil could face problems adjusting to civilian life.

Recruitment

1975-1979

161. Even before the party conflict, young men, although not necessarily children, were involved in Fretilin through its village-level security organisation (Organização Popular de Segurança, OPS).^{*} After UDT was defeated, Fretilin established militias, which, especially in the run-up to the invasion, included boys under the age of 18, some of whom were under 15.

162. As a result of border infiltration by ABRI and the Partisans beginning in August 1975, Falintil began to organise militias on the instructions of the Fretilin Central Committee.[†] Recruitment into these militias was generally voluntary, but child recruits were not always made fully aware of the risks involved. One participant remembers that all people aged 14 and above were invited to join. Jaime Ribeiro was 17 years old at the time. He told the Commission that he fled from Bazartete (Liquiça) to Tibar (Liquiça) with his family and was recruited together with other youth into the Falintil militia:

The security branch [Falintil] called us to receive weapons. But I didn't know what was happening...[They said] Now our country is safe and we are free. Starting from people aged 14-15 up to 18, if it was felt that we were able, we could join training to guard national security because we were already free.

follow the rules, see HRVD Statements 02160-01 and 04846-01. In 1977 one person recruited who was 16 years old was intending to surrender, but a Falintil commander [C10] gave the instruction to arrest him. He was tied up and detained for seven days in Gua Batu, HRVD Statement 02160-01. HRVD Statement 04846-01 describes how in 1977 a soldier aged 16 was arrested in Bemalae (Manufahi) by a Fretilin Commander, because he was accused of being ABRI intelligence. He was detained in an empty house without a roof under tight surveillance for a week.

^{*} OPS was a security group at the community level that was founded by Fretilin before the invasion when the infiltration began, in order to guard the community.

[†] "Fretilin already had an armed force (Falintil) and clear lines of command under Nicolau dos Reis Lobato and his deputy. And this was strengthened by the militias created by the Fretilin Central Committee. The militias at that time were formed by Camacho on a large scale across the entire territory of Timor-Leste which then became one of the forces in the defence of independence.", CAVR Interview with Eli Foho Rai Boot (Cornelio Gama, L-7), Laga, Baucau, 9 April 2003; see also Part 5: Resistance: Structure and Strategy; see also James Dunn, *A People Betrayed*, ABC Books, Sydney, 1996, pp.128, which shows young boys training with guns in the western region in October 1975.

At that time we were militia, not soldiers! Recruitment had not even finished. On 7 December 1975 the Indonesian invasion happened. We didn't know - what were we supposed to do? Even the soldiers would shoot once and then run and hide because they didn't know what to do. This was a problem. Even the military police, but especially the militia, ran away and threw away their weapons.

Before, I thought that fighting was a good thing. It turns out now we faced a war. If I knew, I definitely would not have wanted to receive a weapon and could have saved myself and my family.^{*}

163. Like other members of the militias, Jaime Ribeiro went on to become a member of Falintil after the invasion. L-7 explained:

*From among the militia members, there were some who became Falintil after going through a selection process.*¹³⁰

164. Faustino Cardoso Gomes is another example of a militia member who went on to join Falintil. He told the Commission that he joined the militia at the time of the UDT armed movement on 11 August 1975, when he was 15 years old. He worked first as a typist recording the distribution of uniforms at a base in Taibessi (Dili). When Indonesia invaded, he went to the forest and served as a Falintil soldier for four years until his capture.¹³¹

165. After the invasion, Fretilin also recruited new members without experience in the militia, including children and young people.[†] From information given to the Commission, in general, new recruits were aged 15 and above. Manuel Alves Pereira Moreira remembered recruiting individuals who were aged 15 and over in 1976, when he was a deputy commander. He explained that recruitment was done on the instructions of Falintil leaders, including Hermenegildo Alves as the deputy minister of defence and chief of staff, and that it was voluntary.¹³²

166. For example, recruitment of young people was carried out in Cailalui (Laleia, Manatuto) on 14 June 1976. According to one person recruited at age 17, this recruitment was done on the direct instructions of the Regional Commander (Comandante Região, at that time Thomas Anucaí), through the village head of Busa Kuak, (Laleia, Manatuto). Around 20 young people were recruited aged between 15 and 20 years.¹³³ Manuel dos Reis, who was 15 at the time, remembers:

*In 1975 I ran to the forest, until I reached a place called Fatululi. I received a weapon, a Mauser, to fight the war.*¹³⁴

167. However, the Commission has received a number of first-hand accounts from individuals who were recruited as soldiers by Falintil when they were not yet 15 and these children remember others their own age. Felix do Rosário was aged 13 when he was recruited in Alas (Manufahi). He told the Commission that many who evacuated to the forest with Falintil between

^{*} Jaime Ribeiro became famous as Samba Sembilan and held out as a Falintil fighter for 26 years until the formation of FDTL on 1 February 2001. "Samba" means fish because his movements were as slippery as a fish. "Sembilan" (nine) was the number which he was given after the shots from his gun succeeded in wounding or killing nine opponents in one military operation; Jaime Ribeiro, oral history, *Archives of the Tuba Rai Metin Oral History Project*, Submission to CAVR, CD No 9..

[†] HRVD Statement 06942 describes a 16-year-old who became a soldier after fleeing the invasion: "I ran away to the forest in the area of Laclubar because I was afraid to face the Indonesian forces. In Laclubar, I received a weapon from the Fretilin commander to join in defending our land against the ABRI."

1976 and 1977 were recruited to fight. Anyone who was able to hold a weapon was recruited without regard to their age and many children were willing to join; there were many children aged 13 or 14 who became Falintil soldiers at that time.¹³⁵

168. Constancio Pinto states that he joined Falintil in 1977, at age 13, with his parents' permission. His unit was mostly aged between 15 and 18 years old, and he knew other children as young as 12 who joined their brothers or fathers on the frontline. Young girls sometimes took food to the fighters but were rarely on the frontlines. He writes of his experience:

*It was not because I wanted to prove that I was no longer a young boy; at that time I already felt like a man. War makes young people become adults very quickly.*¹³⁶

169. Some of the younger recruits were given less dangerous jobs, although conditions meant that they were never completely excluded from combat. When Evaristo de Araújo, then about eight years old, came down from Mount Kablaki, (Manufahi) with his family to look for food, he says that a member of Airborne Infantry Battalion (Lintas Udara, Linud) 100 shot him in the leg. He was saved by a member of Falintil and nursed for a year:

*In the afternoon Antonio de Araújo and Ernesto came and brought me medicine...After one year my leg was healed. We continued to fight on Kablaki and in 1977 the military started operations on Mount Kablaki. Then even I held a weapon and guarded the security post.*¹³⁷

170. In 1979, aged 16, Evaristo was shot again and captured.

171. There is a similar pattern in the UNICEF case studies from the 1980s in which the youngest soldiers were given less dangerous jobs but still occasionally took part in both offensive and defensive operations.

172. Those with skills were quickly promoted, regardless of age. Gabriel Ximenes was a 17-year-old literacy teacher who joined Falintil after the invasion:

When the enemy entered the region of Ermera I was 17 years old and with my family we evacuated to the forest around the area of Fatubesi. After Fatubesi, I started leaving my family and going to follow the Fretilin force - , holding a weapon to fight the enemy ABRI at Fatubesi in 1976. Not long after, the Fretilin leadership saw that I had good ability in education and military, so they promoted me to sector commander to watch over the northern border area, together with 100 troops and the strength of 100 weapons, from around 1976 to 1978.

173. While most former child guerrillas describe their participation as voluntary, one deponent reports that at 17 he was forcibly recruited in 1976:

In 1975 when we ran to the forest and heard that the Indonesian forces had entered Timor-Leste, a friend of ours of the same age - he was already a commander -

¹³⁵ CAVR Interview with Gabriel Ximenes, Ermera, 13 August 2003. He surrendered to Infantry Battalion 611 in 1979 with a large group after an intra-Fretilin conflict and spent several months in starvation conditions in Fatubesi and Ermera. After briefly being allowed to go home, he was detained by ABRI and Hansip members in a group of 100 men from Ermera, Sakoko and Ponilala and moved to the future site of the town of Gleno to clear the land for four years.

*forced me to join with Fretilin as a night watchman. They ordered other Fretilin [members] to capture me to join as a Fretilin member. After that they brought me to the military barracks, then they gave a weapon to me and I became a member. I didn't know how to hold a weapon then, so I pressed [the trigger] while on watch and the weapon went off. They came and caught me and then punished me by tying me up from night until 4.00am the next day before they let me go. The people that caught me were from the Fretilin military command. They caught me in Nakroman [Lacluta, Viqueque]. They took back my weapon and gave it to someone else and then sent me to look for food.**

174. The reorganisation that took place after the meeting of the the Fretilin Central Committee (CCF) at Soibada (Manatuto) in April-May 1976 had created three main forces: combat troops (Forças de Sector), and Self-Defence Troops (Força Auto-Defesa, FAD) and the "White Forces" or non-armed forces (Armas Brancas). The Commission did not receive any information that children were included in the concept of "people's defence" implemented by Fretilin from the *zona* down to the *aldeia* level. According to Virgilio Guterres, a former activist, Armas Brancas was to include all those aged 17 and over, both men and women, as part of the concept of "people's war".[†]

1980-1989

When I first joined Falintil [in 1983] I saw many under-18s but many of them were killed and now there are only a few of us left.¹³⁸

175. In the early 1980s Falintil continued to recruit soldiers under the age of 18. The UNICEF study includes the case of 12-year-old Bersama, who was taken in by Falintil after his father, a clandestine leader, was killed in the forest by the Indonesian army. Commander Ular remembered: "There was no choice. We could not leave Bersama behind when we withdrew."¹³⁹ Bersama was given the job of writing first lists and inventories and later letters and histories of the war. After two years he also began to take part in combat operations:

I did not hold arms when we first joined Falintil...Our job was to hide and not to fight. I officially joined Falintil in 1987 and before that I had carried a gun. Those who could use a gun were able to get arms from Falintil, and could also join Falintil. I was 14 the first time I held a gun. At the time, my father was sick so I had to take his place. My first gun was an FBP [a small rifle]. The other soldiers tried to get the gun back from me but I wouldn't give it to them and I told them that I really liked this gun!

* HRVD Statement 04845. One community profile from Clalok, Welaluhu, Manufahi 10 February 2004 reports that in 1981 "children were arrested by Falintil to be used as guards but never came back."

† CAVR Interview with Virgilio Guterres Silva, Dili, 25 May 2004: "All people aged over 17, without considering gender or their situation in any way, were given night watch duty. Those given this duty were each individuals not families. Included in those given night watch duty were the Zone Secretary and Adjunto, people in the highest positions in the government and party structure. In one night, the watch was changed twice."

When I had to fight, I didn't go to the frontline because even though I loved to hold guns, I was scared, so I stayed in the rear and supported [them by] screaming and yelling...They asked the young people to hide when our group became caught up in fighting – but when the enemy became stronger than us, each had to find a way to save himself.¹⁴⁰

176. There are indications that in the 1980s, when both its manpower and equipment were low, Falintil refused children who wanted to join up. According to Commander Ular, by the mid-1980s Falintil did not want as many young people joining its forces for three reasons:

1. the strategy of guerrilla warfare then being pursued required small groups to be effective;
2. the urban youth were rarely strong enough to endure conditions in the mountains; and
3. it was more important to a future independent Timor-Leste that the children stay in school.¹⁴¹

177. As an illustrative example Naldo Gil Da Costa told the Commission that after Infantry Battalion 503 killed his father, José da Costa, on 3 March 1985, he tried to join Falintil without success:

When I ran to the forest I met with Falintil Adjunto Larimau. I asked Larimau if I could stay with him, but Larimau said I was too young and needed to go to school to fight for the Resistance. But I still held the principle that I must work with Falintil for the sake of the independence of Timor-Leste.¹⁴²

1990-1999

178. In the 1990s there was increasing opposition to the Indonesian administration through public demonstrations, often organised or attended by East Timorese youth and student groups. The response by the Indonesian military caused many young people to flee to the forest. Some became soldiers, while others simply stayed with Falintil until they felt it was safe to return.¹⁴³ Julio José Exposto Gago was in the last year of secondary school in Hatulia, Ermera, when he took part in the Santa Cruz demonstration in Dili. On his return to Hatulia from Dili he was arrested and asked to explain his absence. He then fled to the forest. Julio José estimated that about 70 people joined Falintil as a result of the post-Santa Cruz crackdown; all except one were young people, although it is not clear how many were under 18.¹⁴⁴

179. The UNICEF report on East Timorese children in armed conflict notes that Mausina was accepted as a soldier on 20 August 1999 at the age of 17 - the last recruit in Region II before the referendum. He was one of many youth who fled to Falintil areas as violence surged in 1999. He explains:

I didn't think about becoming a Falintil soldier before I had joined the clandestine movement, but after working for the underground groups for some time, I decided that I wanted to. I already had contact with Falintil before I came to them. At that time I heard that Falintil needed youths to work with them and that was another good reason to join.¹⁴⁵

Training

180. The amount and type of training provided to child soldiers in the Resistance varied markedly. Some former child soldiers report receiving training in both the militias and in Falintil. For example, Joaquim Simião says that after he was recruited in 1976 he met the Regional Commander and was given a weapon and training. He received combat training in how to use a weapon, how to run and how to hide. Afterwards he was immediately sent to fight in Manatuto. Joaquim explained that young people were recruited in order to take over from Falintil members who were considered to be too old.¹⁴⁶

181. However, others say that the only training they received was gained through experience. Several of the former child soldiers interviewed for the UNICEF study stress that they had little training before their first combat experience:

I didn't have any military training before. When I shot at the enemy for the first time, that was training for me...I was scared all the time when I first came to the forest but after one year I didn't feel fear any more because I thought even if we are afraid, there is nowhere for us to go. This is our land.¹⁴⁷

I didn't have any military training - the only training that I had was how to clean guns, pull them apart and put them back together. The only thing that I learnt from Falintil about fighting was "if you see [the] enemy shoot him. If you don't shoot him, you will be killed".¹⁴⁸

182. Children also learned about politics and human rights from their commanders, including the protection of civilians. Felix do Rosário told the Commission that when he was recruited by Commander Manuel Adão in Labok (Alas, Manufahi) in 1977 at age 13, he received political instruction from a member of the Fretilin Central Committee. He was also given the opportunity to attend school to learn how to read and write.¹⁴⁹

Risks involved in joining Falintil

183. Like all Falintil members, children were combatants and therefore legitimate military targets. They faced not just the risk of serious injury but also death, particularly in the early years. Their living conditions were extreme and no different from those of the adults they were with. One statement taken by the Commission tells of a soldier who was shot and killed accidentally by his own side at the time of the invasion.¹⁵⁰ Cisto Fernandes (Helio Espirito Santo) was recruited by Falintil headquarters at Bikar Lari in Uatu-Lari Sub-district (Viqueque, Zona 17 de Agosto) when he was 15 years old and from 1975 he joined military operations. He told the Commission that he was not forced to take part but rather was interested in Fretilin's political agenda. In 1978, his right arm was seriously injured when a grenade exploded prematurely. He was evacuated by Falintil and treated in Osoleru (Quelicaí, Baucau).¹⁵¹

184. The risks following capture by the Indonesian army were considerable. These risks included execution, detention, subjection to physical and mental abuse and torture, and compulsory recruitment as a TBO.*

* For example, there is the earlier case of Faustino Cardoso Gomes who was made a TBO after he was captured fighting with Falintil, CAVR Interview with Faustino Cardoso Gomes, Dili, (undated).

185. There were also risks in surrendering. In one case, Marito dos Reis explained how on 1 November 1978 he surrendered in Hauba (Bobonaro, Bobonaro) after he had been detained by Fretilin for seven days on suspicion of planning to surrender. He was then arrested by ABRI and interrogated and beaten before he was taken to the Koramil in Bobonaro and detained for a further three months. After his release he became a TBO and joined an operation in Hedalau (Cailaco, Bobonaro). During the operation he was shot by Falintil, along with several other Timorese members of the Indonesian military, and seriously wounded.*

186. Felix do Rosário described how, following the destruction of the Resistance bases, the CCF and senior Falintil commanders, instructed Falintil and Fretilin members and the community still living in the forest, to take whatever steps they could to save themselves, including surrender. He surrendered to Hansip members on 13 September 1979 along with other guerrillas and was subsequently arrested. He was punished for his membership of Falintil by being forced to clean the streets of Same and work on the construction of the Ainaro-Alas roa. He was also placed in a tank filled with dirty water and snakes. His punishment lasted for one year until the International Committee of the Red Cross (ICRC) intervened on his behalf.¹⁵²

Demobilisation and conversion to FDTL

187. It is not known how many of the 750 or so Falintil solidiers cantoned in Aileu in November 1999 were under 18. In 2001 Falintil was demobilised and the Timor-Leste Defence Force (Força Defesa de Timor-Leste, FDTL) was created, with a minimum age for recruits of 18. One former child soldier told UNICEF that:

*a good age to join the army is over 18 years old because new under-18 recruits are still just kids and they can't make their own decisions properly.*¹⁵³

188. Like former members of the clandestine movement, many members missed out on their schooling because of the time they spent in the forest. In his "Message to Catholic Youth in Timor-Leste and Students in Indonesia" in May 1986, Xanana Gusmão refers to the guerrillas "many of whom are your age and have never sat on the school bench".¹⁵⁴ As a result, they now do not have the education or skills to find work in the newly independent Timor-Leste. Some may also have injuries from their time in the forest which limits the kind of work they can do. Annas Nasution's story is an example of this. He was a child clandestine member and from 1995 a member of Falintil. Although he then applied to join the FDTL, he was not selected. He now says:

*I have decided that I will live in Timor-Leste forever. But I still have doubts because I still do not have a proper place to live, even though I already have a family. I can't do heavy work now because I get sick a lot with cholera. With a situation like this, I often cry just thinking about it - sometimes until I am stressed...Everything is so difficult. I have tried applying for work all over the place, even as security, but the results are nil.*¹⁵⁵

* HRVD Statement 02160-01; HRVD Statement 03758 includes an incident in which the deponent, Antonio Maria, and a 15-year-old Falintil member, João, were captured in November 1979 in Haefu-Madabenu (Aileu) then tied up, beaten, burned with cigarettes and taken to be killed. When they reached the middle of the road the deponents tried to run away but were captured again together with civilians by ABRI.

7.8.3 Arbitrary detention, killings and sexual violence perpetrated against children

7.8.3.1 Arbitrary detention and torture

Introduction

189. Detention of children was undertaken by all sides to the political conflicts in Timor-Leste and over the entire period of the Commission's mandate.

190. The rules relating to arbitrary or unlawful arrest and detention and torture have been more closely examined in the earlier Chapter 7.4: Detention, Torture and Ill-treatment. Those rules apply also to children. However, as noted above with regard to children, the parties were obliged to provide additional protection to children under both under international law and, in the case of Indonesia, under domestic law. Most of these protections were of a general nature, requiring, for example, that children be treated humanely in all situations and that their rights to life, liberty and security of person should be respected. As far as arrest, detention and torture were concerned, the parties' obligations towards children were the same as for adults. However, as a result of its ratification of the Convention of the Rights of the Child on 5 September 1990, Indonesia did take on additional obligations with regard to the detention of children.

191. Thus, when considering depriving a child of liberty, Indonesia was bound to bear in mind the best interests of the child as a primary consideration in its actions (Article 3(1)). Indonesia's obligation under Article 37(b) of the Convention was to ensure that no child was deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child had to have been in conformity with the law and only as a measure of last resort and for the shortest appropriate period of time. Every child deprived of liberty had to be treated with humanity and respect for the inherent dignity of the human person, and in a manner, which takes into account the needs of persons of his or her age. More generally, under Article 38(4), Indonesia was obliged to "take all feasible measures to ensure protection and care of children who are affected by an armed conflict". Under Article 39, Indonesia was bound to assist the physical and psychological recovery and social reintegration of child victims of conflict, rather than exacerbating their situation through arrest, detention or torture.

Patterns of detention of minors

192. During the internal party conflict both UDT and Fretilin detained young supporters of the opposing side, as well as under-age family members of such supporters. Of those detentions of minors reported to the Commission, 2.9% (42/1426) were attributed to UDT whereas 11.3% (161/1426) were attributed to Fretilin and Falantil forces. Those figures include the period 1975-1979, when Fretilin had control of the territory and population. During this period Fretilin detained children, both alone and with family members, for infractions of Fretilin rules or on suspicion of collaborating with the Indonesian authorities.

193. The Indonesian authorities were responsible for the vast majority of reported cases of the arrest and detention of minors. Of those detentions of minors reported to the Commission, 73% (1043/1426) were attributed to the Indonesian military. They generally detained children for one of two reasons: because they or their family was suspected of having contact with Fretilin/Falintil members still in the forest; or particularly in later years as a result of their involvement in clandestine activities.

194. The Commission received very few reports of the torture of minors by either UDT or Fretilin, although children were often kept in very harsh conditions. The Indonesian authorities, however, used torture and mistreatment regularly in their dealings with children throughout the occupation.

195. In the Commission's quantitative analysis of narrative reports of arbitrary detention, 45.1% (38,910/86,263) of cases record the age of the victim. There were 1,426 clear cases of arbitrary detention of a minor. Figure <g220400b.pdf>, below, shows a large number of detentions of children throughout the late 1970s, reaching a peak for both boys and girls in 1981.^{*} This peak reflects the rise in statement-collection about the detention of whole families on Ataúro, which began in that period.[†] Reported violations fall to low levels after 1981, with smaller peaks in 1986 and 1991, before increasing again in 1997-98, and finally returning to 1970s levels in 1999. (see graph: Reported Arbitrary Detentions of Child Victims Over Time)

196. The majority of detentions of minors occurred between 1975 and 1983 and in 1999, as can be seen in Figure <g220400b.pdf>. Whereas, torture of minors are predominantly concentrated in 1999, as seen in Figure <g220600b.pdf>.

INSERT Figures <g220400b.pdf> and <g220600b.pdf> about here.

197. Of the children detained, children in their teenage years were the most frequently reported victims documented by the Commission. As this figure below shows, by far the largest age-category of victims of detention were in the 20-24-year age group and persons aged between 15 and 19 years were only the fifth largest age category of victims.

INSERT g31210000400: Number of Reported Acts of Detention by Age and Sex - 1974-1999

198. Children (persons aged 17 and under) account for 5.2% (577/11,135) of torture cases and 5.6% (1,426/25,383) of arbitrary detention and kidnapping incidents.[‡] Most members of this group are aged between 12 and 17 years (three-quarters of under-age torture victims and two-thirds of under-age detentions fall into this age group). The average age of detainees across the 1,426 reported cases of child victims of detention is 12, the median age is 14.[§]

199. Males make up the large majority of victims in both categories and the age distribution of male victims, therefore, more or less mirrors the overall age distribution of all under-age torture victims and under-age persons held in detention. As in the case of killings, female victims are slightly younger than their male counterparts in both categories, with children accounting for 12% (108/857) of all female torture victims and 11.6% (408/3,521) of female detention victims, again mostly in the 12-17-year range. In the case of detention of females, girls aged 12-17 years are the fourth largest group, behind the three groups in the 18-35-year range.

INSERT g31210000600: Number of Reported Acts of Torture by Age and Sex - 1974-1999

200. Dili reports the highest incidence of under-age arbitrary detentions accounting for 18.0% (257/1,426) of under-age detentions, followed by Bobonaro 14.0% (203/1,426), Lautém 13.3% (189/1,426) and Baucau 11.2% (160/1,426).

^{*} Detentions for the general population peak in 1982 after the attack on Mauchiga and there is a less pronounced peak in 1980 after the fall of Matebian.

[†] The peak in 1981 could be related to Operation Keamanan or may simply be an artifact of data collection.

[‡] Many entries in the database have incomplete or missing information on ages and are not included in this analysis.

[§] These statistics are based on data from the CAVR's Human Rights Violation Database (HRVD).

^{**} Romesh Silva, *Sex-Age Distributions of Victims of Reported Human Rights Violations*, CAVR HRVD, 21 May 2004. These frequency distributions show only age-sex distributions for victims for whom age information was reported to the Commission as part of its statement-taking process. Reported age for each victim was deduced from the actual age reported to the Commission statement-taker or, if this was not transcribed/coded into the HRVD, from the victims reported birthdate and violation date information.

Detentions by the Indonesian authorities

1975-1979

201. In the first years after the Indonesian invasion, the Indonesian authorities detained children for a variety of reasons, but usually with their families. Many of the cases of child detention reported to the Commission from this period relate to the concentration of recently captured or surrendered civilians to isolate them from those still in the forest.

202. The vast majority of people, including children, who surrendered or were captured in this period were held in various types of camps where they were subject to numerous restrictions on their freedom of movement (described in detail in Chapter 7.3: Forced Displacement and Famine). However, some, including children, were separated from others who surrendered and were placed in detention centres. In one such case, Pedro Alexandre Belo reported that, as a 16-year-old, ABRI captured him and seven of his family members in the forest on 11 August 1976. They were detained at the former Hotel Flamboyan in Baucau. Pedro was tortured for several weeks and then held for a further six months.¹⁵⁶ Damião da Silveiro from Lupal (Lolotoe, Bobonaro) reported to the Commission that when he was 12 years old, he was arrested with a large group on 7 May 1978 by Infantry Battalion 131. He was held for seven months at Lolotoe Koramil (Bobonaro) where he was forced to work on the construction of a building.¹⁵⁷ Igidio Cortereal, was 16 years old when he surrendered in Letefoho (Same, Manufahi) on 25 August 1979. He was detained by an ABRI member and three members of Hansip for 14 days and beaten.¹⁵⁸

203. As already noted, child guerrillas were among those detained and tortured after surrendering. In one case, José da Conceição Carvalho, a 15-year-old Falintil member, surrendered in Dili in 1977. He was detained for 12 days by two members of ABRI intelligence, C11 (Indonesian) and C12 (East Timorese), because he did not bring his weapon with him. He was released after revealing its location.¹⁵⁹

204. Apart from children detained in the context of surrender or capture, other children were detained when family members were arrested in this period. Sonia, a 1-year-old child from Quelicai (Baucau) was detained with her mother, Domingas Moreira, on 1 November 1976. They were held in the Flamboyan in Baucau town for one week in a dark cell before being interrogated about Domingas's activities in the forest. They were finally released on 4 May 1978 with orders to report weekly.¹⁶⁰

205. Indonesian authorities killed at least one child in detention in this period: Jaquiel da Costa Ximenes reported that a four-year-old, Joaquim Ximenes, from a family of seven, was detained in Afaça (Quelicai, Baucau) in 1979. According to Jaquiel, Joaquim was beaten to death in detention by members of Infantry Battalion 321 and Sukarelawan (The Volunteers a force made up of Timorese ex-partisans).¹⁶¹

206. In other cases, adults with whom children were arrested were killed in detention, after which the children were either kept in detention or released. José Pereira reported that in 1976 when he was aged 12 and living in Babulu (Same, Manufahi), he was called with five adults to help load rice at the Same Kodim. On arrival, they were accused of working with Fretilin and the five adults were executed. José was detained in a cell at the Kodim for nine months where he was threatened, questioned and forced to work on the grounds of the military base.¹⁶² Duarte Ximenes reported that in 1979, a ten-year-old, Domingos Ximenes, was captured by ABRI in Tequinomata (Laga, Baucau) with his father. The military took them to Quelicai (Baucau). The father was killed and Domingos was later returned to his family.¹⁶³

207. Children were also detained for the purpose of gathering information about others. Juliana de Jesus told the Commission how on 20 October 1979, when she was 11, the military

detained her twice at the Infantry Battalion 745 post at Liurai Fuiluro (Lospalos, Lautém) with her sister and another male child. They were interrogated about a local man's alleged contact with his son, a member of Falintil.¹⁶⁴

208. Indonesian authorities arrested whole families on suspicion of helping Falintil or during the search for information about the guerrillas and the developing clandestine networks. Isabel dos Santos Neves testified that she was arrested in Maubisse (Ainaro) in 1979, when she was aged 16, because her brother was known to be a member of Fretilin still living in the forest:

I was arrested with my older brother. When we were interrogated we were beaten and two of my younger siblings, still small children, were forced to confess to Fretilin being in the forest. My older brother was taken away at night by the military. In the morning a member of Hansip who witnessed the killing of my brother told my father that my brother had already been killed by the military. The Hansip only had [my brother's] ring and hat to show to us. When he heard this my father was silent, but he always said that it was a consequence of war.¹⁶⁵

1980-1988

209. As late as 1981, children were still being detained after capture in the forest. However, most incidents of the detention of minors in this period occurred as part of a broader response to uprisings or because the child was suspected of having contact with Falintil. The most common form of detention during these years was the transfer of whole families to the island of Ataúro (Dili) to separate them from relatives still in the forest. While public demonstrations of support for independence had not yet begun, clandestine groups were becoming more widespread and sophisticated. Indonesian attempts to control them also led to the detention and sometimes torture of young members of these networks.

210. By the early 1980s, Indonesian counter-insurgency tactics mainly took the forms of crack-downs in response to specific resistance activities and measures to close down sources of material, information and political support for the guerrillas, particularly the developing clandestine networks in the towns.

211. Following the Falintil attack on the broadcasting station at Marabia and the Infantry Battalion 744 arsenal in Becora, Dili on 10 June 1980, at least two teenagers were detained for short periods. Luis de Jesus, 14 years old at the time, reported that he was arrested on 10 June 1980 and held briefly in the Becora Koramil before being transferred to the Comarca prison in Dili.¹⁶⁶ Alberto de Deus Maya, 11 at the time, reported that Infantry Battalion 744 and Mobile Police Brigade (Brigade Mobil, Brimob) arrested him on 11 June 1980 and held him in Balibar, just south of Dili, where he was forced to haul water.¹⁶⁷

212. Adelino Araújo was detained and tortured along with many others after the uprising (*levantamento*) in August 1982 in Mauchiga, Ainaro. This military crackdown encompassed a wide range of human rights violations:

At the time of the uprising of 20 August 1982, in Mauchiga [Hatu-Builico, Ainaro], I was 14 years old. This leader's movement or revolt brought Fretilin activity back to life. In the uprising many people were killed by the military. Because I was still a child the military took me prisoner [in the Hatu-Builico Koramil]. I was tied up and beaten until I had no more life in me. I was burnt with cigarette butts and I could only hang on and cry. I saw how the army raped the

women that were there [in the courtyard at the Mauchiga village office].¹⁶⁸

213. Sometimes challenges to Indonesian rule during this period resulted in the collective punishment of whole communities, including the detention and torture of children. Residents of Porlamano, Mehara (Tutuala, Lautém) reported that in 1983, after Hansip and youths ran off to the forest, members of Infantry Battalion 641 detained and tortured their wives, children and female relatives at the military post. Another aldeia in the village reported that, in the same year, soldiers from Infantry Battalions 745, 321, 641 and Airborne Infantry Battalion 100 forced children aged 15 and older to gather in an open field where they were tortured and submerged in water.¹⁶⁹

214. Clandestine activity in the 1980s was often based on family ties and the Indonesian authorities used arrests and detentions to disrupt these lines of support. Francisco Soares told of how in 1982 he was 14 years old and suspected of bringing food to his father in the forest. He was arrested by a Hansip member called C13 on the orders of Koramil Commander Rifai (Indonesian), C108 (member of the Indonesian Legislative Body) and C15, the Hansip commander. He was brought to the Koramil in Iliomar for questioning. He was released after a week, with the requirement that he report for one year. The family was later moved to Ataúro for one year because the father refused to surrender.¹⁷⁰

215. In an attempt to separate Falintil troops from their family members thought to be supporting them, thousands of people were sent to Ataúro in the early 1980s.* The spike in the graph above of under-age detentions in the 1980s can largely be attributed to this policy.

216. Some children sent to Ataúro were separated from their parents or had already been orphaned (see text box below), though most went with their families:

My name is Rosalina José da Costa and I was brought with my parents to Ataúro because when we were in Viqueque we always gave food to Fretilin in the forest. We were found out by the military and so my family was moved to Ataúro as prisoners. I was just ten years old. We were taken by an ABRI car to Laga and then went by army boat, number 509. It wasn't just us, there were other families with their children. When we arrived on Ataúro as prisoners it was really hard to find food and many people died of disease, especially children. Every day at least one, sometimes up to seven, children died.¹⁷¹

217. Others lost their parents on the island, including Mario Correia, who told the Commission that, when he was 12, his parents died of starvation; it was another two-and-a-half years before the rest of the family was allowed to return home.¹⁷²

218. Individuals suspected of clandestine activity were also sent to Ataúro and some of these were teenagers. Armando de Jesus Barreto reported that Kopassandha arrested him in West Dili on 10 June 1980 when he was 17 years old. He was held at the Comarca Balide Prison, tortured at the sub-regional Command (Korem) headquarters and then sent to Ataúro for four years.¹⁷³

* The 1982 Korem instruction manual suggests those in Falintil's support network should be transferred to Ataúro: "In this way we can cut ties between the support networks in the settlement and the Nureps"; ABRI, "Petunjuk Tehnis tentang Kegiatan Babinsa" ["Instruction Manual: Village Guidance Officer/TDP Activity in developing and phasing out Trained People's Resistance Forces"], *Juknis /06/IV/1982*, (Korem 164, Wira Dharma, Intelligence Section, Williem da Costa [Chief of Intelligence]) translated in Budiardjo and Liong, *The War Against East Timor*, Zed Books, London, 1984, pp.181.

A child on Ataúro

Joana Pereira was detained on Ataúro from 1 September 1981 until November 1982. In 1978 Joana's parents had died in the forest and Joana and her younger brother, Mateus Pereira, surrendered to the Indonesian military. They lived with their older siblings in Lacolio (Quelical, Baucau). Meanwhile, their older brother, Pascoal Pereira, was a member of Falintil in the forest under the *nom de guerre* Nixon.

According to Joana, on 29 August 1981, when Joana was 13, the Quelical Koramil announced to the community that people with family members in the forest would be punished. In front of the village office was placed some plywood on which was written the names of people to be punished on Ataúro. Joana and Mateus's names were on the list. Mateus was only nine years old.

On 30 August 1981, Quelical Koramil transported the prisoners in four trucks to the Laga harbour. The next day, around 7.00 in the morning, all prisoners who had been gathered from Seiçal, Buibau, Quelical dan Laga, were transported by war ship 502 to Dili. The war ship arrived in Dili at around 7.00 at night. On 1 September 1981, at 8.00 in the morning, the prisoners left for Ataúro by war ship 511.

They arrived on Ataúro at midday. They were met by prisoners already on the island who unloaded the boat. Newly arrived prisoners, after their names were checked one-by-one, were each taken to individual places of punishment. Joana was placed in house No. 22 along with 60 people, while Mateus was put in house No. 24 with 70 other detainees.

The prisoners received no food on their arrival on Ataúro. Joana and Mateus had only the food that they brought with them from Quelical. After a month, each family received three cans of corn from ABRI, twice a month. Because of the hunger, some people stole papaya and cassava from the fields of the local population. But many people died, especially children and the elderly. Joana remembers mainly detainees from Los Palos and Viqueque dying. Each day, between two and five people died.

The International Committee of the Red Cross (ICRC) were allowed to visit Ataúro in 1982 and gave food aid such as rice, green beans, soybeans, dried fish, sugar, salt and canned fish. The ICRC aid allowed the prisoners to hold on to life and nobody else died after they came.

In October 1982, Eduardo Freitas's brother visited Ataúro. After he returned to Dili, he reported to the Kodim. In November 1982, Joana was brought home to Dili by boat. She lived with her uncle Paulo in Fomento (Comoro, Dili) and had to report to the police every day. Mateus had been brought to Dili earlier and lived at the Motael Orphanage.¹⁷⁴

219. The purpose of the arrest of some children was to obtain information about their relatives. Aida Maria dos Anjos was 14 years old in 1983 when she was interrogated in Viqueque about the whereabouts of her brother, Vergilio dos Anjos (Ular), one of the organisers of the *Kraras levantamento*:

*In the interrogation [special forces] forced me to give them information about the whereabouts of Commander Ular. The interrogation was always done by five members of [special forces]. C16 was the administrator of Viqueque Sub-district while C17 was the secretary of the entire Viqueque District. They actively attended every one of my interrogations.*¹⁷⁵

220. As the clandestine networks developed, children were detained and sometimes tortured as a consequence of their own activities, rather than their family ties. In 1982, a 14-year-old was detained in Ainaro on suspicion of making contact with Falintil and then tortured:

In 1982, I, Pedro dos Santos, was a young person involved in carrying out clandestine activities with Falintil. Because of that, one day (I forget the date) a member of "intel", C18, came to the house and took me to the aldeia of Tatiri [Hatobuilico, Ainaro]. When we arrived, C18 tied my feet and hands with plastic cable and hung me from the roof of the house. He then beat me with a stick for two hours. I was held there for two days and then C18 took me to be held by the Section Head of Intelligence at the Ainaro Kodim. When we got to the Ainaro Kodim, C19 asked for information. Because I didn't give him any answers, I was slapped twice across the face and then given electric shocks on my thumbs and ears for half-an-hour. This has damaged my hearing now...After that I was held with a lot of people who I did not know for four months.

221. In August 1983, as part of the crackdown after the Kraras uprising, several young girls were among those detained in Bibileo (Viqueque). Adelgisa Ximenes, who was 14 years old at the time and active in a clandestine network, was held for six months and interrogated by the Kodim Commander, Major C20. She and her friends were arrested without their parents' knowledge on 7 August 1983 on suspicion of working with Fretilin in the forest. She was interrogated by the military, sometimes until the early hours of the morning, and threatened that she would be killed if she did not tell the truth.¹⁷⁶

222. Children were also detained for violation of the strict controls on civilian life at the time. Maria Amaral from Tutuloro (Same, Manufahi) reported that in 1983, when she was 15 years old, she was one of a group of people detained and tortured by ABRI at the Manufahi Kodim for one week. They were arrested because they had left to work on the family's farm without a travel permit and so were suspected of assisting Falintil.¹⁷⁷

223. From late 1983, Indonesian authorities began to charge and bring to trial some political detainees. However, this mechanism does not seem to have been used extensively with children in detention; of the 267 political trials identified through court records from the first and busiest four years of prosecutions (1983-1987), only two were of minors.[†] Both were convicted of treason.[‡]

224. Detention and torture were also used by the Indonesian authorities to recruit informants and paramilitaries. Lucas da Silva reported that in 1986, when he was 17 years old, he was

^{*} HRVD Statement 07180; in a similar case five years earlier, an 11-year-old suspected of providing supplies to Fretilin was among a group of 11 detained and tortured by Special Forces Command (Komando Pasukan Khusus, Kopassus) at Sang Tai Hoo (a former Chinese shop which was used by the Indonesian military as a place of torture) in August 1977. She was then sent to an unlit cell in Balide Prison and then held in a regular cell for six months, HRVD Statement 05679.

[†] It is also possible that this number is small because from 1983 trials of minors were conducted differently to those of adults. This included the Court being closed during the trial and the records of these cases, like many other court records, may have been lost, see the *Regulations of the Ministry of Justice, Number M.06-UM>01 Year 1983*, Indonesia. for more information about the procedure and the court.

[‡] However, according to one statement, legal mechanisms were eventually used in the case of under-age members of a clandestine group. On 2 February 1986 in Baucau two 15 year olds in a clandestine group were arrested after one member was accidentally shot by Falintil and then captured by ABRI. They were held first in the Kopassus Post in Baucau where they were given shocks to the hands, ears and nose, stripped naked, and beaten for one week. They were then taken to Balide Prison in Dili where they were held for one month, some of that time in a darkened cell. They were then brought to the office of the Department of Social and Political Affairs (Sospol) where they were interrogated for one day. After that they were then taken to court and sentenced to one year's imprisonment; HRVD Statement 4199.

among a group of four detained by two special forces members, one of whom was called C21, a Sergeant-Major (Serka). They were detained and tortured at the house of the neighbourhood chief in Venilale (Baucau). The four were taken to Uatuhaco (Venilale, Baucau) where they were questioned while being choked with a chain and given electric shocks. In the end, they were forced to become informants, and after three years, were recruited to Tim Sera, an early militia group.¹⁷⁸ More famously, Eurico Guterres was a 19-year-old high school student in 1988 when he was arrested for membership in the quasi-religious, clandestine group, Santo Antonio. He was sentenced to four months imprisonment for membership of an illegal group. In the 1990s he joined the Youth Guard Upholders of Integration (Garda Muda Penegak Integrasi, Gadapaksi). He gained notoriety in 1999 as the commander of the Dili-based militia, Aitarak, and deputy commander of the militia umbrella organisation, Defence Force for Integration (Pasukan Pembela Integrasi, PPI).

1989-1998

225. With the limited opening of Timor-Leste to outsiders in 1989, the independence movement began to use public demonstrations against the occupation as a form of resistance. This method relied heavily on the involvement of students. Demonstrations were usually followed, in some cases preceded, by the arrest of suspected organisers.

226. In October 1990, international human rights organisations reported over 100 arrests. Many of those arrested were secondary school students detained for short periods, and tortured. The methods of torture used included electric shocks, burnt by lit cigarettes, and severe beatings. The arrests followed the assault of an Indonesian soldier by East Timorese youths, the taunting of an Indonesian official at a junior high school, and the appearance of anti-Indonesian graffiti on the walls of the Externato School.¹⁷⁹ Belchior Francisco Bento Alves Pereira told the Commission of how he was detained and tortured at the Joint Intelligence Force (Satuan Gabungan Intelijen, SGI) house in Colmera, Dili, in 1990 because he was involved in the St. Paulus case (see section 7.8.2.3 Children in the clandestine network, above) He spent four years in Balide Prison, Dili, before being released in 1995.

227. Students were especially targeted in the crackdown that followed the Santa Cruz Massacre. Mateus dos Santos was involved in clandestine activities at this time and was informed by the network every time a demonstration was to be held. He remembers the Indonesian military heading straight to senior high schools after the massacre to identify the demonstrators:

When we heard the shooting, we went back to school but ABRI had already surrounded the school grounds with their Hino cars parked in front of every doorway. Those wearing uniforms were members of the BTT [Territorial Combat Battalion]. They were from Java and had taken over from [Infantry Battalion] 508. I don't remember their number. We were surrounded and the school was closed. They already knew, knew exactly. They were scared of a riot so they checked the school attendance list. That was an order to the teachers, they told me personally. After they came to the school, [Special Forces (part of Kopassus)] intelligence and police intelligence were ordered to keep an eye on all of the people that hadn't been to school on that day, 12 November 1991.[†]

¹⁷⁸ CAVR research suggests that the battalion may have been Infantry Battalion 516.

[†] CAVR Interview with Mateus dos Santos, Dili, 31 October 2003; see also HRVD Statement 02726 of a 16-year-old detained for 3 months after Santa Cruz.

228. Recognising the threat posed by these actions, the Indonesian authorities carried out pre-emptive detentions connected to foreign visits or suspected demonstrations (see text box below). João Baptista Monis reported that in March 1992, at the age of 15, he was detained in Dili along with a friend. Both had participated in the Santa Cruz demonstration. Intelligence agents took them first to the Caicoli village office then to the Dili Kodim and finally to Taibesi where there were many other detainees being punched and kicked by soldiers.¹⁸⁰

229. Naldo Gil da Costa told the Commission at the National Public Hearing on Children and Conflict about his arrest and torture in advance of a planned demonstration when he was 16 years old:

The testimony of Naldo Gil da Costa

On 28 August 1992, Xanana sent a letter and a cassette telling us to organise a demonstration in Dili to coincide with the High-Level Conference of Non-Block Nations in Jakarta, from 3-6 September. The demonstration was to protest the Santa Cruz incident. We explored the possibility of doing this but we were too closely monitored by intelligence (SGI). I wrote to Xanana saying it would not be possible to hold a demonstration. However this caused a lot of fighting amongst the youth. Some of them said that because Commander Xanana had ordered it we must have the demonstration. So in the end there were about 20 of us who went ahead.

However, in the end all 20 of us were captured by the SGI. I was chased and caught. They handcuffed me, blindfolded me and beat me incessantly. They stuck a pistol into my mouth and tortured me until I was about to collapse. Then they threw me into a car and took me to the SGI in Farol. In Farol I was blindfolded and my hands were handcuffed. My feet were tied to a chair and an SGI officer beat me with an iron rod. My entire body was given electrical shocks. C108 and his ten men interrogated me. I remained silent which made him angry. He taunted me, saying over and over again "Hey whore-child, where do you come from?" All the while I was beaten and beaten. Our bones were broken and blood flowed from our wounds.

On 6 September two soldiers and four civilians took me to the primary school building in Tasitolu. They stripped me naked and tied me to a car. I was dragged behind the car for about 200 meters. I was taken to Dili Rock which was a place where they killed people. They forced me to dig my own grave and get into it. They told me to pray as I was about to be killed. Then, just as they were about to shoot me dead, one of the soldiers suddenly said, "If we shoot this child we won't go to heaven. This child is innocent. We should let him live." They pulled me out of the hole and instead of killing me the SGI beat me with a crowbar and shovel and tortured me all the way from Tasitolu to the SGI Colmera office.

I was held at the SGI for one week where I was beaten and interrogated. Then I was moved to Balide Prison with some other prisoners. At the Balide Prison we were handcuffed and then kicked and beaten by 50 soldiers. Then our handcuffs were released and we were put into cells. The cell had a toilet which was full and overflowing with human faeces and urine. It completely filled the toilet and covered the floor. As well as that we were all naked. One of the other prisoners, Marcos, and I laughed at ourselves as we sat naked in the shit covering the floor. On 16 September 1992 soldiers from Battalion 745 in Lospalos took Marcos from the cell and he has not been seen since.

230. Alexandrino da Costa told the Commission about his arrest and detention after a demonstration in 1995:

On 9 January 1995 the students of University of East Timor [Universitas Timor Timur, Untim] held a demonstration and I was involved. So I was arrested again by the military and the police. They said to me that I obviously wasn't afraid of dying because I was attending another demonstration. One of them beat me and kicked me while dragging me and throwing me into their Hino car. I was taken to the Polwil [Kepolisian Wilayah, sub-regional police headquarters] in Comoro, Dili, for interrogation. At the Polwil I was interrogated, beaten, kicked and given electric shocks. My whole body was given shocks, even my genitals. All of my clothes were taken off. There were around 20 of us who had been arrested and we were held at the [sub-regional police headquarters] for nearly a year. Then in around 1995 we were moved to the prison in Becora, Dili. We were tried and given a sentence of three years although, in the end, we were in Becora for two years and eight months.¹⁸¹

231. The demonstrations and the arrests continued throughout the 1990s. On 15 November 1995, a group of high school students marched to join a demonstration on the University of East Timor campus. They were surrounded by two trucks of riot police near the Mahkota Hotel in Dili. Many escaped but some 30 were reportedly beaten and taken to police headquarters before being released.¹⁸²

232. Children also continued to be detained in the 1990s for suspected contact with Falintil. Zeca Soares reported to the Commission that when he was a 16-year-old *estafeta* he was brought by the village secretary to the SGI post in Letefoho (Ermera). He was held there in a darkened cell and beaten by three civilians on orders from the SGI. He was released after two months but several months later he was re-arrested by SGI members in the area of Asulau (Ermera) and brought to Tata Hatulia (Ermera). On the road he was put into a sack and thrown into a ravine. Still alive, he was brought to Rajawali forces, Infantry Battalion 713 (Kostrad) in Suai and held for one week where he was repeatedly beaten.¹⁸³

1999

233. In 1999 there was a fresh wave of detentions by the military and their militia proxies (see Chapter 7.4: Detention, Torture and Ill-Treatment). Children were among those detained. For example, in April 1999 the SGI commander, C22, at Marco (Cailaco, Bobonaro) ordered the TNI and Halilintar militia to work together to identify the killers of local pro-autonomy figure, Manuel Gama. Soldiers and militiamen carried out a sweep in nearby villages detaining about 30 residents, including women and children. They were forcibly marched to the Cailaco Koramil in Marco where they were held for up to four days.¹⁸⁴

234. Detentions were sometimes followed by forced recruitment. For example the Commission heard testimony describing the process of forced recruitment of youths to the Laksaur militia in Covalima.¹⁸⁵

235. Also, Florentino Nunes told the Commission that on 8 April 1999, when he was 17 years old, he was suspected of being a CNRT sympathiser. He was beaten by BMP militia in Leopa (Liquiça, Liquiça) and held at the house of the District Administrator of Liquiça for several days. He was then held at the fort in Maubara (Liquiça) for another two months.¹⁸⁶

236. Another 17-year-old was in a group of four junior high school students (SMP Negeri 2 Beco) detained by a Mahidi member named C23, a soldier named C22, and others. They were

taken to the Mahidi headquarters in Zumalai (Covalima) and held overnight for questioning. The next day they were returned to their homes, which were searched for evidence of Fretilin involvement and weapons, and they were beaten and burned with a cigarette. They were then taken to the house of the local Mahidi commander, C24, and held for another three days of questioning during which they were given no food or drink.¹⁸⁷

Detentions by UDT

237. The Commission has found that UDT carried out a large number of arrests in August 1975 (see Chapter 7.4: Detention, Torture and Ill-Treatment). The Commission received two statements describing cases of UDT detaining teenage Fretilin supporters, each for approximately one week, during the armed movement of August 1975. Bernardino da Costa reported that he was nine years old when he was arrested by a UDT member called C25 in Atudara (Cailaco, Bobonaro).¹⁸⁸ João do Carmo de Araújo told of how he was arrested by UDT in Ataúro Vila (Ataúro, Dili) together with three others, including a 15-year-old called Agostinho.¹⁸⁹ Luis de Jesus Guterres told of how a one-year-old child, Felomeno de Jesus Pereira, was one of a group detained by UDT on 11 August 1975 in Ailoklaran (Dili).¹⁹⁰ There is also a report from Domingos do Santos that three Portuguese soldiers detained him in Dili in July 1975 when he was 16 years old. The youth was taken to the UDT office in Palapaço where he was held for three days before escaping.

Detentions by Fretilin

238. In 1975-1976, Fretilin usually detained children with their adult relatives for reasons related to political party conflict. Later, children were detained due to infraction of the rules, suspicion of being a “traitor” or as part of the intra-party conflicts.

239. Children were detained with their parents by Fretilin during the party conflict. One UDT supporter, João da Costa, told the Commission of how he was detained and tortured for five months from September 1975 along with his three month-old daughter, Saturnina, his friend, João Castro, and João Castro’s six-month-old child. João da Costa and his wife and baby had fled to Venilale (Baucau) at the time of the Fretilin armed insurrection but were captured there along with other UDT supporters. João da Costa and João Castro were beaten while Saturnina and João Castro’s baby were stabbed with a knife. Fretilin then took the families to Viqueque where they continued to be tortured.¹⁹¹

240. Some older children were detained during the conflict without their families because of their, or their families’, political affiliation. For example, Antero Soares testified that Fretilin detained him in 1974 when he was 16 years old and living in Mindelo (Turiscai, Manufahi) because his father was a supporter of Timor Popular Democratic Association (Associação Popular Democratica Timorese, Apodeti).¹⁹²

241. Family connections continued to play an important role in rivalries within and between parties, and there are several accounts of children detained by Fretilin with their extended families. Constantinho Ornai told the Commission about his detention in 1976 when he was 11 years old because of conflicts within Fretilin:

¹⁸⁷ See also HRVD Statement 04677, “In July 1975, I was arrested by three members of the Portuguese military, who I did not know, in front of the Dili helicopter pad where I happened to be waiting for a car to go to Liquiça. After I was arrested, they [the Portuguese soldiers] started beating me until I lost consciousness for five minutes. Then I came to and they tied my hands and took me to the UDT political party office in Palapaço, Dili. When we reached the office they handed me over to C26 (East Timorese). He ordered his men to untie the ropes around my hands then put me in a room or cell for three days and three nights without food or drink. I escaped from the UDT office when the situation in Dili became chaos.”

In October the Comissão Região [Regional Commission]...wanted to arrest us in Uatu-Carbau [Viqueque]. One early morning we were captured and taken to Iliomar [Lautém]. In Iliomar we were tied up and taken to Salari [Iliomar, Lautém]. There we were tied up and put into a pig-pen. We were interrogated in turn, beginning with the adults and then the children, including me. We were tied up there for several days. We were only given food once a day. We were tied with rope taken from sugar palm and sago palm trees. Our hands were tied behind our back at three levels, first at our palms, second at our elbows and third at our arms, and then we were hung from a tree. Meanwhile our feet were locked between two pieces of wood.

Then Domingos Pinto, the operational Commander, took me under guard of a G-3 weapon for interrogation. Commander Lere and Jaid interrogated me. After the interrogation I was made a prisoner with freedom to move so that I could work in the shared kitchen. My jobs included drawing water and collecting firewood. After one night I became a detainee in the shared kitchen. My uncle together with some other people were killed by Fretilin, led by Commander Lere and Jaid, on around 16 November 1976.¹⁹³

242. Families were in danger of being suspected of planning to surrender or of contacting the enemy, if they were caught looking for food without permission. Isabel Amaral reported that in 1976 when she was 17 years old, she was briefly detained with her family by Fretilin because they had been trying to return to where they had hidden food.¹⁹⁴ The Commission also heard from Luzia de Jesus Barreto, the mother of Bastião, that in 1978, when Bastião was 14 years old, he went looking for food in Remexio, Aileu, and was detained on suspicion of being a traitor. He later died of disease in a Fretilin National Rehabilitation Camp (Campo de Recuperação Nacional, Renal).¹⁹⁵

243. There are also several cases, as noted in the section on Children in Falintil, above, of under-age guerillas detained for disciplinary offences. Ijais da Costa testified that when he was 17 years old in 1976 in Berelau –(Liquidoe, Aileu), he was detained for two days for accidentally discharging a weapon.¹⁹⁶ The period of detention for breaches of discipline could reach one year or more, for example for allowing a prisoner to escape. Jaime da Costa told the Commission how in June 1977, when he was a 14-year-old Falintil member, he allowed a prisoner to escape after falling asleep on guard duty. He was detained in Lacló (Manatuto) on 19 June 1977 on the basis of an “arrest warrant” issued by the *comandante da região*. He was held for one year and three months, some of that time in a hole, and was forced to work in the fields.¹⁹⁷

244. Children detained by Fretilin were held in a variety of conditions. Constantinho Ornai spent some time as a formal detainee before being given the status of a “detainee with freedom to move” (*tahanan bebas luar*) and was required to work.¹⁹⁸ Sometimes children were detained for short periods and then given work for periods ranging from just days to several years. Paulino Laserdo da Costa told of when he was 16 years old, in 1976 and was arrested in Cairui (Laleia,

Manatuto). He was held only 30 minutes before he was given the status of “detainee with freedom to move” and required to collect salt from the ocean which he traded for food for Falintil.*

245. Twelve-year-old José dos Santos and his family experienced much more difficult conditions. His father was a UDT supporter but José lived in Fretilin territory in Manatuto with other members of his extended family, some of whom were active in Falintil and Fretilin. Due to suspicions about contact with their father and the distribution of the family’s wealth, the whole family was detained in late 1976 or early 1977. Over the next 18 months they were moved around Manatuto with Fretilin until they were finally surrounded and captured by Infantry Battalion 315 on 20 July 1978. First, the family was held in Welihumeta (Laclo, Manatuto) for three or four months. Here, José and other family members were kept in a hole in the ground, while others, including his 13-year-old and two-month old brothers, were kept in a hut. Next, they were taken to Hatucona (Laclo, Manatuto) where the local Fretilin leadership was based. Children under ten were held in a small structure that served as a crèche, while José, his 13-year-old brother and three unrelated boys aged 10-12 stayed with the Fretilin leadership, washing clothes and helping distribute supplies. José was once sent to a Renal (a Fretilin “rehabilitation” camp) where he was held in a hut for four days before being sent back to Hatucona. After a year there, followed by three months in Manalete (Laclo, Manatuto) they were moved around frequently until their capture.¹⁹⁹

246. After the destruction of the *zonas libertadas (liberated zones)* in early 1979, Fretilin no longer controlled sufficient territory or population to allow for detentions and although a few cases continued to be reported, their number was small and none of those known to the Commission involved children.

7.8.3.2 Killings and disappearances

Introduction

247. Children died as a result of the political conflicts in Timor-Leste, from the first days of the party conflict in 1975 to the last days of Indonesian rule. However, the contexts in which children died changed over the period. After the Indonesian invasion in 1975, large numbers of children died of deprivation (see Chapter 7.3: Forced Displacement and Famine) but many were also killed in targeted and indiscriminate military attacks, and also individually executed. In the 1980s cases identified by the Commission tended to be of children killed with adults in mass killings such as those at Kraras, Bibileo (Viqueque) or on Mount Aitana (Laleia, Manatuto). There are also isolated cases during this period of children singled out for suspected pro-independence activities. In the 1990s, this latter trend continued, particularly in connection with public demonstrations, of which the most notorious example was the Santa Cruz massacre of 12 November 1991. In 1999 there was a surge in killings of children, many of them clandestine members or from pro-independence families or communities. These killings frequently occurred as part of indiscriminate attacks on groups that had taken refuge in churches and private houses, but there were also instances where children were knowingly executed with other family members or as proxies for them. While most killings of children were at the hands of ABRI/TNI and the paramilitary bodies it created, Fretilin and Falintil were also responsible for killing children.

248. The Commission has not found through its research that children as a group were specifically targeted by any perpetrator group over the period of the Commission’s mandate. Nevertheless, the children who died during this period should be acknowledged and

* HRVD Statement 05226; in another case in Manatuto, Sebastião da Silva told of how when he was 12 years old he was detained and forced to work. He was captured with his older sibling in Bariqui (Manatuto) by Fretilin because they were ex-UDT supporters and Fretilin was afraid they were “two-headed”. He was forced to process sago for Falintil for three years, HRVD Statement 06513.

remembered. The following discussion is therefore an outline of the causes and contexts in which children were killed as a result of political conflicts.

Profile of violations

249. Of the 5,120 reports of civilian killings received by the Commission, 7.1% (362/5,120) of civilians killed were reported to be minors, although only 41.4% (2,120/5,120) of cases included the age of the victim. This suggests that children were not singled out as targets of killings, especially when the proportion of the total population who were minors is considered [\[see figure See Figure <g4910000100.pdf> \]](#). However, as there should be a greater inhibition on killing children than adults and children were generally less well represented on both the political and military frontlines (despite their involvement in both), these figures suggest that children were in fact over-represented among the victims of civilian killings.

[\[INSERT Figure <g4910000100.pdf> about here\]](#)

250. The figure [\[g220100b.pdf\]](#) below shows the pattern of civilian killings of children over time. It is apparent that the bulk of child killings occurred during the periods in which overall numbers of killings were relatively high. Furthermore, 63.3% (229/362) of documented civilian killings were attributed to the Indonesian military. Hence, the Indonesian military appears to have carried out large-scale killings in a manner that reveals inadequate measures were taken to prevent the killing of children.

[\[Insert graph g220100b.pdf – percent acts of civilian killings committed against children\]](#)

251. The largest numbers of child killings occurred in the 1975-1979 period (especially 1975 and 1978) and in 1999. After a lull in 1980, the numbers of children killed rose slightly in 1981-1982, and in the second half of the 1990s. These patterns are roughly consistent with those for the adult population (with the exception that the number of children killed declined in 1983). Males were reported as the victims in 77.6% (281/362) of the civilian killings of minors, whereas in 21.0% (76/362) of cases female children were the victims.

252. The Indonesian military was attributed responsibility for the killing of a minor in 63.3% or reported cases, Fretilin/Falantil in 27.6% (100/362), the Indonesian-backed militias in 11.9% (43/362) and UDT 1.9% (7/362).

253. Within the category of under-age child civilian killings, older children 15-19 years were the chief victims, with nearly twice the number of killings as the next largest groups, 10-14 years and 0-4 years. The least number of child killings were reported within the 5-9 years age group, with only (10.5%) of total civilian killings of minors. The median age of victims reported to the Commission through the statement-taking process is 14, and nearly one quarter of the total are 16-17 years old.

254. The picture for boys as a percentage of all males killed mirrors the general profile, not surprisingly since boys make up the overwhelming majority of total cases (77.6%, 281/362). The largest group of men killed were in the 30-35 age group. Females killed, however, tended to be younger. In all cases of females killed the 0-17 age group accounts for more than one-quarter of cases. The 12-17 age group is second only to the slightly older 18-23 age group. It appears that women in these two age groups were the most vulnerable to other crimes, such as rape, which in some cases were linked to killings, although support for this link is scant.²⁰⁰

²⁰⁰ When calculating proportional responsibility for violations, some violations may be counted more than once because responsibility may be shared amongst perpetrators.

255. Disappearances show a similar age pattern to killings, with 7.1% (59/835) of victims of disappearances within the 0-17 age group and 32.3% (23/59) of those aged 12-17.

256. The demographic profile of age-sex of reported disappearance victims is similar to that of civilian killings. In particular, most disappearances reported to the Commission were against young males between the ages of 20 and 34. Of the reported disappearances of children, almost all of them were of older boys in the age group 15-19, as shown in Figure [ig31210000500](#)

[\[insert <FIGURE 31210000500 PDF> about here\]](#)

Invasion and military operations

1975-1979

257. As previously noted, the greatest number of children were killed in the period from 1975 to 1979 than other periods in the Commission's mandate. This pattern is consistent with the total numbers of people killed. These figures suggest that children were not targeted but were caught up in the violence and chaos along with adults. A qualitative analysis of the Commission's research also suggests that in this period children were killed for the same reasons as adults and often at the same time as adults.

258. Some children died in the fighting during the Indonesian invasion or later military operations against Falintil. However, it is often unclear from the statements received by the Commission whether a killing was caused by indiscriminate attack or targeted execution. For example, in 1978 four children in a family from Lupal (Lolotoe, Bobonaro) were killed when their refuge on Mount Manulor was attacked by the Indonesian military. Santina da Costa was seven at the time. She explains:

During the two weeks on the mountain, my younger brothers and sisters, Lesu Bere [age unknown], Olandina [aged five] and Olosili [aged two], died after being hit by bullets from the Indonesian forces, while another called Olasila died because she was hit by shrapnel.²⁰¹

259. A second pattern of child fatalities in the 1970s is that of children killed when they were part of a group looking for food. The Commission received a number of reports describing how people searching for food risked attack either by ABRI (and its auxiliaries, such as members of Hansip) or by Fretilin/Falintil. The former regarded the presence of such groups in the forest as suspect because they might be intending to make contact with the Resistance or even be members of the Resistance themselves. Fretilin/Falintil targeted such groups as either spies or potential "surrenderers" (see below).

260. This pattern highlights one of the hallmarks of the political conflict in Timor-Leste: a general failure to distinguish between civilians and combatants. This failure could be the result of military doctrine, as in Fretilin's "people's war" strategy and ABRI/TNI's equivalent, *Hankamrata*, which provided the justification for the grouping of paramilitaries and civil defence units. It could also have been caused by the suspicion of all civilians found in a contested area, which marked them as valid military targets. Children were not exempt or protected from this failure.

261. The Commission heard testimony describing civilian casualties at the hands of ABRI and civil defence units.²⁰²

262. The Commission received testimony about how Hansip members in Uai-Oli (Venilale, Baucau) killed a six-year-old girl called Kenauatu and her father. Her younger brother, José Ximenes, explained how they were killed and how he was taken and raised by the perpetrators:

In 1978 we came down from Matebian to Uai-Oli, the aldeia of Ibihae [Venilale, Baucau]. All of my family left for Venilale but my father, Uatusu'u, my older sister, Kenauatu, and I stayed in Uaibae Uai-Oli. After around one week, a Hansip commander called C36 and his men: C37, C38, C39 and others found our hiding place in Nabolo. They captured my older sister and my father and took them about 200 metres away from me. Then they killed them and threw their bodies away in Nabolo-Uaile, Uai-Oli. But because I was only about five years old C36 and C37 took me with them to Ossu [Viqueque]. When we reached Ossu I lived with Antonio who looked after me until I was an adult. In 1995 my family found me and took me back to Venilale [Baucau] to live with them.²⁰³

263. Children who remained behind when others fled to the forest were also at risk. According to a relative, Felicidade Ximenes, one man stayed behind with his 15-year-old sick daughter, Helena, in Uai-Oli (Venilale, Baucau) in 1979, while the rest of his family fled to the forest. Members of Battalion 745 arrived in the area and reportedly forced the man to kill his daughter.²⁰⁴

264. Children were also killed in other contexts during this period. As noted in the section on TBOs, there are several suspected cases of under-age TBOs killed in combat operations or by soldiers in their own units. Other killings were linked to human rights violations such as rape. For example, according to Pãolo da Costa Soares in 1977 an Indonesian soldier and a Hansip member from Atabae (Bobonaro), C40 and C41, captured two sisters under 18, one of whom was six months pregnant. After the two soldiers had raped the sisters for six hours, the girls tried to escape. One sister was shot and killed while the pregnant sister suffered a miscarriage.²⁰⁵ Gaspar Dias reported a seemingly random case: in 1975, Albano Dias, 15 years of age, was working in his field in Fatlau, Aileu, and was shot dead by an unidentified ABRI soldier.²⁰⁶

1980-1988

265. By 1980 Indonesia had consolidated its control over the territory. Many civilians had surrendered or been captured, and had been relocated to towns or villages. Falintil attacks continued and retaliatory measures by ABRI and other operations were often so broadly targeted as to include children among the dead. As in the previous period, children were not specifically targeted but rather were killed as members of a group that included adults. However, the context of these killings was no longer the invasion and air attacks, as it had been in the earlier period. Instead, people were killed in retaliatory measures taken by ABRI in response to continued active resistance to the occupation. There were also new types of military operation such as the various "fence of legs" operations known as Operation *Kikis* involving mass mobilisation of the civilian population to flush out Resistance fighters. The best known these operations occurred in July-September 1981 (see Part 3: History of the Conflict, and Part 7.3: Forced Displacement and Famine)

266. Children were often caught up in group killings perpetrated in this period. For example, children were reported to be among the victims of the killing that occurred at Uaidada in Cairui Village (Laleia, Manatuto) at the end of Operation *Kikis* in September 1981.²⁰⁷ In the village of Leuro (Lospalos, Lautém) the community described the situation toward the end of Operation *Kikis*:

The community was more and more afraid, traumatised and nervous. We weren't free to go about our day-to-day needs because ABRI was always guarding the posts.²⁰⁸

267. The community said that ten people were shot dead at this time, including a 15-year-old child called Jepokilu..

268. Many children were also killed during the series of killings in Viqueque District by ABRI and Hansip members in retaliation for the killing of 14 soldiers in the village of Kraras on 8 August 1983. The Commission has received information that at least 26 of the victims were 17 years old or younger, of whom more than half were ten or under. Silvino das Dores Soares describes how in the weeks following the ABRI deaths, the military patrolled nearby mountains and a number of executions were carried out in these operations, including that of a 15-year-old in Uma Qui'ic (Viqueque) around 12 September 1983.²⁰⁹

269. In one of the retaliatory actions after the Kraras uprising, the killings in the aldeia of Fahite-Laran, Carau-Balo (Viqueque, Viqueque) on 16 September 1983 included many women and young children. Former Hansip commander, Jeronimo da Costa Amaral told the Commission:

One day at around 2.00 in the afternoon, 12 soldiers called us, I don't know which unit they were from...I and three of my members...brought along 18 people [civilians]. There were some in late stages of pregnancy, some children and some old men. We brought them up to Karuik. Indonesian forces from another place then came and picked them up. I saw written on the arm of their uniforms that they were from [Infantry Battalion] 312. Then the soldiers told us that they were taking the people to meet with their families [still in the forest] to convince them to surrender. The soldiers and the 18 civilians hadn't gone far before we heard the sound of gunshots.²¹⁰

270. Other witnesses put the number of victims at between 26 and 54, but all agreed that there were many women with young children in the group. The Commission has found that 14 children were killed in this massacre, aged between one and 17 years (The Carau-Balo and Tahu Bein massacres are described in Chapter 7.2: Unlawful Killings and Enforced Disappearances). The following day in Tahu Bein (Viqueque) the military rounded up and shot all males, including adolescents, from the village of Bahalarauain. Nine of the reported victims were minors, one aged ten and the remaining aged 15-17.

271. During the 1980s clandestine networks expanded rapidly. Children became involved in the networks' activities as *estafeta* or messengers. This placed children at increasing risk of capture and harm by the military. The earliest reported clandestine child fatalities occurred after the Resistance attacks in Marabia and Becora, Dili, on 10 June 1980. Following the attacks, the Indonesian authorities launched a wave of arrests and detentions. Filomeno Ximenes reported that among those who were arrested and disappeared or who were killed while in custody, were three prisoners aged 15-17 who disappeared from the Comarca prison. They were Sanco Sarmiento (17 years) and two brothers, Cesmundo (15 years) and Edmundo (16 years), identified as members of the clandestine movement. According to Filomeno, they had been arrested by Kodim 1627 in the Old Market area of Dili.²¹¹

1989-1998

272. The clandestine network expanded further after 1988 and new groups emerged among high school and college students. The holding of public demonstrations from 1989 required the mobilisation of large numbers of people willing to face the risk of detention and violence. Children

²⁰⁹ HRVD Statement 02130501, List of victim's names in Victims report; HRVD Statement 4146 also identifies two children among those killed in one Kraras-related incident on 17 September 1983 at Sawah Tahu-Bein-Baha-Fou: Eugenio (14) Abilio Gomes (16).

and youths were heavily involved. When the demonstrators encountered violence, as in the Santa Cruz Massacre of 12 November 1991, the number of under-age victims was high. From the 271 listed as killed at Santa Cruz, 42 were aged 17 years and under, including several aged ten.²¹² There is an indication that some of these victims were specifically targeted during the violence. According to Belchior Francisco Bento Alves Pereira:

*Not long after we arrived in Santa Cruz the Indonesian military started shooting at us so I hid near the wall of the cemetery. I saw policemen come in and look around the Santa Cruz cemetery. I could see the soldiers stabbing people blindly. Then I heard Alau calling out my name, Abessy, and saying that he wanted to find all of the children from Santo Paulus school. He called me out and forced me to sit on a grave and then a policeman beat me black and blue.**

273. Both girls and boys were involved in public demonstrations and suffered injury. In June 1998, a series of demonstrations, counter-demonstrations and clashes occurred at the time of the visit of a EU delegation. Two young men were killed in separate incidents. Two girls, Dirce Elisabet do Rosário (15) and Maria Imaculada do Rosário (17), were among five seriously wounded when security forces opened fire on demonstrators outside Bishop Basilio Nascimento's residence in Baucau (where the EU delegation was going to meet the bishop) after an Indonesian intelligence vehicle was mobbed.²¹³

1999

274. The violence committed by ABRI/TNI and militias in 1999 intensified patterns established earlier: children were killed in massacres, as members of communities that were suspected of being pro-independence, or as pro-independence supporters in their own right. Killings also occurred during incidents of collective punishment meted out for helping Falintil or for attacks on the ABRI/TNI.

275. Many children were killed in the violence that occurred in 1999, both before and after the referendum. Raimundo Sarmiento, a Resistance leader from Laclubar, Manatuto, described the retaliation following the killing of a TNI soldier by the Resistance. He told of how the military (Marines, Rajawali and Battalion 741), together with the militia, went to every household that they suspected might be hiding Raimundo and eventually caught and killed Marcelino, a Resistance figure, and his younger brother, who was in junior high school:

[O]n 24 April 1999 at 10.00am, they had already gone in [to the place where Raimundo was]...they passed a river and the hiding place. They then came in from below and arrested my leader, Marcelino, and his son Mateus. Marcelino and Mateus were buried. They were killed, their heads were cut off and exchanged before they were buried in a sitting position with their bodies around each other.²¹⁴

276. Other testimony received by the Commission cites the presence of top militia leaders at the site of killings.²¹⁵

* Belchior Francisco Bento Alves Pereira, testimony to the CAVR National Public Hearing on Children and Conflict, Dili, 29-30 March 2004. The section on Children in the clandestine network, notes that in the aftermath of Santa Cruz under-age demonstrators were sought at their schools and homes and detained.

277. Many youths escaped to the mountains in the run-up to the ballot or during the violence that followed. As food became scarce there was a return, after two decades, to the pattern of killing those who had fled to the mountains and then returned to look for food. Jorgé Ximenes told the Commission about the killing of a 17-year-old male:

On 21 September 1999, I, with my friends Felix da Costa, Horacio Pinheiro, Olivio, Joanico, Elias, Alfredo Araújo and Calisto Rodrigues [17 years] with 20 other friends, went looking for food in Ira Ara, Parlamento Village [Moro, Lautém], because the food was limited in the place we had fled to. We never expected that a group of Tim Alfa militia under Commander C109 would shoot us. We ran away and my friend Alfredo Araújo was shot dead with Calisto Rodrigues. Only after ten days could we collect their bodies and lay them to rest.²¹⁶

278. In some of the most notorious killings that took place in 1999, adult males were the targets and were separated from the women and children before the killings took place. This is what happened when on 5 September militia forced out people who had taken refuge in the Dili Diocese compound.²¹⁷ Women and children were also separated from the men at Passabe (Oecusse) where at least 47 young men were killed by the Sakunar militia on 10 September.²¹⁸

279. However, during the Suai Church Massacre on the 6 September this was not the case and children were also killed. When 27 bodies were exhumed from three mass graves containing victims of the Suai (Covalima) Massacre in November 1999, the remains of a child of about five and a teenaged woman were found.²¹⁹ In another well-known case, the killings were perpetrated by the Tim Alfa militia in Lospalos (Lautém). On 25 September 1999 Tim Alfa attacked a car, killing two nuns, three brothers, a lay-woman, an Indonesian journalist and their driver. Two boys pushing a cart along the road just prior to the attack were chased. Izino Freitas Amaral did not escape. He was tied to a tree where he witnessed the executions of those in the car and was then killed.²²⁰

280. In one of the reported cases of child killing in 1999 the victim was specifically targeted as a proxy for an adult parent. In the mass execution at the Maliana Police Station (Bobonaro) on 8 September 1999:

Among the first victims was a 13-year-old boy, José Barros Soares, who was hacked to death by militiamen while his younger sister looked on. But the violence was not as random as that scene suggested. The attackers were clearly singling out well-known pro-independence figures for execution. The victims included a number of CNRT leaders, a Sub-district Administrator, two village heads and several civil servants with pro-independence sympathies.

The militias also targeted the families of such figures. According to one report, for example, the militias who killed the young boy, José Barros Soares, told his sister that they were killing him because they could not find his father, a known independence figure.²²¹

281. According to other information received by the Commission, José Barros Soares' father, Augustinho Carvalho, a CNRT official from Manapa (Cailaco, Bobonaro), was being hunted by members of the Dadurus Merah Putih militia and the TNI, but he had in fact fled to Dili. They killed his son instead.²²²

282. In another case in Bobonaro, two boys were killed when they refused to leave their father who had just been shot dead by TNI members from the Maliana Koramil. On 10 September 1999, the TNI came to the house of Duarte Gouveia Lopes, a CNRT official in Holsa, Maliana, and shot him dead in front of his two sons, Viriato aged 17 and Vitorino aged 12. The soldiers told the two boys to leave but when they refused, saying that they preferred to be killed too rather than live without their father, they were also murdered.²²³

283. Some children were killed with their family members who were known pro-independence supporters. Maria Santana Tilman Alves told of how her younger sister, Georgina Tilman was killed with five of her children, the youngest only two years old. Georgina's family was known to support independence. Their house in Ermera was burnt by the militia after the referendum. Georgina fled with her husband and children to Dili. She and five of her children were taken to the Regional Police (Polda) headquarters where many others were assembled awaiting deportation, and then sent to Atambua (Belu, West Timor). Her husband had lost contact with Georgina and the five children. He later found out that after reaching Atambua, TNI and militia members (C47 and C48, two members of Ermera Kodim 1637 as well as C49 and C50) drove Georgina and her children back into Timor-Leste to Manduki (Atabae, Bobonaro). He later learned that they had been shot in Manduki and their bodies left unburied. The parents-in-law of the driver of the car then went to bury the bodies, leaving the children's clothes as a marker. It was they who told Georgina's husband what had happened to her and the children.²²⁴

Killings of children by Fretilin and Falintil

284. Fretilin and Falintil account for about one-quarter of the killings of children reported in statements given to the Commission, 38 victims in 20 incidents. As with the Indonesian military killings, most children were killed as part of larger groups of adults. In addition to these statements, there are other credible accounts of teenage party activists killed by both Fretilin and UDT.

The period of party conflict

285. An unknown number of children were killed by members of the political parties before and after the invasion, due to their family connections or their own political affiliation. Angelo Araújo Fernandes, a UDT supporter, told the Commission about the killing of his extended family in 1976 by Fretilin members from his own village. After being held by Fretilin for several days he witnessed the killing of his brother but managed to escape. According to Fernandes:

they came and shot dead all of my relatives, 37 people, in Lahiria Village, (Lore I, [Lautém] including children and pregnant women. I only heard the sounds of the guns from the direction of Lahiria, where they were.

286. Filomeno Pedro Cabral Fernandes was a UDT activist from a family that included Fretilin and Apodeti supporters. Together with his father, an Apodeti leader, he was detained in Dili and taken to Aileu after the invasion:

I didn't know exactly why I was a political prisoner, or whether I was made a prisoner just because of my parents. On the night of 26 December 1976 we heard the sound of guns. After we had confirmed that this is what it was, we found out that my father along with 75 other prisoners had been killed at Mantane [Alieu Town, Aileu]. Among those

²²³ For a more detailed account, see text box in Chapter 7.2: Unlawful Killings and Enforced Disappearances, entitled Testimony of Angelo Araújo Fernandes: Killings by Fretilin in Lautém

*massacred, the youngest was Antonio Pinto and Rui Mai. They were both just 15 years old. Jeronimo Maia and I were 16 years old. The four of us were the youngest.*²²⁵

287. There is also evidence of the killing of under-age Fretilin supporters by UDT supporters during this period. Ijidio Maria de Jesus spoke at the CAVR National Public Hearing on Massacres about the killing of his father José Maria and ten others by UDT members. Six of those killed on 27 August 1975, at Wedauberek (Alas, Manufahi) were members of the Fretilin-affiliated student organisation Unetim, including the younger brother of Nicolau Lobato, Domingos. They were detained on 11 August and held in Alas and Same (Manufahi) and Natarbora (Manatuto), before returning to Besusu (Alas, Manufahi) on 27 August, where Ijidio saw his father pass by in the back of a truck.

288. At 2:00pm Ijidio and his mother, fleeing to the forest, heard the sound of shots from Meti-Oan. Four days later he heard the news that residents of Besusu had found 11 corpses near Meti-Oan, including his father's, and he went to see. The hand of one of the students, Domingos Ribeiro, had been severed from his body. Apart from Domingos Ribeiro the students included the Unetim chairman, Domingos Lobato, and four other Unetim members, Chiquito Kaduak, Francisco, Alexandre da Costa and Domingos Ribeiro's 17-year-old brother, Tonito Ribeiro.

289. In another case, Vicenti Rosário told of how UDT members from Baltalde-Merkoluli (Turiscaí, Manufahi), C109 and C110, killed his family because they were Fretilin members. Among the six victims, three were still children: Dau Mali (seven years), Malolo (six years) and Luru Leki (five years).²²⁶

290. Some statements suggest that during this period there were children killed who were as much victims of long-standing personal and family disputes as of political differences. According to the statement of Manuel da Silva concerning an incident in Aitutu (Maubisse, Ainaro):

*In 1975, I was UDT but I didn't do anything against Fretilin. Members [of Fretilin] came and took Koli-bere I [aged 16] and Koli-bere II [aged 16]...[The perpetrators] were C51, C110 and C111.. Those three men took the two prisoners and handed them over to the Fretilin delegate, C112, who ordered C113 to kill both of the Koli-beres. They hadn't done anything wrong, but they were killed out of revenge because they had joined UDT and because of traditional family law reasons.*²²⁷

1975-1979

291. Killings of children by Fretilin and Falintil after the invasion fall into three main categories: killing connected to inter- or intra-party conflicts, killing of people suspected of helping the Indonesians (including deaths in custody and people killed while looking for food) and military attacks.

292. Statements indicate that the repercussions of the party conflict were being felt well after the invasion and that children continued to be its victims. Lourenço Ximenes told of how his family, who were Apodeti members, was captured in Baucau in October 1976:

My family and I fled to Nai Naha [Quelicai, Baucau] because we were afraid we would be attacked by the ABRI. In Nai Naha we were arrested by Falintil forces

²²⁵ CAVR, Ijidio Maria de Jesus, *Case Summary Collection*, 2003. While only the age of Tonito is given, Unetim was an organisation of secondary school students and several of the others were likely to have been under-age.

because we were suspected of having contact with ABRI. Our hands were tied to a big piece of wood for three days while we were interrogated. We were then released and forced to work lifting and carrying earth to make foundations for a house. Then on 2 November 1976, the family was forced to dig a hole around five metres [deep]. After they had finished digging Lourenço Ximenes hid and saw Falintil kill three people: his child Filomeno [Ximenes] [aged 12], his cousin Quii Quele [an adult aged 20] and his younger brother Laca Labi [age unknown]. After they had been killed, the three bodies were put into the hole that had just been dug.²²⁸

293. The Commission has also received statements about several incidents in which Fretilin/Falintil killed persons suspected of helping the Indonesians. In some cases the deaths occurred in custody, in others after groups out looking for food encountered Falintil soldiers. Well after the invasion, Fretilin detained suspected collaborators and political prisoners at Fretilin rehabilitation centres (Renal). Deaths in detention resulted from execution and torture as well as from deprivation and exposure (see case of Bastião da Silva described above in the section on Detentions by Fretilin).

294. In April 1976 Mariano Lopes was ten years old when he and his family fled from Koliate-Leo Telo (Hatulia, Ermera) to Letefoho (Ermera) ahead of the invading Indonesian army. The next month the family went to their gardens to harvest some sweet potato:

In May 1976 we were afraid because we were hungry. Myself, my mother, Bimori, my older brother, Lakamau, my Aunt Sara, my brother-in-law, Afonso, with my sibling, Joaquina, left Letefoho for our gardens to dig up some potatoes. While we were in the garden a Fretilin member, C52, arrested my mother and female family members and myself and brought us to Hauhei...When we reached the gorge at Manufunu they started shooting blindly. The bullets hit Joaquina and she fell into the gorge. I lay face down on the ground but a bullet hit my right cheek and tore it. My mother and older brother were killed immediately where they stood. They thought that we were all dead and they just got up and left. My Aunt Sara and brother-in-law had been able to run away as soon as they heard the sound of the weapons. When they saw that everything was quiet again they came back and carried me and Joaquina back to Letefoho. We stayed in Letefoho for two years before we went back home again.

295. There were other reasons Fretilin or Falintil members killed children. People, including children, were sometimes killed as examples to the community. Bernardo Rodrigues reported to the Commission that his younger brother, Abrão (17 years), was killed with another member of the family in front of the community in March 1978 in Lequidoe (Aileu). The two youths had attempted to steal corn belonging to a man named C53. C53 caught them and held them for a night, then handed them to the Fretilin forces. They were shot publicly on the orders of Assistant C54.²²⁹

²²⁸ HRVD Statement 06221; there are five cases from 1976-78 involving 13 victims from Aileu, Ermera and Manufahi in which the victims were part of a group looking for food, see HRVD Statements 02056; 04095; 04604.; 04992.

296. In another case, Armino Barreto told of how a Falintil member attempted to kill his one-month-old child, Domingas, in 1978 in Zumalai (Covalima) because she was crying and could alert the military to their location:

My child was cold and hungry and started to cry. Her mother carried her. She was only just one month old and her name was Domingas. Falintil member C55 soon called out to us but we just kept on walking. He called out again and we did the same three times and [then] I said to my wife: "Rather than you being killed by Falintil, it's better that we let him kill the child." We walked another 100 metres and then that Falintil member came up to us and took the baby from her mother's arms. He strangled Domingas and then threw her body into the river, which was still red at night time around 12.00. We were afraid so we just kept on walking. We had already walked far away but I could hear that the baby had not died, it was still crying. I ordered a Falintil member, Olivio dos Santos, to take some sarong material and wrap up the child. We kept on walking. I don't know if my baby lived or died. We couldn't know any more because we were already far away, nearly at Mount Kolimau and were heading on towards Fatubessi (Hatulia, Ermera).²³⁰

Falintil attacks

297. There is one account of a child killed in a Falintil operation. Paterno Soares reported to the Commission that his younger sister, Ines Soares, was 14 years old in 1982 when she was killed during a Falintil attack on the village of Carlilo (Manatuto, Manatuto). The soldiers burned down houses in the village, including Paterno's house. Ines, together with her parents, was burned alive in the fire.²³¹ While Falintil did occasionally kill civilians manning local ABRI security posts, the Commission has little evidence of child victims of such attacks.

7.8.3.3 Sexual violations

298. The incidence of sexual violations during the Commission's mandate, its causes and consequences, are considered in detail in Chapter 7.7: Sexual Violence of this Report. However, cases in which victims of sexual violence were children are considered separately in this section of the Report in order to highlight the particular experience of children. Sexual abuse is perhaps the cruellest and most emotionally and psychologically damaging of violations that a child can be made to endure, a betrayal of innocence.

299. In the chapter on sexual violence the Commission adopted a working definition of sexual violence as all forms of "violence, physical or psychological, carried out through sexual means or by targeting sexuality."²³² This definition includes the crime of rape, which is the physical invasion of a sexual nature, committed on a person under circumstances that are coercive. It is the act of

sex that occurs without the consent of the victim.⁷ Sexual enslavement is also included in this definition.[†]

300. The Commission's research has found that women were almost exclusively the victims of reported sexual violations related to the political conflicts, particularly rape and sexual slavery. Like many other communities, sexual violence against women and girls in Timor-Leste can be closely linked to their position in society. This includes rigid sexual stereotyping of men and women, and the general lower social status of females that encourages the attitude that women are objects that can be possessed and used by men at will.

301. In relation to children, the effect of such attitudes is compounded by the child's greater physical and emotional vulnerability. The context of violent conflict without functioning rule of law meant that individuals in positions of power over children could act opportunistically in an environment of impunity. Thus again children were pushed to the frontlines of the conflicts.

302. Of all documented cases of sexual violations, 14.9% (127/853) were committed against minors. Of these sexual violations against minors, 98.4% (125/127) were committed against girls. However, it should be noted that in 33.9% (289/853) of sexual violations reported to the Commission, the age of the victim was not provided.

303. As explained in the previous chapter on sexual violence, there is a strong stigma attached to victims of sexual violations, which means that too often the Commission of such acts is hidden behind a wall of fear and silence. In a culture where virginity is highly valued, this is particularly the case for child victims. It is therefore highly likely that the incidence of sexual violation of children has been significantly under-reported.

304. Finally, it is important to note that sexuality is bound up with cultural and social norms. There is no international age of consent but under the Convention of the Rights of the Child (CRC) a child is generally considered a person younger than 18 years. This is the age of majority that is used in this Report.

305. Since 1990 Indonesia has been a party to the CRC, but its ratification is subject to its own law. The Child Welfare Law No. 4/1979 came into effect on 23 July 1979 and defines the Indonesian child as anyone under 21 years and not yet married. The legal age for marriage is 16 years for females and 19 years for males. In Timor-Leste, a woman is considered to be an adult once she is married. However, the Commission believes that consent to sexual acts is negated by any form of captivity or duress, whether physical, psychological or circumstantial. The age of consent has not in fact had any bearing on the types of sexual violence the Commission has investigated.

Patterns of violations

306. Of the sexual violations against minors reported to the Commission, 41.0% (61/127) were rapes, 35.4% (45/127) involved sexual slavery and 16.5% (21/127) were other acts of sexual violence.

307. In 72.8% (91/125) of documented cases of sexual violations against girls, the victims were between the ages of 14 and 17 years. Of all sexual violations against children documented

⁷ Rape is the sexual penetration, however slight: (a) of the vagina or anus of the victim by the penis of the perpetrator or any other object used by the perpetrator; or (b) of the mouth of the victim by the penis of the perpetrator; by coercion or force or threat of force against the victim or a third person. This is the definition of the act of rape from the ICTY's., Furundzija case.

[†] Sexual slavery arises where women and girls are deprived of liberty, forced into "marriage", domestic servitude or other forced labour that ultimately involves non-consensual sexual activity, including rape by their captors. The entire situation has to be examined to ascertain if powers of ownership are being exercised over another human being.

by the Commission, 68.5% (87/127) were concentrated in five districts namely Ermera, 19.7% (25/127), Ainaro, 15.0% (19/127), Manufahi, 13.4% (17/127), Bobonaro, 10.2% (13/127), and Aileu, 10.2% (13/127).

308. The bulk of reported sexual violations against children occurred during periods of the conflict in which other physical violations, killings and disappearances were also frequent. For instance, 70.9% (90/127) of sexual violations against minors occurred between 1975 and 1983, and 12.6% (16/127) in 1999. The temporal pattern of sexual violations against adults and children are positively correlated. When sexual violations against adults rose or fell so too did sexual violations against children. This pattern suggests that sexual violations against children were driven by the same factors as those against adults.

309. The Indonesian military was named as the perpetrator in 72.4% (92/127) of reported sexual violations against children, 34.7% (44/127) were attributed to Timorese associates of the Indonesian military and 2.4% (3/127) were attributed to Fretilin/Falintil forces. No cases of sexual violations of children were attributed to UDT.[†]

1974-1979

310. The majority of sexual violence cases against children reported to the Commission occurred in the period of violence and chaos in the second half of the 1970s. Rape of minors reflected similar patterns to the rape of adult women. Girls were raped after they and their families surrendered; they were raped in military headquarters, at home, while in detention or at the time of their release.

311. The first notable pattern of this period is the number of sexual violations that occurred in camps and villages where members of the population who had recently surrendered or been captured were resettled. Following surrender or capture, children were placed under the direct control of guards and other military personnel.[‡] Eufrasia de Jesus Soares told the Commission that she was captured with her family by Infantry Battalion 721 on 13 October 1979 and placed in a camp in Railaco (Ermera). She described the treatment of girls in the camp:

[T]hey would choose a girl who they thought was beautiful, tell her to bathe and then take her away for a week or two, finally bringing her back to her family.²³³

312. There are also cases reported of girls forced into sexual slavery in the resettlement camps. In 1978, a 14-year-old girl, CM, reports that she was captured with her family and placed in a camp in Soro (Ainaro). After five months, a Babinsa named C56 threatened to shoot the girl, her father and her older brother if she did not agree to become his "wife". She had one child with him before he left Timor-Leste and she continued her clandestine activities.²³⁴

[†] Based on annual figures of sexual violations, the correlation coefficient of offences against adults and children is 0.61.

[‡] The total number of reported violations by perpetrator exceeds 100% due to reports of multiple perpetrators from different institutions participating in the same violation.

[‡] Chapter 7.7: on Sexual Violations documented similar cases in the camps: "When we arrived in Dotik (Alas, Manufahi), there were no houses there...[ABRI] told the community to build their own houses. After staying there one month, we were still under their control. At nights they would come up with a strategy, they would pretend to call on the girl they like. The same thing happened to me. One night they called me, for what purpose I didn't know. They brought me to a place with tall grasses around. They started threatening me, 'If you don't give in, then you'll die right here. You did it with the Falintils, but why won't you do it with us?' Being threatened by them, I just did what they asked", HRVD Statement 07241; see also CAVR Interview with EM, Mauchiga, 31 May 2003 for another case of internment in the Dotik camp; see also Chapter 7.7: Sexual Violations, section E Case Studies: Rape and sexual slavery about the internment in Dotik (Alas, Manufahi).

313. A second pattern in this period was sexual violence committed against young girls to punish their family members who were believed to be involved in Fretilin/Falintil: targeting by proxy.^{*} For example, the Commission heard several accounts from former TBOs about sexual violations committed by troops in their units against women and children as a form of psychological torture of prisoners. Alfredo Alves, a TBO from 1978-1982, gave testimony to the Commission as follows:

*I saw how the prisoners were tortured, their daughters and wives raped in front of them...I witnessed how they treated women aged 15 and above...I saw how they were treated. From then on I understood the meaning of violation... Around the afternoon they took the women as they pleased. There are things I couldn't reveal because it happened to people with whom I'm close.*²³⁵

314. The Commission's research with women in Lalerek Mutin (Viqueque, Viqueque) discovered a number of cases of sexual slavery of children in this period. In 1978, DM was 15 years old when she and her mother surrendered and lived in Beobe (Viqueque). Her brother and father remained in the forest and DM became suspected of contacting them. She was interrogated in the Kodim for ten days. After her release, a soldier named C57 began to come to her house. DM tried to avoid him by sleeping at her neighbour's house but she was then accused of going to find her family in the forest. When she hid inside a pile of maize in the attic of a traditional house, C57 found her:

*Then he climbed up into my hiding place. I was scared so I ran down but I fell and couldn't run because I was too badly hurt. He came down and picked me up and carried me into the room. From then on we lived as husband and wife and I gave him a child. He promised me that he would come back after three years but I never saw him again.*²³⁶

315. FM, also of Beobe, was 14 years old when she was suspected of involvement in a minor incident and subjected to a long period of sexual slavery. In 1978, FM was arrested on suspicion of blocking roads and obstructing ABRI patrol vehicles. She was taken to the Beobe village office and interrogated by the Village Guidance Officer C58, Deputy Village Guidance Officer C59 and a member of Infantry Battalion 330 named C60. During the interrogation C60 started undressing FM. She cried because she was having her period but was threatened; "If you don't do what we tell you, we'll cut you up right now."²³⁷ All three men then raped her.

316. FM was held at the village office for three days and raped repeatedly by the three men. After her release, Kodim members took her from her home to the Viqueque Kodim where she was locked in a room for three months and raped repeatedly by the Kodim Commander C61, the radio operator and the driver. A month after her release, FM was taken by the Koramil Commander and kept as his "wife" for 18 months and forced to provide sexual services on call. She eventually bore him a child.

317. As the above case demonstrates, once violated, girls became vulnerable to long-term exploitation, leading to an extended period of sexual slavery or other forms of repeated sexual violence.[†] The statement of GM, identified as a member of Falintil, tells of her arrest in 1976 when

^{*} As explained in the chapter on sexual violations, proxy violence is "violence committed because the main target is not there...with the purpose of destroying/conquering the enemy", Galuh Wandita, "Sisa dari mati": Violence Towards Women and Transitional Justice, Centre of Human Rights Studies, Surabaya University, Surabaya, 2000.

[†] See HRVD Statement 08736 about a 17-year-old girl investigated on 28 March 1979 by ABRI Kasi 1, C69, in Lospalos because she had family in the forest. She was then forced to be a "mistress" for two years.

she was 16 years old in Hato Bulico (Ainaro) by the Mulo village chief and C63,, a Koramil soldier:

The company commander, Hansip C64, and Koramil [soldier] C63 interrogated me about Commander Hauta-Lafera. After the interrogation...C65 took off my petticoat and underpants and burnt them, leaving me naked. Then C65 raped me first - he threw me to the floor and spread my legs apart. I screamed and cried but they kept on violating me.

Then, that same year, Hansip C66 sexually violated me. He forced me to become his "wife" under threat of his Mauser [rifle]...he stripped me naked and then called his Hansip friends to come and look at me and they all just laughed...then they took me to the Maubisse Koramil. He came and violated me until at last I gave birth to a child.²³⁸

318. A 14-year-old Fretilin member reported that she was detained with her cousin in Letefoho, Ermera in 1977. They were taken to a room, threatened with death and raped by soldiers from Letefoho Sub-district military command. After four days she was taken to the Ermera District military command for one year. During that time she was raped repeatedly, prevented from meeting her family and forced to "marry" a First Lieutenant. She had two children over the next two years. She knew of two other women who suffered the same fate.²³⁹

319. Sometimes officials cooperated with the military in subjecting girls to sexual slavery for themselves or the military. In 1979, in Betano (Same, Manufahi), the head of the village C67 wished to marry three women active in the Popular Women's Organisation of Timor (Organização Popular de Mulher Timor, OPMT) that had recently surrendered. They included HM, a 16-year-old. HM states that because he was rejected, he gave their names to the Kodim. They were arrested by the District Military Chief of Staff (Kasdim), C68, and interrogated, and C67 then forced them to be his "mistresses".²⁴⁰

1980-1989

320. Besides overt force and threats of violence highlighted by the cases above, there are also cases of girls involved in sexual relations with individuals in positions of power. Although some cases appear to have the consent of the child, legally their consent is not regarded as valid. Therefore sexual relations with a minor, with or without their apparent consent, is an illegal act.[†] Mário Carrascalão, former Governor of Timor-Leste, told the Commission of the difficulties of bringing young male teachers from Indonesia without sufficiently overseeing their conduct:

^{*} Ages of other victims not stated.

[†]KUHP (Indonesian penal code Article 287. Indonesian penal code implies that the age of consent is 15 years

When, in 1983, the system of compulsory schooling in Timor-Leste began, not only children aged six started attending school, but also youth aged up to 16-17 years old attended primary school. [From] a small number of East Timorese primary schools, teachers were appointed to select a large number of Indonesian teachers. Only male, unmarried (or if they were married their wives stayed in Indonesia) teachers were sent to Timor-Leste. The East Timorese that were recruited to teach at primary schools were also, mainly, male, young and had just finished their education...The outcome of this situation reached the Government in the form of stories about the involvement of "Bapak" [Indonesian] or East Timorese teachers with their female students. The Districts of Covalima, Maliana, Liquiçá and Baucau were ones that registered more cases. In Baucau, a teacher from Indonesia raped 22 of his female students. The case was taken to court and the rapist was sentenced to only two-and-a-half years in jail.²⁴¹

Prosecution of rape of a minor, Dili Court, 1982

Also in 1982, a Hansip by the name of C111, aged 17, was convicted by the District Court of Dili of the rape of a 12-year-old girl IM. In his Record of Interrogation (Berita Acara Pemeriksaan, BAP), C111's recollection of the event was as follows:

On 22 June 1982 I was on duty as Hansip at the Mercado Dili (Dili Market) with the responsibility to check the papers of all the people who came to the market and stayed overnight. By chance I examined the papers of a [girl] IM who had just come down from Baucau. When I asked her for her travel documents, she said that her 'surat jalan' was with her brother who was staying in Becora. Because of this, I detained IM at the post where I was on duty. At 4.00am I asked her again about her travel documents, and she gave the same answer. At the time, I had the bad intention to have sexual intercourse with her because everyone else was asleep. I brought IM to the police post to make her scared, so she would have sexual intercourse with me. When we came to the back of the market I forced IM to sit on the grass. She refused and I hit her twice. She was scared and lay down on the grass.

C111 proceeded to describe the rape and how he then released her to return home. However, IM immediately reported the incident to the Hansip Commander. The following day, C111 was arrested by another Hansip and taken to the police. C111 immediately confessed to the crime and was detained by the police. C111 was tried and convicted of rape in November 1982 and sentenced to 1 year and 6 months imprisonment. The conviction was made on the basis of his confession, together with written statements from the victim, two witnesses and the doctor who examined the victim and confirmed that her hymen had been torn. Neither the victim nor the witnesses attended the hearing. The judgment noted that the girl's hymen had been torn but made no references to the fact that the victim was a minor. The court stated that C111's abuse of his position of authority pointed against mitigation of his sentence.

321. JM reported to the Commission that in 1982, in Mauchiga (Hatu Bulico, Ainaro) when she was 14 years old, a soldier from Infantry Battalion 744 forcibly took her from her home to an empty field and raped her. JM states that she knows of five other women who suffered the same fate. The rapes took place every night for a week.²⁴²

²⁴¹ Judge: Doris A.A. Taulo, SH, Clerk : Petrus Lamapala, Prosecutor: M. Darwis, Decision: 19, Court File No: 17/PID.S.B/1982/PN.DIL, November 1982, CAVR has not conducted a comprehensive examination of all the files in the District Court of Dili collection and is not able to say if this case was routine or extraordinary. However, the Commission has observed from the Court Registers that sexual violence was a regular feature in the court's caseload.

322. In another case, KM gave a statement revealing she was raped in 1982, when she was a ten-year-old second grade student in Ossowalu (Vemassee, Baucau). One day, two members of Infantry Battalion 328 came to her home. One of them was a soldier called C70. KM recalled: "He held my hand and then said, 'will you do it with me?' I replied, "I am too young". But he took hold of KM, undressed her and raped her. KM's genitals were bleeding from the violent penetration. The following day KM's parents returned from their garden and were shocked to hear what had happened. For three days ABRI members of Infantry Battalion 328 came to their house accusing them of hiding Fretilin members. KM was raped repeatedly until eventually she became pregnant.²⁴³

323. The case of LM also highlights the vulnerability of school children, as well as the involvement of government officials in allowing the military to commit violations against children. LM told the Commission that in September 1983 when she was 13, members of the Viqueque Kodim 1630 came into her classroom and took away some of her female friends with no explanation. When LM came home after delivering food to her aunt, who was detained in Viqueque, she ran into the chief of the village of Waimori, C71. The Village Chief told her to come to his house in Beobe the next day and also to bring along her classmate NM:

Right away that night I had to serve the Kodim Commander C72, NM served the Koramil Commander C73, and OM served Kraras [Village Guidance Officer] [Bibileo, Viqueque], which is C74. Every night I was picked up and brought to the Kodim to serve them and then in the morning I left for home but OM and NM never came home from the Kodim. This went on for three months until both OM and NM got pregnant, and they both had an abortion.

After three months the Koramil Commander was inaugurated as the District Administrator of Viqueque and brought his wife from Java to Viqueque. From then on I never served the Koramil Commander again. Luckily I didn't become pregnant...at nights we would be picked up and brought to the Kodim, some school friends saw us, and I was so ashamed. I finally ended up leaving school.²⁴⁴

324. The pattern of clandestine members being targeted by the Indonesian military in sexual violations cases continued in the 1980s. No distinction seemed to be made between female clandestine members that were adults and those who were still children. One source told the Commission that a 12-year-old girl was held captive for three months in 1980 at the Special Forces headquarters in Farol, Dili. She was subject to sexual slavery by special force members, who took turns with her. This occurred because the victim's house was known to be a clandestine information point.²⁴⁵

325. PM was 17 years old in 1980, when ABRI took her and her husband from their home in Macadiqui village (Uatu-Lari, Viqueque) to the Uatu-Lari Koramil. PM had been involved in clandestine activities such as providing food to Falintil. At the Koramil she was stripped naked and her clothes urinated on. Then three Hansips raped her, C75, C76 and C77, in front of her husband. Although her detention period is unclear, PM says that the Hansips raped her each night.²⁴⁶ QM, another 17-year-old, from Dare, Mauchiga (Hatu Builico, Ainaro) had helped an injured Falintil soldier in August 1982. As a result she was taken by soldiers at the Dare Koramil and handed over to an ABRI unit operating on Mount Kablaki. They raped her every day until she escaped in October of that year.²⁴⁷

326. RM reported that she was 12 years old when she was captured in 1980, together with her father, RM1 in Suhurama, Dili, by two members of special forces. They were taken to Mandarin, a

detention centre in Dili where the special forces soldiers, assisted by an interpreter called C78, interrogated them. During interrogation RM was burnt with cigarettes on her face and hands, and they lit her hair with a gas lighter till they scorched it. RM was held in a toilet. She was brought back to the sitting room where she witnessed her father and her uncle, RM2, being stripped, electrocuted and beaten with an iron bar. She also saw several girls being raped by members of Special Forces. After three weeks in Mandarin, RM and her father were moved to Balide Prison. When she was finally released, RM was raped by a member of Special Forces in Pantai Kelapa, Dili. She was released on condition that she reported regularly to the authorities for one year.²⁴⁸

327. In another incident the Commission heard that 19 clandestine members from around Viqueque were picked up by Kopassus in May 1986 and taken to the Kopassus headquarters in Baucau where they were interrogated and tortured about their activities. One of the group, Caetano Alves, described what he saw happen to four young women clandestine members: SM (14 years), TM (16 years), UM (ten years) and VM (16 years):

I stood outside and looked through the window and saw that my friends were being treated in the same way as I had just experienced. No exception was made for my female friends who were stripped naked and then electrocuted on their breasts and genitals. In fact some girls were burned with cigarette butts on their body and on their genitals. As well as this mistreatment the girls were sexually harassed, such as through dirty language or being invited to sleep with them. Every day for five days, we were interrogated and treated in this way.²⁴⁹

328. The early 1980s saw strong military crackdowns on areas where Falintil uprisings had been staged. Sexual violence, including of children, was part of the crackdown strategy. WM was born in 1966 and was about nine years old when she fled to Mount Kablaki with her family. Although her family later surrendered in Ainaro, they continued to assist Falintil soldiers. In 1982, following the levantamento in Dare (Hatu-Builico, Ainaro), WM was captured and tortured. She escaped death only because someone suggested using her as a kitchen maid and sex slave. WM was 17 years old at the time:

[The soldiers] said "the Koramil Deputy Commander is an evil man, it would be better to take and kill her in Maumeta-Kio in the middle of Kali, than to let her live." But some disagreed and preferred that we stay in the Koramil and work in their kitchen. And then, every night we would be fetched...they said at the request of the Kodim Commander...Aware of our status as women prisoners, we just submitted to everything in despair. This went on routinely, then it was every two or three days we were fetched late at night.²⁵⁰

329. Like many other victims of sexual violence, WM became pregnant to her captors. She had a child to a member of ABRI named C79.

330. After the Mauchiga (Ainaro) uprising, several young women from the area were arrested and then forced to "marry" a soldier. XM, a 15-year-old, was imprisoned in the Ainaro Kodim where she was repeatedly raped by intelligence agents on duty there: Kasi I C80, Sergeant-Major (Serka) C81, and Sergeant (Sersan) C82. XM was then moved to the Dare Koramil and was then forced to live in Sergeant C83's house until he returned home in 1999.

1990-1998

331. The number of incidents of sexual violence against minors declined in this period, perhaps as community life became more normalised and the opportunities for random acts of rape or molestation diminished. From the statements and research of the Commission, only one case from this period related to a child, although again it should be noted that 33.9% (289/853) of cases were missing data on the victim's age.

332. The incident reported to the Commission indicates that rape was still used to punish young female members of clandestine networks. YM was 15 in 1993 and living in Malabae (Atsabe, Ermera). She reported that she was caught returning with two other women from a meeting with Falintil and was later detained and raped at Polsek Atsabe by a police officer named C84 (currently serving in the National Police Force of Timor-Leste, PNTL).²⁵¹

1999

333. In 1999, cases of sexual violence against women reported to the Commission occurred in the chaos and violence following the ballot. Villages were burnt and children separated from their families during the forced displacement of the population to West Timor. This left children vulnerable to violence and abuse.

334. Perhaps the most infamous of such cases is the story of ZM who was taken with a member of the militia to West Timor when she was 15 years old and has not returned home since:

ZM (Alola)

(As told by her aunt, ZM1, in November 1999)

ZM's father ran to the mountains after the ballot. On 5 September 1999, ZM and her younger brother, ZM2 [13 years old] had run to the church in Suai [Covalima] with me, their aunt, ZM1, to be together with Father Hilario. On 6 September 1999, at about 2.45pm the church was attacked by the Mahidi and Laksaur militias, along with TNI and government officials. The attackers shot, bombed, tortured and burned. ZM saw her brother, ZM2, killed in the attack.

We were forced to leave the church and were made to divide into two groups - one group staying at the junior high school, the other group at the Kodim. We were at the Kodim for one week, from 6-12 September. While we were there, in front of my very own eyes and also in front of District Administrator Herman, a Laksaur militia man named C86, took away ZM. He said, "You are a gift from the war to me." From this time ZM was taken from her family and brought with C86 wherever he went to do his acts of violence.

C86 brought ZM to the Laksaur headquarters in Raihenek refugee camp in Betun (Suai, Covalima) with his two other wives. ZM was guarded by Laksaur militia wherever she went, even to the bathroom. She was made to sleep in the middle with C86's wives. When I first met her, she only cried and did not say anything because we were being watched. She was once so sick she had to be put on the drip. I was allowed to see her once, guarded by Laksaur militia.

She is now two months pregnant (November 1999). She is still in the hands of the Laksaur, specifically C86. The family wants her return, but we fear for her life.²⁵²

Alola remains with C86 in West Timor, Indonesia.

335. Following the massacre in the Suai Church, the women and children and Suai were held captive in a junior high school building. AN was 17 years old at the time. She remembers each night the women being taken outside individually. She tells of her turn:

On 11 September 1999...the Laksaur militia shone a torch into my face and then opened my sarong...They ordered me to wake up and threatened that, if I didn't...they would shoot everybody lying near me. I was forced to get up and then they dragged me outside and a militia member called C87 took me away. I was raped and then taken back to the building. All I could do then was cry.²⁵³

336. Following this, the women were taken to another building. AN was raped again on 14 September; this time by a policeman who was also a member of the Indonesian Intelligence.

337. Several cases from Aileu District are also indicative of events at the time. In September 1999, BN was 14 years old when she was moved from her home in Liquidoe (Aileu) to Aileu town in preparation for flight to Atambua. She and her elder sister stayed in the local health centre building. BN was called to the house of the sub-district head and on the way was raped by militia member C88 from the Aileu Strengthen Integration (Aileu Hametin Integrasi, AHI) militia and then by a member of the Mobile Police Brigade (Brimob). She described:

But then, when we were half-way there, C88 forced me into an empty house near the Aileu football field. When we got there C88 threatened me with a knife to let myself be raped by him. Because I was afraid, I let him do what he wanted with me. The next night, I was taken again by three

members of [the mobile police brigade] [identities not known] to an empty house near the Alieu community health centre where one of them raped me. The other two didn't join in but guarded the door with their weapons.²⁵⁴

338. On 1 September 1999, CN, a 12-year-old girl, attended a traditional dance practice for the CNRT campaign in her village of Namleso (Lequidoe, Aileu). On 9 September, the AHI militia came and burnt the houses in her village. The next day they returned and started shooting and CN and her family ran away. When they reached the main road, a militia member C89 approached her, slapped her in the face, grabbed her breasts and buttocks and threatened to kill her with gun.

339. Also in Aileu, on 4 September 1999, DN fled to Aileu town with her mother because they heard their village of Selo Kraik was to be burnt down. She was 17 years old at the time DN stayed with her uncle in Aileu but after several days a member of the militia, C90, threatened her mother to give DN to him. He held DN for one week, raping her at night time. When she tried to escape she was threatened with death. On 14 September C90 took DN with him to Dili and then she travelled with his family to Atambua. DN lived with C90's family in Atambua for two weeks until his wife became suspicious and DN admitted that she had been taken as a second wife. She was thrown out of the house and eventually made her way back home.²⁵⁵

340. EN has a similar story from Ainaro. She told of how on 23 September 1999, when she was nine years old, the Mahidi militia came and burnt her village and forced the population to walk with them to Atambua. EN walked with her mother but her mother fell too far behind and was shot by C91, a member of the Mahidi and a relative of her father's.

341. When they reached Betun (West Timor), C91 took EN to live with him and his wife. She was kept in a room with no door for one week and raped each night by C91. She explained:

At night C91 would take the opportunity while his wife was sleeping to come into my room. I wanted to scream but C91 would put his hand over my mouth. Then he would force off my clothes and he would sleep on top of me. My body was not covered by a single thread. C91 kissed me and raped me three times, although not for long because he was afraid his wife would find out.²⁵⁶

342. After one week EN was collected by her uncle, a member of the TNI.

7.8.4 The transfer of children to Indonesia

343. From the first years of the occupation until the arrival of peacekeepers in September 1999, several thousand East Timorese children were taken or moved to Indonesia. Although some of these children maintained contact with their families and were eventually able to return, others never came back to Timor-Leste and their fate or whereabouts are not known to their families.

344. In the early years after the invasion, most cases of children taken to Indonesia involved individual soldiers who took children opportunistically, usually without family or other consent. As time went by, the practice of transferring children became more officially regulated. However, in practice children continued to be abducted or else parental consent was obtained through overt or more subtle forms of coercion.

345. Government officials, and later government departments, were also involved in the movement of children. From the late 1980s religious institutions assumed an increasingly large role in the practice. They sent East Timorese children to institutions in Indonesia to live and to study, in some cases without the consent of their families, or without providing a mechanism for families to remain in contact with their children.

346. Following the referendum in 1999, a new wave of transfers took place, driven by the dislocation of tens of thousands of families and a rearguard attempt by pro-integrationists to continue the struggle for Timor-Leste's future by other means. Most were children removed from camps in West Timor, often with the permission of parents or guardians seeking a safer place for the children in their care. However, some parents who agreed to the temporary removal of their children have found it difficult to bring them home again or even to contact them.

347. Writing about the 1999 period, United Nations High Commission for Refugees (UNHCR) noted that:

the wider struggle over East Timorese independence was to an extent projected onto and played out through the attempts to control the children.²⁵⁷

348. This statement is equally true for the entire period of occupation. The widespread practice of removing children displayed a mindset that by taking control of Timor-Leste territory, Indonesia also gained unfettered control over its children. This was manifest throughout the New Order regime period in Indonesia. ABRI members and other individuals with power in Timor-Leste felt that they were entitled to take an East Timorese child home without their parents' permission.

349. There also arose the public display of East Timorese children at the Presidential Palace in Jakarta in 1977 (see the section below entitled Transfer by government officials and charitable organisations). The practice, particularly as it became institutionalised during the course of the occupation, was often allied to the pursuit of wider political, religious or ideological objectives. The military, the government and religious bodies frequently acted in unison.

350. International standards govern how children, particularly children not in the care of a family, are to be treated by the state, both in situations of armed conflict and in peacetime. Under Geneva Convention IV, Indonesia as an Occupying Power had responsibilities towards Timor-Leste's children throughout the mandate period. Indonesia was required to:

- evacuate children from the field of conflict (Article 17)
- ensure that members of the same family were not separated (Article 49);
- ensure that children under 15 who were separated from their families or orphaned were not left to fend for themselves (Article 24)
- ensure children were reunited with their parents or placed with family or friends (children should be placed in an institution only as a last resort)
- ensure all necessary steps were taken to identify children and register their parentage (Article 50) (the state cannot change a child's personal status), and
- ensure that education was provided, as far as possible, by persons of the same nationality, language and religion (Article 50).

351. By ratifying the the Convention on the Rights of the Child in September 1990 and as the effective state power in Timor-Leste, Indonesia accepted an obligation to give priority to the best interests of the child when making decisions in relation to children. This means that during the period of occupation Indonesia was required to:

- ensure that the child's views were taken into consideration where possible (Article 3(1))
- regulate adoption processes and ensure that adoption was undertaken by competent authorities according to the applicable law (Article 21)
- combat the illicit transfer of children abroad (Article 11)
- combat the abduction, sale or traffic of children (Article 35)
- ensure children were at all times free to choose their religion and other beliefs (Article 30)
- ensure that, where a child was separated from his/her family, the state provided care that took into account the child's cultural background (Article 20), and
- protect children from any kind of exploitation (Article 36).

352. Unlike the other sections in this chapter, the removal of children from Timor-Leste to Indonesia was not the subject of statistical research or analysis. Rather, the Commission's findings are drawn from extensive anecdotal evidence collected through interviews conducted by the Commission and independent researchers, both in Timor-Leste and in Indonesia, as well as secondary sources. The Commission has not heard any reports of, but has also not made specific inquiry into, children being involuntarily removed to other countries besides Indonesia.

7.8.4.1 The number of children sent to Indonesia

353. Because the removal of children from Timor-Leste to Indonesia was almost totally unregulated over the period of occupation and was carried out through a variety of different channels, it is impossible to determine the number of children removed with any precision. However, estimates can be made on the basis of various pieces of information. The ICRC told the Commission it had received just over 4,000 reports of missing people over the period, most from the late 1970s and 1980s. Hundreds of these were minors at the time of their disappearance and include children taken by soldiers after serving as TBOs.²⁵⁸ Mario Carrascalão also told the Commission that over the ten years between 1982 and 1992 that he was Governor of Timor-Leste, 20-30 children were reported missing to him each year.²⁵⁹

354. The highest figure suggested was from a retired officer, who was stationed in Timor-Leste for nearly a decade in the late 1970s and early 1980s, and who served on the staff of General Benny Moerdani. He stated that soldiers took thousands of children from Timor-Leste.

His estimate does not include children transferred by religious or charitable institutions over this period.²⁶⁰

355. When the children who were removed in 1999 are included, the total estimated number of children taken to Indonesia clearly rises but the figures cited vary markedly. A study undertaken jointly by the International Refugee Council (IRC) and UNHCR with the Student Solidarity Council in late 2001, after many refugees had returned home, estimated that a total of 2,400 children had been sent to Indonesia during the years of the occupation. A UNHCR representative told a public hearing that between 1976 and 1999 as many as 4,534 children may have been removed from Timor-Leste.*

356. Based on these estimates, the Commission is confident that several thousand children were sent to Indonesia from Timor-Leste. However, it is important to recognise that the removals took place along a spectrum from unregulated transfers of young children without consent being sought, to coercion of children and parents, to informed consent.

357. As well as the overall figures, the number of unresolved cases is also difficult to determine as different agencies use different criteria in deciding whether to keep a case open. A workshop organised by UNHCR, held in Dili in May 2003, identified 770 outstanding cases from the entire period of the occupation.[†] According to UNHCR, as of 29 February 2004, there were still 221 children in Indonesia separated from parents in Timor-Leste, down from 600 in June 2003.²⁶¹ At the closure of UNHCR's reunification programme on 31 December 2004, there were still 107 cases pending; 72 children remain in Indonesia (Java and Sulawesi) and 27 children whose locations are unknown.²⁶² However, the UNHCR's mandate is limited to 1999 separations, does not include cases where both parents and children are in Indonesia and considers any case closed once the child turns 18. The number of children removed who have not yet returned is therefore certainly much higher.

7.8.4.2 Patterns over the mandate period

1976-1979

358. The majority of cases of children removed from Timor-Leste to Indonesia occurred in the period between 1976 and 1979. This was a period of massive disruption to East Timorese family and community life arising from the Indonesian invasion and the ensuing military operations. The prevailing climate of chaos, coercion and impunity, and the high numbers of children orphaned or separated from family members, created the conditions for widespread removal to take place.

359. Two patterns emerge from the Commission's research into this period. The first is that of low to middle-ranking officers either taking children found alone in combat areas or taking children directly from their families. Most such cases reported to the Commission occurred without parental or other consent. The second pattern is of children sent to Indonesia by government officials or high-profile charities. These patterns raise different issues of consent and state responsibility, and are considered separately below.

^{*} UNHCR testimony to the CAVR National Public Hearing on Children and Conflict, 29-30 March 2004. The figures indicate the total number of cases registered with UNHCR. From 1999 to 31 December 2004, 2,365 children were reunited with parents or guardians and 2,062 cases were closed due to transfer of responsibility for the children. There are still 107 cases pending; CAVR Interview with Manuel Carceres UNHCR, Dili, 28 March, 2005..

[†] United Nations High Commissioner For Refugees, Evaluation And Policy Analysis Unit, *Evaluation of UNHCR's repatriation and reintegration programme in East Timor, 1999-2003*, prepared by Chris Dolan, Judith Large, Naoko Obi, UNHCR, Geneva, 24 February 2004, pp. 61; the breakdown was 508 male and 262 female children, with 29 aged 0-5, 262 aged 6-12, 228 aged 13-15 and 251 aged 16-18.

Children taken by individual soldiers

360. The Commission has received first-hand reports from both parents and children, and from members of the military, of children being taken from Timor-Leste by individual soldiers. As cited above, a retired officer in the Indonesian military estimates that thousands of children were taken in this way. The majority of these cases involved lower-ranking soldiers bringing children home with them when they returned home. One man, who left voluntarily by military ship in 1976 at the age of 18, remembers seeing a number of children on board:

At that time there were 21 children on the boat. There were perhaps two who were in the same good situation as I was. There were others working for the company. There were also maybe some who had been abandoned...some didn't have parents so they had been brought along. Maybe some of [the soldiers] didn't have children.²⁶³

361. Children taken in this way were usually found in combat areas after their parents had been killed or they were separated from their families. The Commission heard evidence from the employees of two institutions where soldiers sometimes left these children pending their return home. According to one man who worked at the Wirahusada Hospital, the military hospital in Dili, in 1976 soldiers brought many small children from outside Dili to be cared for in the hospital. The children were usually very weak and underweight and many died. The same soldiers often took the survivors to Indonesia when their tours of duty ended. If they could, Timorese staff brought the children home with them from the hospital so that the soldiers would not take them.²⁶⁴

362. Soldiers also placed children in the care of the Seroja Orphanage in Dili.

The Seroja Orphanage

The Seroja Orphanage (Panti Asuhan Seroja) was opened by soldiers from Kodam (Regional Command) VIII Brawijaya on the site of an existing orphanage in Bairro Formosa, Dili, on 1 April 1976, shortly after the Indonesian invasion.

At the time of its opening there were 26 children at the orphanage, but the numbers quickly grew. Soldiers brought in children from combat areas.*

According to Guilherme dos Reis Fernandes, who worked at the Seroja Orphanage for many years and was its head from 1988 to 1990, the institution accepted not only orphans but also children who had lost one parent, had parents in the forest or whose parents could not afford to pay the fees at ordinary schools. He also remembers:

Many children were brought from the districts without explanation, and there were often parents who came looking for their children and took them back.

One of his former colleagues at the orphanage added that the children were often dropped off with little or no information about where they had been found or the circumstances that had led them to being brought there. Language barriers frequently compounded these problems. According to one resident:

*Sometimes our names were changed to the name of the soldier that brought us to the Seroja Orphanage.*²⁶⁵

In addition to caring for children until soldiers were ready to take them to Indonesia, Seroja played a direct role in the transfer of groups of children from Timor-Leste. Guilherme dos Reis Fernandes was told that, in the two years when Seroja was in military hands (before he began working there) about 60 children were sent to Indonesia from the orphanage. Among them was the group known as “the President’s Children”, of whom Petrus Kanisius Alegria was one (see below). Mario Carrascalão told the Commission that under his predecessor, Arnaldo dos Reis Araújo, the orphanage also organised the transfer of children to Bandung (West Java) and Semarang (Central Java).

In August 1978, Kodam Brawijaya handed the orphanage over to the provincial Social Services Department. Soldiers still came to visit the approximately 80 children on holidays or to celebrate unit anniversaries. One former resident recalls that after the arrival of a group of 15 children from Ataúro in about 1983, soldiers came regularly to check if the children had had any contact with their parents.²⁶⁶

After the handover to Social Services, one staff member remembers an oral directive that East Timorese children were not to be adopted by people from outside the territory, especially soldiers.

363. Other soldiers took children who had served them as TBOs. Alfredo Alves recalls his departure from Dili by ship:

* CAVR Interview with Maria Margarida Babo, Dili, [undated], who worked at the Seroja from 10 days after its opening.

I saw many other children on the boat though I don't know how many. We had seven children with our platoon. An Indonesian battalion had four companies and three platoons to a company. If we make a rough estimate that there were 3 to 4 children per platoon, then altogether there might have been about 30 to 40 children. But there may have been platoons where the commander followed instructions and did not allow his men to take children home with them.²⁶⁷

364. Alfredo Alves' story also demonstrates how children were tricked into leaving Timor-Leste (see text box below).

365. The Commission also heard of a number of cases in which soldiers abducted children from their families. In Ponilala, Ermera, a child named Veronica was taken from her mother in 1977 when she was eight months old. Manuel Martins worked at the time as a TBO for an Indonesian soldier he remembers as C92, a member of the military police. He recalls that he saw C92 giving clothes and milk to Veronica, bathing her and carrying her around. C92 said he had no daughters and that Veronica looked just like his own child. On the day that C92's tour of duty in Ermera ended, he came to the house and took Veronica, leaving a bag of rice. He promised to educate her and send her back to Timor-Leste but the family has had no contact with Veronica since, even though her mother has asked the ICRC for help in tracing her daughter.²⁶⁸

Yuliana (Bileki)

Another account may have a happier ending. A five-year-old girl, Buileki, from Dare (Hatu Bulico, Ainaro) was taken to Jakarta in 1978 by a Kopassus soldier, who had befriended her with chocolate and gifts. After five days with his family she was passed on to two other families. The last one proved to be a good home for her and she was re-named Yuliana. As an adult and married with three children of her own, Yuliana tried unsuccessfully to find her family in Timor-Leste through the newspaper. She met a Commission researcher in Jakarta and successfully found them through the Commission radio.²⁶⁹ Yuliana was brought over to Timor-Leste by the Commission in July 2004 and was reunited with her family in the mountains of Ainaro. She told her story at a public hearing for the Commission.

One Sunday after the first mass a soldier chased me and when he caught me he took me to the airfield in Ainaro. I was put on a helicopter and taken to Dili. As I was about to be taken my uncle didn't want to let me go because C93 was not my father and at the time [because] there was a war on, I was separated from my parents. In Dili I lived with the military wives in a boarding house. I was almost lost in Dili once when I tried to run away and find my parents, my uncle and the rest of my family.

After three or six months in Dili, when the war in Ainaro was over, C93 came back to Dili and then straight away I was taken to Jakarta. In Jakarta I lived with C93 for a bit less than a year and then I changed hands several times. From C93 I went to live with Mr Ordin, and then finally I lived with my adoptive father, Tatang Yogosara. I was so sad because I was still little. I was so lonely when I lived with Mr Tatang Yogosara's family. At the time, all I could remember was my parents' names, Kuilbere and Maria, and my older brother, Maumali, as well as my real name, Bileki.

For the time I lived with Mr Tatang Yogosara's family I didn't feel like I was treated differently because I was an outsider. I lived with a family that loved each other. Now I have my own family and three children. My husband, Petrus Tapis, is from Tanah Toraja in Ujung Pandang, Sulawesi. My three children are Veronika Ratu Rosari, Klara Monika Misi, and Abraham Moris.

Actually, in 1999 before the destruction in Timor-Leste, I was already looking for my family through the newspaper Suara Timor Timur. I put a notice in the paper...I almost had an answer...the newspaper told me that my older brother Maumali had looked for me. But after [the ballot] I didn't hear anything more until I met Mrs Filomena and Mrs Helena [a researcher who worked for the Commission].

My husband is a good citizen who values peoples' rights, he knows my nationality, he knows I am Timorese and that I have to go to Timor not to leave behind my family, no! It's just that heaven forbid if God called me before I had met my own family.²⁷⁰

366. Maria Legge Mesquita was taken by soldiers after her father was killed in the forest. She and other kidnapped children were rescued by one resourceful family just as they were about to leave for Indonesia:

When the army was ready to leave, after their tour was over, they took five children, including me, and put us in crates. We were put in crates, one per crate, like chickens. I remember there was one family, who worked for the Red Cross, who searched for their children - they were afraid their children had been taken by the soldiers. They found us and we were all let go. Members of that family were then beaten but we weren't found again and we didn't end up leaving.²⁷¹

367. Maria's story demonstrates that children were not only abducted but families that resisted were punished.

368. QN's story is similar:

Abduction of a baby in Ermera

QN's mother told her how she was almost abducted by a member of the military. QN was born in 1978 and lived with her family in a concentration camp in Kota Lama (Old Town), Ermera. A company commander at the camp, C94 from Sulawesi, forced her older brother to become a TBO. He also wanted to take QN, but her family resisted. Then QN was put into a box by the officer and taken to Dili.

Her mother immediately reported the kidnapping to the pastor in Ermera, who contacted nuns and pastors in Dili. A TBO who was working at the Kodim reported to the nuns that there was a baby from Ermera in a box at the Kodim. QN's mother came straight away to Dili and challenged the soldier who had taken her child. She was kicked a number of times but finally, because she refused to back down, he let her see the baby. Fortunately, she was able to prove it was her daughter because she was able to show that the baby had a birthmark on the back of her neck and QN was returned to her mother.

But there were grave consequences for QN's family as a result of this confrontation and the officer still managed to take a baby away with him. Back in Ermera, C94 shot at QN's mother and arrested QN's 18-year-old brother and beat and tortured him. He was put in a hole full of filth, where his mother found him a few days later. Two of QN's older sisters were also tortured and raped by C94, and one became pregnant and gave birth to a baby daughter. C94 came back to Ermera and took this baby girl with him back to Indonesia. No news of the child's fate has ever been received by the family.²⁷²

369. QN's story is one of many in which soldiers asked (or pressured) parents or guardians for permission to take their children back with them to Indonesia.

370. Domingos de Deus Maia, a priest who was working in the Letefoho (Ermera) concentration camp in 1977, remembers soldiers asking him to sign a letter releasing a child so that they could take the child home to Indonesia with them. He refused. Not long after, the parents of two other children told him that the army was going to forcibly take their children. He immediately complained to the commander, a Christian, who then went over to a truck that was being loaded ready to leave Letefoho. The commander unloaded the truck and found a child hidden inside a case. A shouting match then started among the soldiers.²⁷³

371. Sometimes, parents were asked to sign adoption papers. They agreed for a variety of reasons. In some cases they gave in to outright threats and coercion. The Commission also heard of cases in which the pressure was more subtle, stemming from a climate in which it was virtually impossible to refuse a soldier's request. Others believed that their children would be safer or better educated outside of Timor-Leste. In the latter situation, many parents were told that their child would be returned home one day, a promise that was rarely kept.

372. In some cases formal adoption documents were drawn up and signed by military officials. One set of adoption papers consists of a handwritten agreement witnessed by the Bobonaro Koramil Commander, the Sub-district administrator and several others, together with a printed

^{*} QN remembers the company commander coming from Infantry Battalion 152 but the Commission's research indicates that it was more likely to have been Infantry Battalion 122.

statement naming the natural and adoptive parents and their respective witnesses.[†] However, again agreements to give up children for adoption were not always made freely.

Forced adoption: Aidia's story

In 1975 I had just come out of the forest and was living in a camp in Bobonaro. My husband had died but I had one female child named Kustantina, who was about three years old. While we were living there, [an Indonesian soldier] called C95 used to take my child over to the military post. Every morning he would come and take her and in the afternoon he would bring her back. He always said it was just for fun. This happened for quite a long time, although I never went to the military post because we were scared of soldiers. There was always a question in my mind about why that soldier would come and take my child so often.

One day he came to me and said: "I like your child so much because I don't have any children myself." It's true that he was not very young - already old enough [to have had children]. He went on: "I would like to take her home. I want to give her an education and after that she can come back." He said that as a single woman I would not be able to send her to school.

He said I had to go with him to the Koramil to put my name down. My father and uncle were also called to come with us. There were people at the Koramil but I don't know who they were and I can't read. I don't know if the commander was there or not. I don't know if everyone who signed was actually there. Temukung (the head of my village) also couldn't read the documents and didn't know what they said because we didn't know Indonesian and they didn't tell me what they were. C95 just said that he wanted to send her to school and then she would come back. He gave me some money but nothing more than that.

It turned out that C95 was ready to leave. His bags were already packed. After he left, my family said that I had left my thumbprint [on the documents] and so we couldn't do anything about it. I only gave away my child because I was afraid. They had guns and I felt like I didn't have a choice. But I live now with the hope of that man's promise that one day my child will come back to me...I often go to the edge of the sea, breathe in the fresh air and remember my child taken from me across those waters.²⁷⁴

Was the removal of children official military policy?

373. The Commission has found little evidence that the taking of East Timorese children to Indonesia was official military policy.[†] Indeed, the evidence suggests that, at least when lower-ranking personnel were involved, higher-ranking military officers did not approve of the practice. A pattern common to several of the cases cited above is that the children were taken surreptitiously - packed in boxes and smuggled out by ship. Alfredo Alves (see text box below) remembers being hidden in a box after hearing the military police say that the soldiers were not allowed to take children home to Sulawesi. Domingos de Deus Maya's account of soldiers being reprimanded by their commanding officer for taking children is additional evidence that soldiers acted on their own initiative.

374. There is evidence that after a few years the military attempted to regulate the removal of children by requiring, for example, both parents' and the authorities' consent.[‡] However, there is

[†] This document is in the CAVR Archive. The document also has signatures from the Company Commander of the headquarters for Battalion 507 and the head of Bobonaro Village (Bobonaro).

[†] Although there are persistent rumors of military documents instructing soldiers to take children to Indonesia to educate them as Muslims, the Commission has not been able to locate them.

[‡] Permission may not have been difficult to obtain. A member of the Seroja Orphanage staff told the Commission about a boy named Thomas who was living at Seroja: representatives of an Association of Military Wives (Persatuan Istri Tentara) came to the orphanage with a letter of recommendation from their organisation and permission from the Department of Social Services to adopt the two-year-old boy, CAVR Interview with Maria Margarida Babo, Dili, [undated].

not enough evidence to determine whether these measures were sufficient to reduce the number of children taken to Indonesia. In practice, in the prevailing climate of coercion, such measures could not guarantee that parental permission was freely given. There is considerable evidence that soldiers evaded the regulations, as in the numerous cases of children being smuggled out of Timor-Leste aboard ships. Moreover, there could be no certainty that once in Indonesia, a transferred child was looked after by the family of the soldier who had signed an agreement or that the child received an education. Indeed there is abundant evidence that children were given to families who wanted children, or that they were placed in an institution. There is no evidence to suggest that the practice of passing children on in this way fell within any system of regulation.

Transfer by government officials and charitable organisations

375. It was not just soldiers who took children from Timor-Leste to Indonesia in the years immediately after the invasion. Government officials and charitable foundations, including President Soeharto's family, were also involved. Their activities were generally better organised and they purportedly offered to provide East Timorese children with an education. However, again regulation was lacking, children were taken without parental permission and parents' right to maintain contact with their children was often ignored.

376. The Commission heard of a member of the Indonesian Legislative Body (Dewan Perwakilan Rakyat, DPR) in Jakarta who came to Timor-Leste and sought to convince parents to send their children to Indonesia where they would be sent to school. C96 was originally from West Timor, but before the Indonesia invasion lived in the village of Boebe (Viqueque). She then became a member of the DPR, representing Timor-Leste. In 1977, she approached a number of parents, including a woman named Ana Maria, and promised them that their children would receive an education in Java. Ana Maria agreed to send her son Cipriano. A few days later C96 came and collected Cipriano along with four other children from his village and three more from another village, and took them with her by army helicopter. According to his uncle, Duarte Sarmiento, Cipriano and his cousin were given to C96 with their parents' permission because of the difficult circumstances at the time but they were told that they would be given their children's address in Java. Cipriano's cousin returned to Timor-Leste for the first time in 1984 but without Cipriano. He told his family that the wife of a soldier had visited the Seroja Orphanage and taken two children with her, Cipriano and a girl from Ainaro.*

377. Soeharto family foundations played a major role in funding institutions engaged in finding, transferring, accommodating and educating East Timorese children in this period. The retired military officer, already quoted on the numbers of children taken by soldiers, explained that most children were placed in private educational institutions run by Muslims, Catholics or Protestants. Their fees were usually paid by 11 March Decree Foundation (Yayasan Supersemar), a foundation funded and managed by the Soeharto family.²⁷⁵ The perceived propaganda value of this arrangement is illustrated by the high-profile transfer to Java of a group of children known as "The President's Children".

* CAVR Interview with Duarte Sarmiento, Kupang, West Timor, 8 February 2004; CAVR Interviews with another child [name withheld], Bandung, Indonesia, 28 and 31 January 2004. Another child went with soldiers voluntarily and was given several opportunities to visit her family in Timor-Leste but always chose to return to Java, CAVR Interviews with Achmad Viktor da Silva, Jakarta, Indonesia, March 2003 and 22 January 2004.

“The President’s Children”

In 1977 a group of 20 children were sent to Java, apparently in an effort to improve public perceptions of Timor-Leste. Petrus Kanisius Alegria, one of several “representatives” from Aileu District, was the oldest member of the group:

On 1 September 1977, I and some other children were taken to Jakarta. We were brought by Lieutenant-Colonel Mulyadi [from Sulawesi]. The Governor of Timor-Leste at that time was Arnaldo dos Reis Araujo. He also came along with us to Jakarta. Our families weren’t told that we were being brought to Jakarta. We arrived in Jakarta on 6 September 1977.²⁷⁶

Petrus Kanisius Alegria had been brought to the Seroja Orphanage in April 1977 by soldiers from the Aileu Kodim. His parents had died before the invasion and he was living with an older brother in Aileu when a soldier from the Kodim told his brother that they were looking for children aged 10-11 whose parents had died in the forest to send to Dili to study.²⁷⁷ His brother was not told about, and therefore did not consent to, Petrus being sent to Indonesia.

The children, whose average age was ten and who came from the western and central districts, were sent in a military Hercules transport plane.²⁷⁸ On arrival in Jakarta they were taken to tourist sites such as Taman Mini (East Jakarta) and attended a welcoming ceremony attended by President Soeharto and the vice president, Sultan Hamengkubowono IX. The President told them:

You are our children, owned by the state, and we will be responsible for your welfare from now on your food, clothing and schooling, including your advanced education, is the state’s responsibility.²⁷⁹

The children’s transfer was supported by a Soeharto foundation, Yayasan Dharmais. Arnaldo dos Reis Araujo, the Governor of Timor-Leste, sent a letter dated 25 August 1977 to Dharmais.^{*} There was a signed agreement between Dharmais and the Saint Thomas Orphanage in Unggaran (Semarang, Central Java), dated 4 September 1977,[†] in which Dharmais promised to fund the children’s food, clothing and education.[‡] Soeharto told the media that his foundation would provide Rp150 a day for each child. Despite this assurance, according to Petrus Kanisius Alegria, the orphanage did not receive sufficient funds to care for the children properly.²⁸⁰

1980 - 1989

378. In the 1980s, the practice of soldiers bringing children home with them to Indonesia continued. Often these children were orphaned or had been separated from their parents. The number of orphans in Timor-Leste at that time was certainly high; Mário Carrascalão commissioned a study and arrived at a figure of over 40,000, many of whom were in institutions:

^{*} The Governor’s letter was copied to the Ministers of Internal and Social Affairs in Jakarta and the head of Social Welfare (Dinas Kesejahteraan Sosial) in Dili. It was also given to the District Coordinator (Kordinator Wilayah, Korwil) and the Commander of the Regional Defence and Security Command (Kodahankam) as well as the Commander of the Korem Territory of Defense and Security (Danrem Dahankam).

[†] It was witnessed by the District Administrator (Bupati) of Semarang, Iswanto and the head of the Social Welfare Department in Semarang, Kardoyo Karjosoemarto. For the St. Thomas Orphanage it was signed by Sister Petrona and for Dharmais by Soedardi.

[‡] “Children are dropped off...therefore they receive care, service and a good education. The cost of the children’s food, clothing and education is the responsibility of the Foundation and is in accordance with the capability and regulations of the Dharmais Foundation.”

*The problem was those who were not in the care of the Catholic Missions. This was used by the military. There were some who liked white-skinned children. They liked children with mixed blood. They were the ones they took to Indonesia.*²⁸¹

379. In the 1980s there emerged a new pattern of children being taken by high-level civilian and military officials. According to Mario Carrascalão:

*When Indonesian armed forces personnel returned to Indonesia, they always took children with them. All the high-ranking officers, like [Brigadier-General] C101 [Commander of Kolakops [Komando Pelaksanaan Operasi, Operations Implementation Command from 1990-91] and [Brigadier-General] C102 [Commander of Kolakops, 1987-88] took children home with them.*²⁸²

380. TNI Major-General C103 served as a Kopassus intelligence officer in Timor-Leste in the 1980s and returned in 1999 as the TNI representative on the Indonesian Task Force for the Implementation of the Popular Consultation in Timor-Leste. He had about ten young boys living in his Jakarta house at one time. They included the cousins Mario Freitas and Hercules, whose parents were killed during bombing attacks in 1978. They worked in his garden, cleaned and did guard duty. Mario Freitas ran away after being pressured to convert to Islam and was educated by Catholic priests in Jakarta and Bali, while Hercules became a gang leader in Jakarta.²⁸³ C104 also “adopted” ten East Timorese youths.*

* Keith Loveard, “Rising 2-Star”, *Asiaweek*, 18 April 1997. Mário Carrascalão heard that when Prabowo’s wife, the President’s daughter Titiek Suharto, came to Timor-Leste in the early 1990s, she asked the Deputy Governor, Brigadier-General AB Saridjo, to find her a child whose parents were fighting in the mountains and could not claim him or her back. According to Mário Carrascalão, a child from Lospalos was sent to Jakarta but he does not know what happened after that, though he did hear that Prabowo’s wife wanted to return the child. CAVR Interview with Mário Carrascalão, Dili, 12 September 2003.

The case of Thomás da Costa

Thomas da Costa was born in Lospalos (Lautém) on 3 April 1980. When ABRI attacked Fretilin in the forest, his father, a Fretilin member, was shot dead. Thomás, who was around five years old at the time, and his family were arrested by the Indonesian military and taken to the Koramil at Iliomar (Lautém). The soldiers separated Thomás from his mother and other family members and brought him to the Infantry Battalion 745 barracks in Lospalos where he was handed over to Major C105 from Battalion 745.

After a number of days of interrogation, Major C105 started giving jobs to Thomás such as collecting firewood, cooking, drawing water and washing clothes. Thomas spent several months with Battalion 745 before C105 told him that he was to start attending the elementary school nearby. He went to school but kept up his work with the military.

In around 1989, Major C105 returned to Indonesia and took Thomás with him to his village of Bantul (Yogyakarta, Indonesia). C105's family took Thomás in and he went to school at the Bantul elementary school for another year before graduating. He then continued on to junior high school but around this time C105's wife started beating him and treating him like a servant. After one incident in which Thomás was mistreated by C105 and his wife, they yelled at him, "You are a Fretilin child! Go home to your own place!" Thomás ran away and found a boat that could take him home. He arrived back in Dili on 11 May 1998 and caught a bus to Lospalos where he was reunited with his family.²⁸⁴

381. There were several possible reasons why high-level civilian and military officials supported the transfer of children. The public "adoption" of children was probably intended to reinforce the impression that Timor-Leste was part of Indonesia. The promise to care for them was an illustration of the Indonesian assertion that it was developing the territory. in contrast to Portugal, and the belief that this would strengthen Indonesia's claim to sovereignty over Timor-Leste. It is unknown if any of these children experienced any form of slavery in Indonesia.

Religious institutions and the transfer of children

382. In the 1980s Indonesian religious institutions also began to be active in Timor-Leste. One important aspect of their activity was the transfer of children to religious schools in Indonesia. One of the most important of these religious institutions was a missionary body called the Indonesian Islamic Missionary Council (Dewan Dakwah Islamiyah Indonesia, DDII). According to the head of the DDII-affiliated Sultan Alauddin mosque in Makassar (South Sulawesi), there were DDII missionaries working in Timor-Leste from 1983. However, because the missionaries could not conduct their activities freely, DDII organised the transfer of children from Timor-Leste to Makassar between the late 1980s and early 1990s. Reportedly, these transfers were carried out in collaboration with members of the military's "Spiritual Guidance" section.²⁸⁵

383. In 1982, the Nasrullah Islamic Welfare Association (Yayasan Kesejahteraan Islam Nasrullah, Yakin), was established on a large plot of land in Culuhun (Dili). The organisation built primary and secondary schools, including a technical senior high school and an Islamic school (*pesantren*) with accommodation for students from the districts. Yakin recruited students from poor families in Lautém, Baucau, Viqueque and Same, not all of them Muslim.

384. Between 1983 and 1999, Yakin organised the transfer of some of these children, who included orphans, to *pesantren* in Indonesia. Most of these children were aged ten or above.²⁸⁶

²⁸⁴ Indonesian Islamic Missionary Council [Dewan Dakwah Islamiyah Indonesia, DDII] established Yakin on 18 July 1981, George J. Aditjondro, *Suharto's Foundations: the Scope, the Impact and the Responsibilities* [Yayasan-yayasan Suharto: Cakupan, Dampak, dan Pertanggungjawabannya], 31 January 1998, pp. 134, <<http://www.geocities.com/CapitolHill/Senate/4427/mpr.htm>> at 30 March 2005.

Salim Sagraan, head of Yakin, reported to a Commission researcher that the Foundation received the formal consent of the parents. However, the Commission was unable to verify this as it was told that all of its records had been lost in 1999.^{*} Interviews by Commission staff and independent researchers with parents of children taken to Indonesia through the Yakin network have failed to confirm that parents did indeed sign consent forms. Other foundations which are reported to have sent children to study in Muslim schools were Hidayatullah, An-Nur and the Lemorai Foundation.²⁸⁷

385. East Timorese children recruited by organisations such as DDII and Yakin went to study in Islamic institutions throughout Indonesia. The largest groups were probably those in South Sulawesi and Bandung, but there were others in schools in the Greater Jakarta area (Jakarta, Bogor, Bekasi and Tangerang), Central Java (Salatiga) and East Java (Surabaya, Jombang and Malang). An independent researcher told the Commission that the coordinator of the East Timor Muslim Students (Mahasiswa Muslim Asal Timor-Timur, Mamtim) told him that it was very difficult to keep track of the identities or numbers of the children as no records were kept. The children were not supervised by any one organisation and on arrival in orphanages and *pesantren*, many changed their names. Yakin and Al-Nur reportedly funded their studies with the intention that they return to Timor-Leste to spread Islam after they graduated.²⁸⁸

1990-1998

386. The practice of soldiers taking children to Indonesia apparently continued in the 1990s. Leonel Guterres remembers children being taken away from Quelicai (Baucau) by soldiers in the years 1993-1995. One group of 13 children, aged five to ten, were all from poor families. The soldiers asked the parents if they could take their children but Leonel said that with soldiers there was no choice. Some of these children have since come back to their homes in Quelicai.²⁸⁹

Children taken by religious institutions

387. In the 1990s the number of children who moved to Indonesia with religious institutional sponsorship increased. Whereas at the start of the Indonesian occupation the activities of Islamic organisations were restricted, by the mid-1990s the rising influence of Islam in Indonesia allowed these organisations to operate more openly in Timor-Leste. Timor-based foundations and national organisations continued to recruit children to study in *pesantren* or other institutions throughout Indonesia.

388. Most, but not all, of these children were from either long-standing or recently converted Muslim communities. Frequently, East Timorese, who had been taken to Indonesia to study in earlier years, returned to Timor-Leste after graduation and recruited a new generation of students. Some students approached in this way were non-Muslims but saw an opportunity to receive an education. Once in Indonesia, they were given new names and encouraged to convert. Muslim institutions also went to poor and remote areas to recruit children, promising their parents that they would provide their children with a good education and then return them.

389. It appears that both Muslim and non-Muslim families had difficulty maintaining contact with their children and securing their return. When one student who had completed his studies in such an institution was due to return home in 2000, many of his fellow East Timorese students asked him how they too could return to Timor-Leste. Most of them originated from Manufahi, Viqueque, Baucau and Lautém; some do not know their parents because they were taken away when they were very young.²⁹⁰

^{*} "Yakin found students according to the profiles [numbers, age and sex] of the requesting institution in Indonesia. If they had them already in the institution in Culuhun in Dili, those students were sent; otherwise they sent a representative or member of staff to the districts to inform the *ustad*, religious teacher at the mosque, of requests for children. He collected them and brought them back to Dili." Interview with Salim Sagraan as quoted in Helene van Klinken, *Islamic Children Educated in Indonesian*, Submission to CAVR, 2003, pp. 5.

390. In the 1990s government departments also implemented programmes in Timor-Leste involving the transfer of children to Indonesia. These programmes were ostensibly created to increase education and employment opportunities for East Timorese youth and in that sense were not a violation of children's rights. The Commission has heard however that children were forced to participate in the programmes, which constituted a restriction on their freedom of movement. Further, it demonstrates that the forced transfer of children was becoming official government policy for political and security objectives.

391. The Ministry of Manpower (Departemen Tenaga Kerja, Depnaker) programmes seem to have had the primary objective of reducing the pool of unemployed youths prone to participate in demonstrations or other forms of political activity. The Ministry of Manpower launched its first programme in 1990, working together with Tutut Soeharto's Tiara Foundation, to bring young East Timorese to work in Indonesia. The children were sent to work in factories linked to the President's family, such as the Indocement factory in Cibinong, (Bogor, West Java), the two textile plants, Kanindotex in Bawen (Semarang, Central Java) and Sritex in Sukoharjo (Solo, Central Java), and Barito Pacific's sawmill in East Kalimantan.²⁹¹

392. The launch of these programmes came soon after the decision to open Timor-Leste. Perhaps more significantly, it coincided with the beginning of the wave of demonstrations, protests and general social unrest that was a persistent feature of the last decade of the Indonesian occupation. Some of these manifestations of unrest, such as the ethnic and religious tensions that flared up across Timor-Leste in January 1995, were clearly linked to the mounting frustrations of unemployed East Timorese youth.

393. Often the promises of well-paid jobs that drew young people to Java and other parts of Indonesia were not fulfilled. A 1992 Asia Watch report found that the young people who left Timor-Leste as part of the programme generally did so voluntarily but:

because they were deceived as to the true nature of the jobs and training they would be getting, and because they did not have the money to return, the whole project became tantamount to forced labor.²⁹²

394. First-hand accounts indicate that the military was heavily involved in the recruitment of young workers, including coercing youths into joining the programmes. João da Costa, from Baucau, was 17 years old and involved in clandestine activities when a relative serving with the Indonesian military pressured him to join a Ministry of Manpower (Depnaker) programme. He was one of a group of 75 youths recruited to work in Indonesia at that time. Some members of the group were younger than him, all but five of them were male and nearly all of them were from Dili or Baucau. The military organised their transportation to Dili, where they stayed in military accommodation, and then interviewed the youths. João was asked whether he knew about Fretilin or was involved in the Santa Cruz demonstration. They also received military-style training, referred to as Physical, Mental Discipline (*Fisik, Mental, Disiplin*, FMD), from Infantry Battalion 744.²⁹³

395. On his arrival at his destination, Makassar (Sulawesi, Indonesia), João was given an allowance and undertook a building course and work experience organised by the Ministry of Manpower but did not receive a job as promised. He eventually found work but in March 1999 he returned to Timor-Leste to campaign for the referendum, along with most of the others in the group.²⁹⁴

1999*

396. There are many reports of children being taken to Indonesia after the referendum. Some of these cases occurred in the context of evacuations of children out of the territory for the children's safety. For instance, the Seroja Orphanage evacuated the children in its care in September 1999 after militias took Seroja's vehicles and threatened that they would attack the Orphanage with grenades if staff did not evacuate its residents.²⁹⁵ Taking the route followed by many of the people who were being forcibly evacuated from Dili at the time, the 74 children then living at Seroja, as well as staff members and their families, were taken to the police station and then to the Dili port where they boarded a boat to Kupang (Indonesia). After ten days, officials from the Kinderdorp headquarters in Bandung (West Java) helped them go to a Kinderdorp orphanage in Flores (East Nusa Tenggara, Indonesia). On 4 November 1999, the children were handed to UNHCR, which brought them back to Timor-Leste. They stayed with the Carmelite Sisters until they could be returned to their families. Several could not find their families and remained at the convent.²⁹⁶

397. The anarchy of the weeks following the referendum fostered a climate that encouraged the movement of children out of West Timor. Many children were separated from their families, either as their parents went into hiding or as they lost them in the chaos. Many were taken under the wing of self-appointed guardians. Parents and guardians living in conditions of deprivation and military and militia intimidation in camps in West Timor found offers to care for and educate their children outside the camps attractive, and might sign in haste an agreement with institutions offering safety and sustenance to their children. In such conditions, it could not be said that parents always gave their consent freely or fully understood the consequences of their decisions.[†] Further, as the cases below illustrate, the conditions in which children were kept was not always as institutions had promised.

398. The Indonesian Protestant foundation Love Peace (Cinta Damai), had worked in Matata in Ermera District during the occupation. The foundation had approached parents asking for permission to take their children to Kupang (West Timor, Indonesia) for further studies under its care. When the children arrived in Kupang, they were firstly taken to the orphanage Oebaha Church before they were delivered to other families. Because some families did not take good care of the children, some returned to their own families in Timor-Leste though some stayed in Kupang. After the Popular Consultation, parents in Timor-Leste reported their missing children to the UNHCR and the Jesuit Refugee Service (JRS) in Kupang.²⁹⁷

399. Other organisations, with no history of transferring children from Timor-Leste, became active only after the referendum. The best known of them was the Heart Foundation (Yayasan Hati), which sent some 150 children from camps in West Timor to Central Java. They were placed either in Catholic institutions or in a private institution in Wonosari, 45 km east of Yogyakarta. Wonosari was founded by a former Indonesian Government official, who had worked in Dili as head of the local branch of the Department of Education and Culture.²⁹⁸

400. The chaotic conditions surrounding the removal of children to Central Java have continued to cloud their hopes of rejoining their families. The bitter legacy of the Indonesian

* Many of the children taken from camps in West Timor and sent to institutions in Indonesia were separated from their parents after October 1999, the end of the period of CAVR's mandate. However, because the separations took place as a result of the events of September 1999 and represent a continuation of practices established in earlier years, this section would not be complete without at least a brief consideration of this practice.

† "On the other hand, it appears that some parents were under pressure to release their children without knowing the full consequences of the supposed agreements. Some were forced to sign a consent form, giving up their parental custody and visiting rights to their children. In some cases, after parents returned to Timor-Leste and sought to get their children back, the caretakers have refused to allow children to return or have demanded financial compensation for their return.", United Nations High Commissioner For Refugees, Evaluation And Policy Analysis Unit, *Evaluation of UNHCR's Repatriation and Reintegration Programme in East Timor, 1999-2003*, prepared by Chris Dolan, Judith Large, Naoko Obi, UNHCR, Geneva, 24 February 2004, pp. 60.

withdrawal from Timor-Leste is a further complication. In November 2000, the children were the topic of an inter-agency meeting that shed some light on their situation. JRS told the meeting that of 118 children in institutions in Central Java, the families of 83 were believed to still be in West Timor. Many were in Tuapukan Camp Kupang (East Nusa Tenggara, Indonesia) and were thought to be intending to remain in Indonesia. The majority of these families are reported to be from Beobe (Viqueque).²⁹⁹

401. UNHCR and the IRC travelled to Viqueque to trace family members and found that, in some cases, it was not parents who arranged for the children to be sent to Java but guardians (including extended family members with whom the children might have lived all their lives). Eight parents in Timor-Leste requested help from UNHCR to bring back their children.³⁰⁰ Some of the children in Central Java have said that they want to rejoin their families after finishing high school. Some families in West Timor have visited their children.

402. Reuniting parents with their children after their removal from the camps has been difficult as many parents do not know which person or institution took their child. Children were sent to places all around the archipelago. A representative of Indonesia's National Commission on Child Protection (Komisi Nasional Perlindungan Anak) told the Commission that it had found many cases of children being taken by unknown persons from camps in West Timor to Jakarta, West and Central Java, Palembang (South Sumatra), Denpasar (Bali), and Sulawesi with the promise of scholarships but who had then lost contact with their parents.³⁰¹

403. Some cases suggest that institutions deliberately keep children from contacting their parents or returning to Timor-Leste. An NGO that worked in the West Timor camps on behalf of Yayasan Hati reported that representatives of Yayasan Hati and another NGO, Geni, went to the camps and asked parents to send their children to Central Java. In Noelbaki camp (Kupang, East Nusa Tenggara, Indonesia) one of these representatives reportedly promised parents that the government would fund their child's studies to university level and put them up in hostels. He also promised that the children would visit their parents in the camps after three years. None of these promises was formalised in a written agreement. The Hati contact person in Tuapukan camp (Kupang, East Nusa Tenggara, Indonesia) reportedly insisted that parents should not send letters to their children in Java. Some families do not know the address of their children.

404. The children were brought to Semarang by ship. The organisation Yayasan Sosial Sugijopranoto, working with the Semarang diocese, housed them for a few days before distributing them to local institutions. Among other places, eight were sent to Boro (Central Java), 84 to Jimbaran (Denpasar, Bali), 21 to Temanggung (Central Java) and others to Wonosari.³⁰² According to Yayasan Hati, 164 children were sent to Java in three groups in November 1999, December 1999 and May 2001.³⁰³

405. The chairperson of Yayasan (Foundation) Hati, Natercia Soares, has claimed that these children are Indonesian because she regards Timor-Leste's integration with Indonesia as still valid. She has asserted that:

*Until now the government has not annulled regulation No. 7/76, which recognises East Timor as an Indonesian territory and automatically recognises all East Timorese as Indonesian citizens*³⁰⁴

406. The Al Anshar organisation in South Sulawesi also resisted returning children. In its dealings with both agencies and parents, the institution continually changed its position on

²⁹⁹ On 17 July 1976 the Indonesian Legislative Body passed Law 7/76, declaring that Timor-Leste was the 27th province of Indonesia. The law was never recognised by the United Nations. On 25 October 1999, the U.N. Security Council passed Resolution 1272 establishing the United Nations Transitional Administration of East Timor (UNTAET), thus separating Timor-Leste and Indonesia by international law [see also Part 2: The Mandate of the Commission].

whether and under what conditions it would give up children. The successful return of two children from Al Anshar in Sulawesi received very critical press coverage in Indonesia and the head of the institution accused UNHCR of kidnapping the children and demanded more than US\$5,000 in “compensation”.³⁰⁵

407. In November 1999 a foundation in South Kalimantan, Germination Foundation Kalimantan (Yayasan Tunas Kalimantan), sent staff to refugee camps in West Timor camps with an offer of education in Banjar Baru. About 19 children were brought to South Kalimantan; three of the older ones managed to get back to Atambua on their own. They reported being forced to study Islam, saying that food was withheld if they refused. All the children had parents in West Timor or Timor-Leste. As in South Sulawesi, efforts to return the children were sometimes frustrated by the changing demands of the institution.³⁰⁶

408. Even when children were given a choice about whether to remain in Indonesia or not, their decision may not have been freely made or reflected their true wishes. Zacarias Pereira saw this situation in a *pesantren* in West Java, where he was sent by the Lemorai Foundation in 1999. After three years, during which he converted to Islam, Zacarias was able to contact his father through UNHCR. UNHCR brought his father to the *pesantren* to collect him. He described the UNHCR visit:

My father came to Bandung with UNHCR between 7-11 October 2002...together with a policeman and a government official. Hasan Basri asked: “Who wants to go back to Timor?” Only two children raised their hands. There was a mother there and one of her three children wanted to go home. This mother, Domingas, was the older sister of Hasan Basri’s wife. No other children were brave enough to raise their hands. But if their parents had come to pick them up, I think they would have wanted to go.

Beforehand, Hasan Basri had said to me that, even though my parents had come to get me, I didn’t need to go back to Timor now, it was better for me to finish [school] first. But he didn’t tell me not to go. As the UNHCR car drove away another child, Abe from Ossu [Viqueque] ran and hid on the road going out. He stopped the car and asked them to take him home...So three children went home in the end.³⁰⁷

409. Zacarias stayed at the *pesantren* along with 20 other East Timorese children, many of whom were from Basri’s extended family. Of these some had returned to Timor-Leste and some were still in Java. His story indicates that while the children were not physically prevented from leaving, they were not given the opportunity to make a decision privately. The fact that one child hid outside and approached the UNHCR vehicle indicates a strong degree of pressure not to go home.

410. Basri told a journalist in September 2002:

No matter what, even if they come with signatures or photos of parents, I won’t give them up...I won’t give them up. Not even if the UNHCR come with the police. I won’t give them up.³⁰⁸

7.8.4.3 Conditions for children living in Indonesia

411. The circumstances that children found themselves in and the conditions they experienced once they were transferred to Indonesia, varied considerably. Children were sent to all parts of Indonesia, sometimes alone and sometimes in groups. Some were sent to state or private institutions, some to schools or religious colleges, some were adopted by families as children or to work as servants. However, a number of common themes run through the children's stories of their experiences.

Loss of cultural identity

412. Most children report losing their sense of cultural identity, to varying extents, through loss of language, being renamed or being forced to convert to another religion. In some cases children taken as babies were never told that they were East Timorese. During his term as Governor of Timor-Leste, Mario Carrascalão visited the approximately 45 East Timorese children living in two institutions in Bandung: Kinderdorf and the State Orphanage for Young Children (Panti Penyatunan Anak Turuna Negara, PPATN). The majority were from Apodeti families. He found the children to be well cared for, but it was clear that the children knew nothing of their culture and language.³⁰⁹

413. One of the children remembers that before Mario Carrascalão visited them, they had never spoken about Timor-Leste. Afterwards they started to talk about their families and where they were from. Mário Carrascalão took the step of organising some visits home³¹⁰ and eventually a home visit was organised.

414. The impact of a home visit is described by one boy who had been brought to the Seroja Orphanage in Dili by relatives when he was five. He was one of ten children sent to PPATN in Bandung in 1979. He recalls:

In Bandung I was living in a foreign environment although most of the Timorese children lived in one building of PPATN. We never spoke about Timor, we couldn't speak Tetum, and we didn't send letters to Timor. We were brought up as Sundanese children in Java. I didn't know why I was there, just that there had been a war in Timor.

I was happy to get an education in Bandung but I felt in my heart that I would always be someone wondering who he really was. I actually felt like I had been brainwashed. Eventually I made friends from Timor but I felt backwards and embarrassed around them because I couldn't speak Tetum. I often had to leave the room or more often I was silent. I tried to study my own language and culture.

Living without my family was also very bitter for me. Very bitter ... Even now if I see a picture of a mother holding her child, tears well up in my eyes. It is so sad that I cannot ever feel close to my family.³¹¹

415. After leaving the orphanage in 1990, one girl visited Timor-Leste again, in 1995 and 2003, but had a difficult time adapting. She still lives in Bandung with her brother, although three other relatives who left with her in 1976 have moved back home.³¹²

Mistreatment

416. The Commission heard a number of reports of children who were mistreated by the people or organisations that took them into their care. Some, like Alfredo Alves or Thomás da Costa, report being beaten to the point that they ran away from their new homes. In other cases the mistreatment is more subtle.

417. Children who became “The President’s Children”, for example, speak of feeling discriminated against at the Catholic orphanage in Unggaran where they lived. Although they report receiving adequate care for the first three years, they began to feel discriminated against compared with the Indonesian children at the institution, many of whom paid high fees to attend. When several East Timorese children ran away and there was no reaction, Petrus and others protested to the local Social Services Office without result. According to Petrus “I felt like they saw our lives as if they were worth nothing. Just like an animal.”³¹³ In 1982 the children went “on strike” for one week in protest at the discrimination. Some of the children returned to Timor-Leste in 1994. A philosophy student studying in Yogyakarta visited Unggaran (Semarang, Java Tengah) in 1983 after hearing stories of protests by the children. He found them very dissatisfied with their conditions, especially with the inadequate, low-quality food.³¹⁴

418. According to Sudirman, who was part of a group of children transferred to a *pesantren* in Makassar (South Sulawesi), many of the children at the *pesantren* complained of neglect, beatings and homesickness, and wanted to go back to their families in Timor-Leste. He also remembers parents coming for their children, but being prevented from taking them home.³¹⁵

419. In many of the cases reported to the Commission, whether there was mistreatment or not, promises made to children and their parents were not kept. Educational opportunities and jobs did not materialise. Children were put in institutions rather than kept with families or vice-versa. Communication between children and their parents was foreclosed and children were not returned home as agreed.

Alfredo Alves' story

After the operation, we returned to Aileu where our Battalion was preparing to go home. I and 5 other TBO's...were brought to Taibessi in Dili. We did not know why we had been brought there. One day I overheard the army commander say that the soldiers were not allowed to bring children home with them to Indonesia.

After a few days, the soldiers were packing their things to go home. C107 [the soldier Alfredo served] said to me that I could come along to look at the port, but it was better that I got inside a box so that the police wouldn't see me. I thought it was strange but I couldn't do anything about it. When we reached the port I felt myself being lifted up. I tried to see out and saw that I was on the ship. Other friends were also there on the boat. They said that they had also been hidden inside a box. And the soldier had also said to them that they must hide because the army police might come. Then I heard the ship sound loudly and it started to move.

After half an hour we were allowed to get out of our boxes and I saw Dili fade into the distance. I felt very sad because I had not seen my mother since I was taken from the school yard in Maubisse [Ainaro]. This happened in February 1980 when I was 13 years old.

C107 took me to his parent's village in Lamikonga [Kolaka, Kendari] in southeast Sulawesi. C107's parents and family treated me like a slave. I suffered very much. After a few years C107 married and moved out and I lived with him. C107's wife was very kind to me and treated me like family. One day, however, C107 changed his mind and I was told that I would be returned to his parents' home.

I didn't want to go back to C107's parents' house. I and my friend from Timor-Leste, Afonso, made a plan to escape...Our plan failed - we were caught at the port. C107 was very angry and hit me until my eyes and mouth were swollen and black. I was returned to C107's parents' house. One night I visited a friend's house and, without getting permission, didn't go home that night. C107 beat me again. That night I left the house only with the clothes I was wearing and caught a bus to the port. From there I caught a boat to Samarinda, Kalimantan. I met somebody who worked on the ship who paid for my ticket - perhaps people pitied me because my face was still black and blue. Finally, when I was still 16 years old, I arrived in Samarinda.

I worked and attended junior high school in Samarinda for almost two years. Through my work I was often at the port and I met many people there. I heard that from Surabaya there was a ship to Timor-Leste. One day I heard that there was a ship leaving for Surabaya. I left my job and my girlfriend, and only with the money that I had received that day.

When I arrived in Surabaya I tried to find the boat to Timor-Leste but a customs officer arrested me because by that time my money had run out. After four days I made a decision to contact the commander at the Regional Military Command in Surabaya. I waited two days and then thanked God because my requests were received. I told the commander my entire story from the beginning. The commander wanted to help me and he gave me a letter. I took that letter back to the port and after that I was treated very well.

I caught a ship to Dili and I was so happy when I arrived. I left straight away for Maubisse [Ainaro]. When I was asked for a travel letter I was confused so I just showed the letter I had received from the Regional Commander. Every security agent was very surprised to see that letter. I did not have any difficulty all the way to Maubisse. I ran to my mother's house but there was somebody else living there. I met with an uncle but he had forgotten about me and was suspicious. But finally a friend called Thomás recognised me. I was very happy and finally I was taken to the house of my mother who was still alive.

After a while, my mother suggested that I try to look for work with an uncle that lived here in Dili. This uncle eventually gave me work as a truck driver. In 1987 I became a member of the clandestine movement. I had always liked boats at the port. I was given the job of sabotaging an Indonesian war ship. On 22 July 1995 I became a captain and took 18 people by boat who were fleeing to Australia. That was the only group of boat people successfully to reach Australia. The group that followed was caught and after that there were no more.³¹⁶

7.8.5 Findings and conclusion

420. The struggle for control of Timor-Leste was partly played out in the battle for its children. Children became victims, perpetrators, assistants and observers in the political conflicts that engulfed Timor-Leste from 1974. The obligation of all parties to put the best interests of children first was widely ignored.

421. Children are owed special protections under international legal principles that arise out of the acknowledgment of children's particular vulnerability. The responsibility of all parties to fulfil their duty of care towards children is particularly urgent during periods of conflict when the imbalance of power between children and adults is most pronounced. The Commission finds that all sides to the conflicts failed to take these protections into account, but the most reprehensible violations of all kinds were committed by Indonesia.

422. Indonesia, as the effective state power in Timor-Leste, had a clear duty to respect the rights of children. These duties arose under international humanitarian law as contained in Geneva Convention IV. Apart from its specific obligations, it had a general duty to protect children and not endanger them by exposing them to dangerous situations. It failed to fulfil this obligation most graphically when it treated children as chattel that could be deployed on the battlefield and when it separated children from their families and sent them to Indonesia where their cultural identity was not recognised.

423. Throughout the course of the occupation, Indonesia was also bound by human rights standards as set out in the Universal Declaration on Human Rights. These were consistently breached in a variety of ways, including by forcibly recruiting children to assist its armed forces, by violating children's rights to life, liberty and the security of person, and the right to freedom of conscience and expression. Even after Indonesia ratified the Convention on the Rights of the Child in September 1990, Indonesia failed to meet its legally binding obligations. In general terms, it failed to live up to the obligation to give priority to the best interests of the child when making decisions in relation to children and where possible to take the child's views into consideration (Article 3(1)). It also violated many of the specific obligations relating to sexual violence and obligations regarding freedom of expression and choice.

7.8.5.1 Children in armed conflict and the clandestine movement

424. Children were used by all sides to the political conflicts in Timor-Leste over the mandate period of the Commission.

Children used by the Indonesian military as TBOs (Operations Assistants)

425. The Commission finds that:

1. The Indonesian military recruited several thousand children as TBOs.
2. TBO's were recruited throughout the period of occupation but numbers peaked during the period 1976-81 when military operations were at their height.
3. ABRI used a variety of methods to recruit children as TBOs, ranging from outright coercion to the offer of inducements. Some children enlisted as TBOs voluntarily. However, in the desperate circumstances of the time, the dividing line between voluntary and forced recruitment was never clear-cut.
4. The Indonesian military had preferred to use children as TBOs and actively sought to recruit minors as opposed to adults.

5. The recruitment of children by individual soldiers was known about at the highest levels of the military structure. No attempt was made to prevent this occurring; rather attempts to regulate the practice indicate that it was condoned.
6. Although officially recognised, TBOs were not members of the armed forces and did not enjoy the perquisites of regular soldiers, such as a salary, a rank or a uniform.
7. Child TBO's received no salary from the Indonesian military for their services. Although they often received food and board, this was not a fair wage.
8. There was no regulation of the treatment of child TBOs by individual soldiers.
9. The relationship between child TBOs and the soldiers they served was wholly unbalanced. In some cases, soldiers treated their TBOs as if they had rights of ownership over them. They controlled their movement, duties, living conditions and, ultimately, whether they lived or died. Sometimes these soldiers retained control over their TBOs after their tour of duty ended; sometimes they passed them on to other soldiers; sometimes they were simply left to fend for themselves.
10. Child TBOs performed tasks, which, although not usually involving them directly in fighting, exposed them to physical danger. At the very least, the conditions in which they worked put their health at risk and jeopardised their educational chances. In many cases, the work undertaken by child TBOs was not in proportion to their physical and intellectual capacities.
11. Aside from their recruitment as TBOs, children were also enlisted with adults for military operations. In the case of the Operasi Kikis of July-September 1981, in some areas children as young as ten years old were among the tens of thousands of East Timorese recruited to converge on Falintil strongholds.

426. On the findings above, the Commission is satisfied that the Indonesian military's practice of using child TBOs:

- Amounted to a form of enslavement. This was a violation of the fundamental customary prohibition against enslavement, as well as a grave breach of the Geneva Conventions (wilfully causing great suffering or serious injury to body or health: Geneva Convention IV (Article 147)) and a violation of the laws and customs of war.
- Was a form of forced labour in violation of Article 51 of Geneva Convention IV, which requires that, if an Occupying Power uses the labour of the civilian population of the occupied territory, it is obliged to pay them a fair wage and "the work shall be proportionate to their physical and intellectual capacities".

Children in Falintil and in clandestine movement

427. The Commission finds that:

1. Children under 15 served as guerrilla soldiers with Falintil. However incidences were not widespread.
2. There is no evidence that children were forcibly recruited to Falintil. Several former child recruits to Falintil have testified that they eagerly enlisted to support Timor-Leste's struggle for independence; others have told of how their efforts to join the guerrilla force were rebuffed on the grounds that they were too young. This distinguishes child members of Falintil from child soldiers in other parts of the world who are forcibly recruited for their obedience and willingness to commit atrocities.
3. Recruitment appears to have been ad hoc, informal and not centrally controlled. Some children left their homes to join up, others were formally "recruited", others were living with the communities that fled to the forests and got involved by merely being present.

4. The treatment of those who were recruited was generally good, although they were subject to the same harsh treatment as other recruits. Cases of mistreatment were related to disciplinary procedures, the intra-Fretilin conflict or to prevent surrender.
5. Service was not without its costs. Aside from being exposed to the danger of losing their lives during combat, many of these youths experienced difficulties after their service, including being targeted as pro-independence sympathisers by the Indonesian security forces and finding it difficult to adjust to civilian life after demobilisation.

428. The Commission is satisfied that:

- In accepting children under 15 into its guerrilla forces, Falintil violated the standards of international humanitarian law set out in 1977 Additional Protocol I to the Geneva Conventions.
- The voluntary recruitment of those aged 15-17 was not a violation of human rights instruments or humanitarian law.

429. The Commission finds that:

1. Children were an essential part of the clandestine component of the Resistance to the Occupying Power, whether as *estafeta*, participants in demonstrations or providing other kinds of support.
2. The leadership of the Resistance recruited children and youth into the clandestine movement precisely because of the unique contribution they could make.
3. There is little evidence to suggest that children participated in clandestine activities other than voluntarily. Indeed, direct experience of human rights violations committed by members of the Indonesian security forces against themselves or close family members was often their motive for working with the Resistance. It is difficult to assess the extent to which the choice to take part in clandestine activities was an informed choice. However, children of sufficient age and maturity do have a right to freedom of expression and to act in accordance with their conscience
4. East Timorese children participating in the clandestine movement were placed at grave risk of punishment by the Indonesian military and/or agents. Many suffered because of their involvement.

430. The Commission is satisfied that:

- Although the recruitment of children into the clandestine movement by a non-state actor does not constitute a violation of international law, it is contrary to the human rights standard that the best interests of the child must be prioritised.
- The draconian response of the Indonesian military towards children involved in the clandestine movement was a breach of the rights of all people to enjoy freedom of conscience and expression and which are enshrined for children specifically in Articles 12 and 13 of the CRC.

Children recruited by pro-autonomy militias in 1999

431. The Commission finds that:

1. From late 1998 children were recruited into the militias that terrorised Timor-Leste.
2. Almost all child recruits were forced to join through intimidation of either themselves or their families. Some children joined out of their own free choice, usually because they or their families were pro-integration and agreed with the objectives of the militias.

3. Child members of the militia were involved in the commission of grave human rights violations including killings, physical assault and rape as well as in the widespread destruction of property.
4. Recruits were only sometimes paid, either with small amounts of money or in food.
5. Indonesia did nothing to protect children from this forced recruitment into criminal gangs; in fact, members of the military were closely involved in the activity.
6. The practice of forced recruitment of children into pro-integration militias appears to have been, in part, designed to create the impression of a mass of youth who were fanatical in their support for integration and to draw these youth into criminal activities that would destroy the family and communal ties that sustained the pro-independence movement.
7. Those recruited often came from the most disadvantaged segments of Timorese society, were brutalised by their participation in, and witnessing of violence, and incurred the stigma of having been on the wrong side. There is some evidence that of all the children recruited by the parties to the 25-year conflict - those who joined the militia may have been the most severely traumatised by their experience.
8. The Commission has not found any evidence that Indonesia has taken any steps to promote the physical and psychological recovery and social reintegration of these children.

432. The Commission is satisfied that:

- Forcing a child to join a militia and then making him or her take part in criminal acts, sometimes against his or her own community, amounted to inhuman treatment and/or caused great suffering or serious injury to the body or health of the child involved. This is in violation of Article 147 of Geneva Convention IV and the laws and customs of war. This also constitutes a violation of Indonesia's human rights obligation under Article 38 of the CRC to ensure respect for the child-specific rules on international humanitarian law.
- Using children to achieve political goals amounts to exploitation. Indonesia thus violated the rights of such children to be protected from exploitation prejudicial to their welfare - in contravention of Article 36 of the CRC.
- Indonesia failed to fulfil its obligation to take all steps to promote the physical and psychological recovery and social reintegration of these children under Article 39 of the CRC.

Inhumane treatment of children

Arbitrary detention

433. The Commission finds that:

1. Children were subject to arbitrary detention throughout almost the entire period of the Commission's mandate. Members of UDT arbitrarily detained children during the party conflict. Fretilin representatives were responsible for such detentions during this period and also in the years after the Indonesian invasion. Indonesian security forces engaged in the arbitrary detention of children on a much larger scale. Their treatment while in detention involved systematic violations throughout the 25-year period of the occupation.

2. Throughout the occupation, agents of the Indonesian government arbitrarily detained children and were responsible for widespread and systematic violations of the rights of children while they were in custody. From 1975 to 1999 children were commonly bound, beaten, kicked, raped, electrocuted, burnt with cigarettes, immersed in water, held in isolation in dark cells, threatened with death and otherwise terrorised by agents of the Indonesian security forces. Some children died as a direct result of this maltreatment. The Commission knows of no case in which perpetrators of these violations were subject to punishment or discipline.
3. In the years after the invasion, children were detained on a massive scale following capture or surrender and were subsequently placed in “resettlement camps”. The food, shelter and healthcare they received were seriously inadequate, and their restricted movement limited their own, and their families’, ability to supplement what little food they received. Children were sometimes also detained in formal detention centres and military facilities after surrender or capture. Children also constituted a significant portion of those detained on the island of Ataúro between 1980 and 1986, either with family members or separated from them. Several thousand children died as a result of the harsh conditions in the resettlement camps and on Ataúro.
4. The reasons for the detention of children by the Indonesian military were similar to those for the detention of adults: their involvement in clandestine activities, to break off support to members of Falintil and to gain information about Falintil or the clandestine movement. Children were also detained because of the actions of their parents or other family members.
5. Students and schoolchildren were targeted for arrest and detention when public demonstrations began to be held in the 1990s. Indonesian authorities detained children during and after demonstrations, and sometimes to prevent demonstrations taking place. Many of those detained were subjected to severe violations, including torture. Children were also arrested and detained by members of the Indonesian security forces and their militia agents during the violence surrounding the Popular Consultation in 1999. Sometimes these arrests were used to force children to join a militia.
6. Following the armed movement of 11 August 1975, children were among prisoners detained by UDT at locations designated for this purpose. The Commission did not receive evidence of torture or other serious maltreatment of children detained by UDT.
7. During the period of the party conflict, children were among those arbitrarily detained by members of Fretilin, because they or family members were believed to be affiliated with political opponents. Torture and maltreatment of children in Fretilin custody occurred, but it was not widespread or used systematically.
8. After the Indonesia invasion children continued to be detained arbitrarily by Fretilin but this was mostly incidental to the detention of adults. However, there are also cases of children being arrested as proxies for relatives belonging to other parties who were outside Fretilin’s control and for alleged breaches of discipline by the child. Despite evidence that “warrants” were produced in some cases, the arrests, torture, denial of due process and use of children as hostages, which often followed, had no legal basis.

434. The Commission is satisfied that:

- The detention of children by members of the Indonesian security forces involved multiple and repeated violations of Indonesian law, human rights standards and international law. Arrests were commonly made by persons who lacked the legal authority to carry out such actions under Indonesian law.
- The widespread torture and mistreatment causing great suffering or serious injury to body or health constitute grave breaches of Geneva Convention IV (Article 147) which applies to Indonesia as both customary and treaty law.
- The failure to provide adequate food and medical supplies to children in detention was a breach of Article 55 of Geneva Convention IV.
- Failure to permit free passage of all consignments of essential foodstuffs, medicine and clothing intended for children under the age of 15 was a breach of Article 23 of Geneva Convention IV.
- The widespread failure to inform children arrested of their rights and reasons for arrest was a breach of Article 71 of Geneva Convention IV.
- Indonesia was in breach of its specific obligations under the Convention of the Rights of the Child, which it ratified in 1990, in particular Article 37, which provides a duty to ensure that no child is deprived of his or her liberty unlawfully, and that the arrest, detention and imprisonment of a child are in conformity with the law and take place only as a last resort and then only for the shortest possible time.
- The actions of representatives of both UDT and Fretilin during the party conflict were in breach of human rights standards, applicable Portuguese laws and international law. Representatives of neither party had any legal authority under Portuguese law to arrest, detain, assault or maltreat individuals.
- Representatives of both parties breached their obligations under Common Article 3 of the Geneva Conventions, which prohibits violence to life and person and outrages against personal dignity, such as humiliating and degrading treatment and the taking of hostages.
- Torture, illegal detention and use of children as hostages by Fretilin during the period following the Indonesian invasion constituted grave breaches of the Geneva Convention IV.

Arbitrary killing of children

435. The Commission finds that:

1. The general failure by all sides to distinguish between civilians and combatants extended to children. Children were generally killed for the same reasons as adults and often in similar circumstances. There is therefore insufficient evidence to say that children were specifically targeted. At the same time, children were generally not specifically protected or treated with exception in the violence of the political conflicts.
2. Children were killed in a wide variety of contexts, including during open armed conflict, in mass killings, in custody and in summary executions. In the early years of the conflict many were killed together with their families during military operations or when caught in contested areas. In later years, under-age victims were likely to be teenagers targeted for suspected pro-independence activities.
3. During the period of the internal armed conflict, children were killed by both Fretilin and UDT. They were killed when in the custody of the other side, either because of their own or their family's political affiliations. Most often, they were killed in groups rather than individually and with other family members.

4. Indonesian forces and agents killed children in the period 1975-79 within the wider context of the Indonesian campaign to bring Timor-Leste under its control. It did not distinguish children from adults in this regard. Children out looking for food, either on their own or in the company of adults, ran the risk of being shot by ABRI or Hansip members. Groups of unarmed civilians, including children, living outside Indonesian-controlled resettlement camps could be randomly executed.
5. From 1980, children were killed when ABRI undertook wide-ranging and often indiscriminate reprisals in response to attacks by the Resistance. Children were among the victims killed in the large-scale crackdowns that followed the Falintil-led attacks on Dili in June 1980, on the Mauchiga Koramil in August 1982 and on the Zeni unit in Kraras in August 1983. In these cases, children were killed in indiscriminate attacks on groups of civilians and because they themselves were suspected of giving support to Falintil.
6. In 1999, children were killed during operations in search of clandestine or Falintil, in the course of militia attacks to punish communities for supporting or assisting the Resistance, as part of killings after the ballot result or while out looking for food. Children made easy targets during the attacks on places of refuge. The reported perpetrators were militia aligned to the Indonesian military or the TNI itself.

436. The Commission is satisfied that:

- The killing of children is a breach of their right to life, one of the most fundamental of human rights. In many cases, they were killed as a result of unlawful actions amounting to war crimes, whether in violation of the laws and customs of war or as grave breaches of the Geneva Conventions 1949.
- The killing of children by UDT and Fretilin was a breach of Portuguese law, which provided no basis for either party, as non-state actors, to take the lives of any person, let alone children, in any circumstance.
- The killing of civilian children during the period of the internal armed conflict constituted a breach of Common Article 3 of the Geneva Conventions of 1949, which expressly prohibits parties from killing persons who are not taking an active part in hostilities.
- Once the internal conflict became internationalised, the rules governing international armed conflict applied in Timor-Leste to regulate the activities of the UDT, Fretilin and Indonesia. The protections afforded to children under the International Law of Armed Conflict were greater, but their protections in relation to the right to life were the same as those for adult civilians.
- The killing of child civilians by the Indonesian military or its agents during the period of international armed conflict amounted to war crimes under the laws and customs of war and Geneva Convention IV.
- Children killed for their connection with the clandestine movement or during searches for the Resistance were also unarmed civilians not engaged in military conflict. Such killings would appear to fall within the generic war crimes category in violation of the laws and customs of war as well as Geneva Convention IV.

Sexual violence committed against children.

437. The Commission finds that

1. The Indonesian security forces, their East Timorese auxiliaries and other persons in positions of authority used sexual violence against children both strategically and opportunistically, throughout the occupation.

2. Strategic sexual violence was used to establish control through terror, whether as a form of punishment of the victim, as a means of extracting information or with the wider aim of undermining family ties.
3. The scale of opportunistic sexual violence reflected a climate of impunity that extended from the higher reaches of the military to their East Timorese auxiliaries to civilians in positions of authority.
4. Sexual violence against girls often appears to have been motivated by a desire to punish family members involved in resistance activities.
5. Girls and adult women were subject to the similar forms of sexual violence throughout the mandate period. Both were at particular risk in resettlement camps or while detained by Indonesian authorities.
6. Once violated, girls became vulnerable to long-term exploitation, leading to an extended period of sexual slavery or other forms of repeated sexual violence.
7. The practice of sexual violence against children was, in most cases, conducted openly without fear of sanction by both lower ranks of the military and their superior officers, as well as persons in positions of civilian authority such as village head, police and teachers.
8. Most of the cases of sexual violence that the Commission has examined took place in military custody or on military premises or other locations that could be considered official.
9. Although senior members of the Indonesian and civilian hierarchies would certainly have known of the unlawfulness of such conduct, the Commission has found only one case in which an agent of the government was prosecuted. It is noteworthy that this case involved a low-ranking member of Hansip.

438. The Commission is satisfied that:

- On the basis of the nature of the sexual crimes committed against children and the impunity which perpetrators enjoyed, there existed an environment in Timor-Leste where sexual violence against children was condoned, even encouraged.
- Rape and other forms of serious sexual violence are devastating assaults on a person's security; they may also be cruel inhuman and degrading treatment that in some circumstances amounts to torture. These egregious crimes are further aggravated when the act is committed against a child, whose vulnerability requires particular protection. These principles are universally enshrined in international law as well as in Indonesian law, including in Indonesian law (KUHP Chapter XIV).
- Some of the sexual violence examined by the Commission amounted to cruel, inhuman and degrading treatment or torture. Torture in the circumstances outlined amounted to grave breaches of the Geneva Conventions and violations of the laws and customs of war, as well as violation of the customary prohibition against torture.
- In the circumstances of invaded-and-occupied Timor-Leste, many acts of sexual violence against children, including rape, were grave breaches of the Geneva Conventions (Article 147 of Geneva Convention IV for civilians) for causing great suffering or serious injury to body or health, or for amounting to inhuman treatment.
- These acts constitute violations of the laws and customs of war for being ill-treatment of civilians and an outrage on personal dignity and honour (Common Article 3 and Article 76(1) of the Regulations Annexed to Hague Convention IV as custom).
- Sexual enslavement and other slave-like practices, such as being made to provide sexual services on call, committed against child civilians constituted a violation of Article 27 of Geneva Convention IV and were grave breaches of that convention (Article 147). These practices involve multiple violations of human rights standards including unlawful confinement, causing great suffering or serious injury to body or health, torture or inhuman treatment.
- As almost every act of sexual violence considered by the Commission was committed by officials or agents of the Occupying Power; Indonesia was responsible for the suffering that they endured (Articles 29 and 32, Geneva Convention IV).
- Indonesia failed to fulfil its customary and treaty obligations under the Geneva Conventions to protect child civilians from sexual violence and to take steps to investigate prosecute and punish individual perpetrators of grave breaches (Article 146, Geneva Convention IV).
- After September 1990, Indonesia failed to meet its obligation under the Convention on the Rights of the Child (CRC) to protect children from sexual exploitation and abuse (Article 34).
- After September 1990, Indonesia failed to fulfil its obligation under the CRC to assist the physical and psychological recovery and social reintegration of child victims of sexual violence (Article 39).

The transfer of children to Indonesia

439. The Commission finds that:

1. East Timorese children were frequently removed from their families and homeland to Indonesia throughout the period of occupation.
2. The transfer of children to Indonesia took many forms, ranging from abductions by individual soldiers to government-sponsored education programmes.
3. Although the degree of coercion exercised by persons and institutions in effecting the transfer of children varied, there was almost always an element of duress and, sometimes, outright force.

4. In the first years after the invasion, regular soldiers were the main perpetrators of the removal of East Timorese children. As in the case of child TBOs (some of whom were also transferred to Indonesia by the soldiers they had served at the end of their tours of duty), children who were removed to Indonesia were frequently treated as chattel by being removed forcibly, transported in boxes and required to perform menial tasks for the families with whom they lived.
5. Institutions, including hospitals and the Seroja Orphanage facilitated the removal of children by Indonesian soldiers. Although individual staff members expressed to the Commission that they had concerns in relation to the process, there is no evidence that the institutions refused to take part.
6. Religious institutions were also directly involved in taking children out of Timor-Leste. Although the Commission recognises that these transfers were considered to be charitable by the institutions, there was a clear lack of information provided to parents and children.
7. Efforts to regulate the practice were instituted in the early 1980s but the Commission heard little evidence that the regulations were followed or that there was monitoring of the way in which they were applied. Where consent was sought from parents, parents were often not given complete information or were openly lied to. Further, there are cases of forced "consent" under threat of violence.
8. East Timorese children taken to Indonesia at a young age suffered a loss of their cultural identity, a cause of great suffering both to the children and their families. In many cases this was as a result of the policy of the religious institution involved, the decision of persons entrusted with the care of the child, or simply as a result of children being deprived of their cultural roots by their distance from their homeland.
9. The Commission heard of no case in which an attempt was made to provide education to East Timorese children by people of the same nationality, language or religion. Rather, the Commission heard of many cases in which there were explicit attempts to transform the child's religion or in other ways become more Indonesian..
10. There is insufficient evidence to determine whether the large-scale removal of East Timorese children was official Indonesian government or military policy. Nevertheless, there is clear evidence of high-level involvement in some of its manifestations, extending to President Soeharto and his family.
11. The Indonesian government made no genuine attempt to regulate the practice of the removal of children through the institution of adoption policies undertaken by competent authorities according to the applicable law.
12. There is little evidence that the Indonesian government made a genuine effort to meet its obligations under international law regarding the care of East Timorese children by non-family members or at institutions, their transfer to Indonesia or the conditions under which they were kept.
13. The decline in the number of children who were abducted after 1981 seems to have been related more to the changing military situation and the normalisation of the occupation than to effective measures taken by the Indonesian authorities.
14. The Commission finds that programmes of the Ministries of Education and Manpower under which children were sent to Indonesia to study or to work had underlying political and security motivations. These included encouraging a commitment to Indonesian integration and removing possible trouble-makers from Timor-Leste.

15. Even where the transfers were motivated in part by humanitarian concerns or where parental consent was sought, little effort was made to ensure that children maintained contact with their families or to ensure that children were able to choose freely whether or not to return to Timor-Leste. The Commission has received numerous reports of children being removed and never seeing their families again, as well as of persons who were removed as children returning as adults and being unable to locate their families or even their home districts. Testimony provided to the Commission reveals that parents who tried to trace their abducted children could be obstructed by Indonesian officials.

440. The Commission is satisfied that:

- The abduction of East Timorese children by soldiers is both a crime under Indonesian law (Chapter XVII of KUHAP dealing with crimes against personal liberty), as well as being in breach to the duty of an Occupying Power to respect family rights and not to intimidate civilians (Articles 27 and 23 of the Geneva Convention IV).
- The separation of a child from its true identity, culture, ethnicity, religion or language may amount to a grave breach of Geneva Convention IV in so far as it constitutes inhuman treatment or causes great suffering to the child.
- The imposition of an alien culture was a violation of customary human rights law, which obliged Indonesia to respect the child's rights to freedom of thought, conscience and religion.
- Indonesia's failure to ensure that children's personal status was not changed by its soldiers or institutions was a breach of its obligations under Geneva Convention IV (Article 50).
- Indonesia's failure to ensure that education was provided, as much as possible by persons of the same nationality, language and religion was a breach of Geneva Convention IV (Article 50).
- Indonesia's failure to adequately regulate the practice of the transfer of children constitutes a breach of its obligations under Article 21 of Geneva Convention IV.
- Indonesia's failure to combat the illicit transfer of children abroad constituted a breach of the Convention on the Rights of the Child (CRC) (Article 11) and its failure to prevent the abduction, sale or traffic of children was a breach of its obligations under Article 35.
- Indonesia did not take sufficient measures as an Occupying Power to fulfil its obligations to the children of Timor-Leste under Geneva Convention IV to evacuate children from the field of conflict (Article 17), take all necessary steps to ensure that members of the same family were not separated (Article 49), ensure children were reunited with their parents, or placed with family or friends, or ensure they were identified and their parentage registered (Article 50). There was no attempt to ensure that children should be placed in an institution only as a last resort. The failure to reunite separated families after 1990, constituted a violation of the Convention on the Rights of the Child (CRC).
- Making students from occupied Timor-Leste swear an oath accepting the integration of Timor-Leste into Indonesia contravened Article 45 of the Regulations Annexed to Hague Convention IV which prohibits making the population of an occupied territory swear allegiance to the Occupying Power.
- It was unlawful for Indonesia to have forced anyone under 18 into any kind of work or to force any civilian from an occupied territory to work outside of the occupied territory (Article 51, Geneva Convention IV).

¹ *International Convention Concerning the Laws and Customs of War on Land* , opened for signature 18 October 1907, (entry into force 26 January 1910), Article 23 (H) of Regulations Annexed to Hague Convention IV; see also [*Fourth*] *Geneva Convention relative to the Protection of Civilian Persons in Time of War*, opened for signature 12 August 1949, UNTS 75, pp. 287, (entry into force 21 October 1950). Article 51(Section III Occupied Territories) of Geneva Convention IV.

² *Geneva Convention IV*, 1949, Article 147.

³ *Geneva Convention IV*, 1949, Article 17.

⁴ *Geneva Convention IV*, 1949, Article 49.

⁵ *Geneva Convention IV*, 1949, Articles 24 and 50.

⁶ *Geneva Convention IV*, 1949, Article 50.

⁷ *Geneva Convention IV*, 1949, Article 50.

⁸ *Geneva Convention IV*, 1949, Article 50.

⁹ *Convention on the Rights of the Child (CRC)* , opened for signature 20 November 1989, UNTS 1577, pp.3, (entry into force 2 September 1990), Article 3(1).

¹⁰ *CRC*, 1989, Articles 19, 34 and 36.

¹¹ *CRC*, 1989, Article 27.

¹² *CRC*, 1989, Article 21.

¹³ *CRC*, 1989, Articles 11 and 35.

¹⁴ *CRC*, 1989, Article 20.

¹⁵ *CRC*, 1989, Article 39.

¹⁶ *CRC*, 1989, Articles 38(2) and (3).

¹⁷ *CRC*, 1989, Article 38(3).

¹⁸ *CRC*, 1989, Article 32; see also *International Covenant on Economic Social and Cultural Rights* , opened for signature 19 December 1966, UNTS 993, p. 3, (entry into force 3 January 1976), Article 10(3).

¹⁹ See for example, CAVR, Community Profiles of Lalawa, Iliomar Sub-district, Lautém District, 29 May 2003; Alawa Kraik, Baguia Sub-district, Baucau District, 6 October 2003.

²⁰ Belchior Francisco Bento Alves Pereira, testimony to the CAVR National Public Hearing on Children and Conflict, Dili, 29-30 March 2004.

²¹ CAVR Interview with Bonifacio dos Reis, Hatulia, Ermera, 13 August 2003.

²² HRVD Statement 05646.

²³ CAVR Interview with Francisco Soares, Laleia, Manatuto, 26 June 2003; CAVR interview with João Rui, Dili, 5 May 2004.

²⁴ ABRI, “Petunjuk Tehnis tentang Kegiatan Babinsa” [“Instruction Manual: Village Guidance Officer/TDP Activity in developing and phasing out Trained People’s Resistance Force”s], *Juknis /06/IV/1982*, (Korem 164, Wira Dharma, Intelligence Section, Williem da Costa [Chief of Intelligence]) translated in Budiardjo and Liang, *The War Against East Timor*, Zed Books, London, 1984, pp. 226-227.

²⁵ ABRI, “Tentang Perlawan Rakyat Terlatih” [“Secret Document Operation Instructions”], *No:INSOP 03/II/1982*.

²⁶ HRVD Statement 09081.

²⁷ CAVR Interview with Antonio da Costa, Dili, 4 January 2004.

-
- ²⁸ HRVD Statement 08366.
- ²⁹ HRVD Statements 03819; 03879.
- ³⁰ CAVR interview with Marcos Loina da Costa, Laleia, Manatuto, 24 June 2003.
- ³¹ CAVR Interview with João Rui, Dili, 5 May 2004.
- ³² CAVR Interview with Alfredo Alves, Dili, 5 March 2004.
- ³³ CAVR Interview with Francisco da Silva Guterres, Dili, 4 June 2004.
- ³⁴ CAVR Interview with João Rui, Dili, 5 May 2003.
- ³⁵ ABRI, *Tentang Perlawanan Rakyat Terlatih* [Secret Document Operation Instructions] No:INSOP 03/II/1982, Indonesia pp. 7.
- ³⁶ Geoffrey Robinson, "People's War: Militias in East Timor and Indonesia", *South East Asia research*, Vol.9, No.3, 2001, pp. 292; Doug Carmen, Gerry van Klinken, *Masters of Terror*, www.villagechief.com/mot; Eurico Guterres, *Melintas Badai Politik Indonesia*, Pustaka Sinar Harapan, Jakarta, June 2002, pp. 41-42
- ³⁷ CAVR Interview with Fr Eligio Locatelli, Fatumaca, Baucau, 8 April 2003.
- ³⁸ CAVR Interview with João Rui, Dili, 5 May 2004.
- ³⁹ ABRI, "Tentang Perlawanan Rakyat Terlatih" ["Secret Document Operation Instructions"], No:INSOP 03/III/1982 pp. 7.
- ⁴⁰ ABRI, "Procedur Tetap, Protap" [Established Procedure on Intelligence], PUBLICATION No 01/IV/1982, (Commander A. Sahala Rajagukguk), Dili. Translated in Budiardjo and Liem, *The War Against East Timor*, Zed Books, London, 1984, p. 227.
- ⁴¹ ABRI, *Juknis /06/IV/1982*, in Budiardjo and Liem, p. 226.
- ⁴² CAVR Interview with João Rui, Dili, 5 May 2003.
- ⁴³ CAVR Interview with José Pinto, Viqueque, 18 July 2003.
- ⁴⁴ CAVR Interview with Domingos Maria Bada, Turisca, Same, Manufahi, 14 October 2003.
- ⁴⁵ HRVD Statement 02207; see also HRVD Statements 02146; 02048.
- ⁴⁶ CAVR Interview with João Rui, Dili, 5 May 2003.
- ⁴⁷ CAVR Interview with Oscar Ramos Ximenes, Laleia, Manatuto, 24 June 2003.
- ⁴⁸ CAVR Interview with Gil Parada Belo Martins, Lacluta, Viqueque, 15 July 2003.
- ⁴⁹ Eurico Guterres, pp. 41-42.
- ⁵⁰ CAVR Interview with Augustinho Soares, Ermera, 13 August 2003.
- ⁵¹ CAVR, "Edition 53, Special Report on the Public Hearing held in Ataúro, Dili", *Dalan Ba Dame [Road to Peace]*, Radio Timor-Leste, Dili, 5 December 2003.
- ⁵² ABRI, "Prinops No. 2/Kilat-I Kolakops Tim-Tim Lampiran F" ["Operation Order No: 2/Lightning-I Operations Implementation Command East Timor, Attachment F"], p. 5.
- ⁵³ CAVR Interview with Domingos Maria Bada, Same, Manufahi, 14 October 2003.
- ⁵⁴ CAVR Interview with José Pinto, Viqueque, 18 July 2003.
- ⁵⁵ CAVR Interview with Domingos Maria Bada, Same, 14 October 2003.
- ⁵⁶ Belchior Francisco Bento Alves Pereira, testimony to the CAVR National Public Hearing on Children and Conflict, Dili, 29-30 March 2004.

-
- ⁵⁷ CAVR Interview with Marcos Loina da Costa, Cairui, Laleia, Manatuto, 24 June 2003 and CAVR Interview with Augustinho Soares, Ermera, 13 August 2003.
- ⁵⁸ CAVR Interview with Marcos Loina da Costa, Manatuto, 24 June 2003.
- ⁵⁹ HRVD Statement 03101.
- ⁶⁰ CAVR Interview with João Rui, Dili, 5 May 2004.
- ⁶¹ CAVR Interview with Francisco da Silva Guterres, Dili, 4 June 2004.
- ⁶² HRVD Statement 04876.
- ⁶³ HRVD Statement 02048.
- ⁶⁴ HRVD Statement 06054.
- ⁶⁵ CAVR Interview with Eduardo Casimiro, Dili, 6 August 2003.
- ⁶⁶ Alfredo Alves, testimony to the CAVR National Public Hearing on Children and Conflict, Dili, 29-30 March 2004.
- ⁶⁷ HRVD Statement 04435.
- ⁶⁸ HRVD Statement 07801.
- ⁶⁹ CAVR Interview with Domingos Maria Bada, Same, 14 October 2003.
- ⁷⁰ Certificate filed in CAVR Archive.
- ⁷¹ CAVR Interview with João Rui, Dili, 5 May 2004.
- ⁷² ABRI, *Juknis /06/IV/1982*, in Budiardjo and Liem, pp. 226-227.
- ⁷³ CAVR Interview with Eduardo Casimiru, Dili, 6 August 2003.
- ⁷⁴ CAVR Interview with Osorio Florindo, Dili, 31 May 2003.
- ⁷⁵ CAVR, Community Profiles of Pairara, Moro Sub-district, Lautém District, 28 March 2003; Vatuvovo, Liquiça Sub-district, Liquiça District, 26 June 2003; Vemasse Tasi, Vemasse Sub-district, Baucau District, 28 March 2003; Aisirimou, Aileu Sub-district, Aileu District, 27 March 2003; Ossu Desima, Ossu Sub-district, Viqueque District, 20 March 2003; CAVR Research Team, *Lospalos Chronology* date; CAVR Interview with Leonel Guterres, Quelicai, Baucau, 8 April 2003 and 24 April 2003; CAVR Interview with José Pinto, Viqueque, 18 July 2003.
- ⁷⁶ Community Profiles of Parlamento, Moro Sub-district, Lautém District, 6 March 2003; Selo Malere, Aileu Sub-district, Aileu District, 8 May 2003.
- ⁷⁷ CAVR Interview with Francisco da Conceição Guterres, Toculul, Railaco, Ermera, 17 June 2003.
- ⁷⁸ CAVR Interview with Osório Florindo, Dili, 31 May 2003.
- ⁷⁹ CAVR Interview with Helio Freitas, Dili, 19 May 2003.
- ⁸⁰ UNICEF, *East Timorese Children Involved in Armed Conflict, Case Studies Report: October 2000-February 2001*, UNICEF East Timor, Dili, pp. 63.
- ⁸¹ D. Jimenez, “Timor se convierte en un inmenso campo de refugiados” [“Timor becomes a huge refugee camp”], *El Mundo* (Spain), 10 September 1999 in Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2001*, London, June 2001,
- ⁸² UNICEF, pp. 70.
- ⁸³ UNICEF, pp. 70.
- ⁸⁴ UNICEF, pp. 78.

-
- ⁸⁵ Yayasan Hak (The Rights Foundation), *Terror, Violence and Intimidation: ABRI and the Pro-Integration Militia in Timor-Leste: Report on the Human Rights Situation in Timor-Leste for the period January to March 1999*, Dili, April 1999, p. 3.
- ⁸⁶ Geoffrey Robinson, *East Timor 1999: Crimes Against Humanity*, A Report commissioned by the Office of the United Nations High Commissioner for Human Rights, University of California, California, USA. July 2003, p. 98.
- ⁸⁷ Yayasan Hak, p. 3.
- ⁸⁸ CAVR, Community Profile of Lebos, Lolotoe Sub-district, Bobonaro District, 9 September 2003.
- ⁸⁹ UNICEF, pp. 75-84.
- ⁹⁰ Rofino Mesak, Statement provided 18 September 2003, Oecusse, Statement CAVR CRP Database.
- ⁹¹ UNICEF, p. 61.
- ⁹² Mundus de Jesus, Statement provided 9 June 2003, Caikasa, Maubara, Liquiça, Statement CAVR CRP Database.
- ⁹³ UNICEF, pp. 64-65.
- ⁹⁴ HRVD Statement 02947.
- ⁹⁵ UNICEF, p. 70.
- ⁹⁶ HRVD Statement 01351.
- ⁹⁷ United Nations High Commissioner for Human Rights (UNHCHR), *Human Rights Situation in East Timor*, (UN Doc: UN Doc. E/CN.4/S-4/CRP), UNHCHR, 17 September 1999, p. 56.
- ⁹⁸ UNICEF, pp. 10-11.
- ⁹⁹ UNICEF, p. 69.
- ¹⁰⁰ UNICEF; HRVD Statements 03513; 05859.
- ¹⁰¹ HRVD Statement 03513.
- ¹⁰² UNICEF, p. 62.
- ¹⁰³ UNICEF, p. 65.
- ¹⁰⁴ Sarah Niner (Ed), *Resistir E Vencer! (To Resist is to Win!): The Autobiography of Xanana Gusmão*, Aurora Books, Richmond, Victoria, 2000, p. 107; Xanana Gusmão, *Resistir é Vencer!* Unpublished document.
- ¹⁰⁵ CAVR Interview with Caetano de Sousa Guterres, Dili, 22 May 2004.
- ¹⁰⁶ CAVR Interview with Falintil Commander, Brigadier-General Taur Matan Ruak (José Maria de Vasconcelos), Quartel Geral F-FDTL, Caicoli, Dili, 14 June 2004.
- ¹⁰⁷ CAVR Interview with Ricardo da Costa, Ribeiro, Dili, 13 May 2004.
- ¹⁰⁸ CAVR Interview with Francisico Amaral, Dili, 5 June 2004.
- ¹⁰⁹ CAVR Interview Ricardo da Costa Ribeiro, Dili, 13 May 2004.
- ¹¹⁰ Naldo Gil da Costa, testimony to the CAVR National Public Hearing on Children and Conflict, Dili, 29-30 March 2004.
- ¹¹¹ Aquilina Imaculada, oral history, *Archives of the Tuba Rai Metin Oral History Project*, Submission to CAVR, CD No. 16.
- ¹¹² Mateus da Costa, oral history, *Archives of the Tuba Rai Metin Oral History Project*, Submission to CAVR, CD No. 5.

-
- ¹¹³ CAVR Interview with Francisco da Silva Guterres, Dili, 4 June 2004.
- ¹¹⁴ Ibid.
- ¹¹⁵ CAVR Interview with Jo_ o Sarmiento, Dili, 5 June 2004.
- ¹¹⁶ Gregório Saldanha, oral history, *Archives of the Tuba Rai Metin Oral History Project* , Submission to CAVR, CD No. 25.
- ¹¹⁷ Naldo Gil da Costa, testimony to the CAVR National Public Hearing on Children and Conflict, Dili, 29-30 March 2004.
- ¹¹⁸ Aquilina Imaculada, oral history, *Archives of the Tuba Rai Metin Oral History Project* , Submission to CAVR, CD No.16.
- ¹¹⁹ CAVR Interview with Rosalina José da Costa, Dili, 30 November 2003.
- ¹²⁰ Naldo Gil da Costa, testimony to the CAVR National Public Hearing on Children and Conflict, Dili, 29-30 March 2004.
- ¹²¹ Eduardo de Deus Barreto, oral history, *Archives of the Tuba Rai Metin Oral History Project* , Submission to CAVR, CD No. 13.
- ¹²² Aquilina Imaculada , oral history, *Archives of the Tuba Rai Metin Oral History Project* , Submission to CAVR, CD No. 16.
- ¹²³ Constancio Pinto and Matthew Jardine, *East Timor's Unfinished Struggle* , South End Press, USA, 1997, pp. 118-119.
- ¹²⁴ João da Silva (João Becora), testimony to the CAVR National Public Hearing on Children and Conflict, Dili, 29-30 March 2004.
- ¹²⁵ , Peace is Possible in Timor-Leste [A Paz e Possivel em Timor-Leste], (Portuguese solidarity group), *Casualities of the November 12, 1991 Massacre at Santa Cruz Cemetery in Dili, East Timor: 271 Killed*, February 1992, Dili and Lisbon, <<http://www.etan.org/timor/KILLED.htm>>, at 30 March 2005.
- ¹²⁶ CAVR Interview with Horacio de Almeida, Dili 1 June 2004.
- ¹²⁷ Alexandrino da Costa, testimony to CAVR National Public Hearing on Children and Conflict, Dili, 29-30 March 2004.
- ¹²⁸ Xanana Gusmão, Speech at Symposium on Reconciliation, Tolerance, Human Rights and Elections, National Council Timorese Resistance, Dili, 12 February 2001, p. 3, in UNICEF, p. 8.
- ¹²⁹ UNICEF, p. 18.
- ¹³⁰ CAVR Interview with Eli Foho Rai Boot (Cornelio Gama, L-7), Laga, Baucau, 9 April 2003.
- ¹³¹ CAVR Interview with Faustino Cardoso Gomes, Dili, [undated]
- ¹³² CAVR Interview with Manuel Alves Pereira Moreira, Baucau, April 2003.
- ¹³³ CAVR Interview with Joaquim Simião, Laleia, Manatuto, 24 June 2003.
- ¹³⁴ HRVD Statement 02160.
- ¹³⁵ CAVR Interview with Felix do Rosário Alas, Manufahi, 3 June 2003.
- ¹³⁶ Constancio Pinto and Matthew Jardine, *East Timor's Unfinished Struggle* , South End Press USA, 1997 , pp.50-54.
- ¹³⁷ HRVD Statement 07244.
- ¹³⁸ UNICEF, p. 27.
- ¹³⁹ UNICEF, p. 24.
- ¹⁴⁰ UNICEF, pp. 37-38.

-
- ¹⁴¹ UNICEF, p. 25.
- ¹⁴² CAVR Interview with Naldo Gil da Costa, Dili, 11 November 2003.
- ¹⁴³ UNICEF, p. 46.
- ¹⁴⁴ CAVR Interview with Julio José Exposto Gago, Hatolia, 13 August 2003.
- ¹⁴⁵ UNICEF, p. 33.
- ¹⁴⁶ CAVR Interview with Joaquim Simião, Laleia, Manatuto, 24 June 2003.
- ¹⁴⁷ UNICEF, p. 38.
- ¹⁴⁸ UNICEF, p. 37.
- ¹⁴⁹ CAVR Interview with Felix do Rosário, Alas, Manufahi, 3 June 2003.
- ¹⁵⁰ HRVD Statement 01475.
- ¹⁵¹ CAVR, Inter-Party Conflict, *Case Summary Collection*, 2003.
- ¹⁵² CAVR Interview with Felix do Rosário, Alas, Manufahi, 3 June 2003.
- ¹⁵³ UNICEF, p. 39.
- ¹⁵⁴ Niner, p. 86.
- ¹⁵⁵ Meaeini Calado, “Saya Mengenal Clandestina dari Kawan-kawan Pribumi: Profil Annas Nasution” [I Know the Clandestine Movement from my Indigenous Friends: A Profile of Annas Nasution], *Talitakum*, 12 February 2002, pp. 25-26.
- ¹⁵⁶ HRVD Statement 07671.
- ¹⁵⁷ HRVD Statement 05615.
- ¹⁵⁸ HRVD Statement 05443.
- ¹⁵⁹ HRVD Statement 01469.
- ¹⁶⁰ HRVD Statement 07813.
- ¹⁶¹ HRVD Statement 00572.
- ¹⁶² HRVD Statement 04093.
- ¹⁶³ HRVD Statement 02363.
- ¹⁶⁴ HRVD Statement 07586.
- ¹⁶⁵ Isabel dos Santos Neves, testimony to the CAVR National Public Hearing on Children and Conflict, Dili, 29-30 March 2004.
- ¹⁶⁶ HRVD Statement 05679.
- ¹⁶⁷ HRVD Statement 02094.
- ¹⁶⁸ CAVR Interview with Adelino Araújo, Hatu Bulico, Ainaro, 29 May 2003.
- ¹⁶⁹ CAVR, Community Profile of Mehara, Tutuala Sub-district, Lautém District, 10 September 2002.
- ¹⁷⁰ HRVD Statement 03921.
- ¹⁷¹ CAVR Interview with Rosalina José da Costa, Ataúro Vila, Dili, 30 November 2003.
- ¹⁷² HRVD Statement 07701.
- ¹⁷³ HRVD Statement 03686.

-
- ¹⁷⁴ CAVR Interview with Joana Pereira, Dili, 10 June 2003; Joana Pereira, testimony to the CAVR National Public Hearing on Forced Displacement and Famine, Dili, 28-29 July 2003.
- ¹⁷⁵ Aida Maria dos Anjos, testimony to the CAVR National Public Hearing on Children and Conflict, Dili, 29-30 March 2004.
- ¹⁷⁶ CAVR Interview with Adelgisa Ximenes, Dili, 26 November 2003.
- ¹⁷⁷ HRVD Statement 04789.
- ¹⁷⁸ HRVD Statement 09038.
- ¹⁷⁹ Human Rights Watch, *World Report 1990: Indonesia and East Timor*, , , <<http://www.hrw.org/reports/1990/WR90/ASIA.BOU-05.htm>>
- ¹⁸⁰ HRVD Statement 3212.
- ¹⁸¹ Alexandrino da Costa, testimony to the CAVR National Public Hearing on Children and Conflict, Dili, 29-30 March 2004.
- ¹⁸² Sidney Jones, (Executive Director of Asia Watch), testimony to the US Senate Foreign Relations Committee, 21 February 1992, <<http://www.hamline.edu/apakabar/basisdata/1992/02/21/0002.html>>
- ¹⁸³ HRVD Statement 01690.
- ¹⁸⁴ Robinson, OHCHR Submission to the CAVR, 2003, pp. 197-198.
- ¹⁸⁵ HRVD Statement 06278.
- ¹⁸⁶ HRVD Statement 05854.
- ¹⁸⁷ HRVD Statement 03212.
- ¹⁸⁸ HRVD Statement 04355.
- ¹⁸⁹ HRVD Statement 07008.
- ¹⁹⁰ HRVD Statement 05062.
- ¹⁹¹ CAVR, Inter-Party Conflict: Case 10, *Case Summary Collection*, 2003.
- ¹⁹² HRVD Statement 09045; see also HRVD Statement 09081.
- ¹⁹³ Constantinho Ornai, testimony to the CAVR National Public Hearing on Children and Conflict, 29-30 March 2004.
- ¹⁹⁴ HRVD Statement 06546.
- ¹⁹⁵ HRVD Statement 02056.
- ¹⁹⁶ HRVD Statement 04845.
- ¹⁹⁷ HRVD Statement 06541.
- ¹⁹⁸ Constantinho Ornai, testimony to the CAVR National Public Hearing on Children and Conflict, Dili, 29-30 March 2004.
- ¹⁹⁹ CAVR Interview with José de Jesus dos Santos, 28 June 2004, Dili.
- ²⁰⁰ HRVD Statement 03501.
- ²⁰¹ HRVD Statement 05640.
- ²⁰² HRVD Statement 00406.
- ²⁰³ HRVD Statement 03828.
- ²⁰⁴ HRVD Statement 03887.

-
- ²⁰⁵ HRVD Statement 03501.
- ²⁰⁶ HRVD Statement 02101-01.
- ²⁰⁷ CAVR Interview with Sebastião da Cunha, Sau, Manatuto, 12 May 2004.
- ²⁰⁸ CAVR Community Profile, Leuro, Lospalos Sub-district, Lautém District, 27 January 2004.
- ²⁰⁹ CAVR Interview with Silvino das Dores Soares, Viqueque, 10 March 2004.
- ²¹⁰ CAVR Interview with Geronimo da Costa Amaral, Viqueque, 10 March 2004.
- ²¹¹ HRVD Statement 08108.
- ²¹² Peace is Possible in Timor-Leste, 1992, <<http://www.etan.org/timor/KILLED.htm>>, at 30 March 2005.
- ²¹³ Yayasan HAK, *From the road to Dili to the shootings in Baucau*, Dili, 1 July 1998. [East Timor International Support Centre, ETISC] <<http://www.etan.org/et/1998/july/01road.htm>>, at 31 March 2005.
- ²¹⁴ Raimundo Sarmiento, testimony to the CAVR Laklubar Sub-district Hearing, Manatuto, 2 October 2003.
- ²¹⁵ HRVD Statement 03684.
- ²¹⁶ HRVD Statements 02285; 04060.
- ²¹⁷ *Deputy General Prosecutor for Serious Crimes v Eurico Guterres et al*, Paras 51-58.
- ²¹⁸ *Prosecutor of the UN Transitional Authority in East Timor v Simão Lopes et al*.
- ²¹⁹ Robinson, OHCHR Submission to CAVR, 2003, pp. 228.
- ²²⁰ *Ibid*, pp. 245-247.
- ²²¹ *Ibid*, pp. 231.
- ²²² CAVR Interview with Adriano João, Dili, 21 September 2004.
- ²²³ *Ibid*.
- ²²⁴ CAVR Interview with Maria Santana Tilman Alves, Ermera, 10 October 2003.
- ²²⁵ CAVR Interview with Filomeno Pedro Cabral Fernandes, Dili, 5 May 2004.
- ²²⁶ HRVD Statement 06639.
- ²²⁷ HRVD Statement 04915.
- ²²⁸ HRVD Statements 07784; 04915.
- ²²⁹ HRVDStatement 05783.
- ²³⁰ HRVD Statement 05120.
- ²³¹ HRVD Statements 07840; 06639.
- ²³² United Nations, *Contemporary Forms of Slavery: Systematic Rape, Sexual Slavery and Slavery-like Practices during Armed Conflict*, (E/CN.4/Sub.2/1998/13), Final Report submitted by Gay J. McDougall, Special Rapporteur, United Nations: New York, 1998, pp.7-8.
- ²³³ CAVR Interview with Eufrasia da Jesus Soares, Ermera, Ermera, 22 December 2003.
- ²³⁴ HRVD Statement 03334.
- ²³⁵ Alfredo Alves testimony to the CAVR National Public Hearing on Children and Conflict, Dili, 29-30 March 2004.
- ²³⁶ CAVR Interview with DM, Luca, Viqueque, 1 June 2003.
- ²³⁷ CAVR Interview with FM, Beobe, Viqueque, 31 May 2003.

-
- ²³⁸ HRVD Statement 07209.
- ²³⁹ HRVD Statement 01022.
- ²⁴⁰ HRVD Statement 04080.
- ²⁴¹ Mário Viegas Carrascalão, “*Violence against Women*” and “*Family Planning*” that took place in Timor-Leste during the Indonesian occupation, from 1982-1992, Submission to CAVR, 28 April 2003.
- ²⁴² HRVD Statement 07196.
- ²⁴³ HRVD Statement 02321.
- ²⁴⁴ CAVR Interview with LM, Bilileo, Lalarek Mutin, Viqueque, 24 March 2004.
- ²⁴⁵ HRVD Statement 05775.
- ²⁴⁶ CAVR, Women: Case 4, *Case Summary Collection*, January 2004.
- ²⁴⁷ CAVR, Women: Case 5, *Case Summary Collection*, January 2004.
- ²⁴⁸ HRVD Statement 05777.
- ²⁴⁹ HRVD Statement 04198.
- ²⁵⁰ [Name withheld], oral history, *Archives of the Tuba Rai Metin Oral History Project*, Submission to CAVR, CD No. 3.
- ²⁵¹ HRVD Statement 04482.
- ²⁵² Fokupers, *Gender Based Violations of 1999*, Submission to CAVR, July 2004, HRVD Statement No #99COV004.
- ²⁵³ Fokupers, 2004, HRVD Statement No#99COV010.
- ²⁵⁴ HRVD Statement 08980
- ²⁵⁵ Fokupers, 2004, HRVD Statement No#99AIL001.
- ²⁵⁶ Fokupers, 2004, HRVD Statement No.#99AIN007.
- ²⁵⁷ United Nations High Commissioner for Refugees (UNHCR), Evaluation and Policy Analysis Unit, , *Evaluation of UNHCR’s repatriation and reintegration programme in East Timor, 1999-2003*, prepared by Chris Dolan, Judith Large and Naoko Obi, UNHCR, Geneva, 24 February 2004, pp .59.
- ²⁵⁸ CAVR Interview with International Red Cross/Cruz Vermelha Timor-Leste, Dili, 7 April 2004.
- ²⁵⁹ CAVR Interview with Mário Carrascalão, Dili, 12 September 2003.
- ²⁶⁰ Helene van Klinken, *East Timorese Children in Java: Submission II*, Submission to CAVR, 2002, p. 4.
- ²⁶¹ Manuel Carceres, UNHCR, testimony to the CAVR National Public Hearing on Children and Conflict, Dili, 29-30 March 2004; see also Office Of The High Commissioner For Human Rights (OHCHR), *Quarterly Reports Of Field Offices*, Geneva 3 June 2003.
- ²⁶² CAVR Interview with Manuel Carceres, UNHCR, Dili, 28 March 2005.
- ²⁶³ CAVR Interview with Valderio de Araújo, [no location recorded], 22 October 2003.
- ²⁶⁴ CAVR Interview with [name withheld], Dili, 25 August 2003.
- ²⁶⁵ Petrus Kanisius Alegria, testimony to the CAVR National Public Hearing on Children and Conflict, Dili, 29-30 March 2004.
- ²⁶⁶ Ibid.
- ²⁶⁷ Alfredo Alves, testimony to the CAVR National Public Hearing on Children and Conflict, 28-29 March 2004.

-
- ²⁶⁸ CAVR Interview with Alexander dos Santos, Ermera, 10 September 2003; CAVR Interview with Manuel Martins, Poilala, Ermera, 10 September 2003.
- ²⁶⁹ CAVR Interview with Yuliana, Jakarta, 15 January 2004.
- ²⁷⁰ Yuliana, testimony to CAVR workshop on Children and Conflict, 15 July 2004.
- ²⁷¹ CAVR Interview with Maria Legge Mesquita, Dare, Dili, 14 April 2004.
- ²⁷² CAVR Interviews with QN, Ermera, 13 August 2003 and 1 April 2004.
- ²⁷³ CAVR Interview with Domingos de Deus Maya, Same, Manufahi, 20 April 2004.
- ²⁷⁴ CAVR Interview with Aidia, Bobonaro, Bobonaro, 11 May 2004; see also CAVR Interview with Alexander dos Santos, Ermera, 10 September 2003.
- ²⁷⁵ Helene van Klinken, *Submission II*, 2002, p. 4.
- ²⁷⁶ Petrus Kanisius Alegria, testimony to the CAVR National Public Hearing on Children and Conflict, 29-30 March 2004.
- ²⁷⁷ Petrus Kanisius Alegria, *ibid.*
- ²⁷⁸ CAVR Interview with Petrus Kanisius Alegria, Dili, 16 June 2003.
- ²⁷⁹ Helene van Klinken, *Children and Conflict*, Submission to CAVR, November 2003. pp. 23.
- ²⁸⁰ CAVR Interview with Petrus Kanisius Alegria, Dili, 16 June 2003.
- ²⁸¹ CAVR Interview with Mário Carrascalão, Dili, 12 September 2003.
- ²⁸² CAVR Interview with Mário Carrascalão, Dili, 12 September 2003.
- ²⁸³ CAVR Interview with Abel dos Santos, Dili, 7 April 2003.
- ²⁸⁴ CAVR, Thomás da Costa, *Case Summary Collection*, 2003.
- ²⁸⁵ Helene van Klinken, *East Timorese Children in South Sulawesi*. Submission to CAVR, March 2002, p. 2.
- ²⁸⁶ CAVR Interview with Abidin Arianto, Baucau, 9 April 2003.
- ²⁸⁷ Simon Elegant, “Timor’s Lost Boys”, *TIME Asia Magazine*. 23 December 2002,
- ²⁸⁸ *Interview with Najib Abu Yasser*, Voice of Human Rights Radio (Jakarta), April 2002, in Helene van Klinken, *Submission II*, 2002, p. 1.
- ²⁸⁹ CAVR Interview with Leonel Guterres, Quelicai, 8 April 2003.
- ²⁹⁰ CAVR Interview with Syamshul Bahri, [no location recorded], 9 April 2003.
- ²⁹¹ George Aditjondro, *Suharto’s Foundations* [sic], 31 January 1998, pp. 134.
- ²⁹² Asia Watch, *Deception and Harassment of East Timorese Workers*, 19 May 1992, pp. 2.
- ²⁹³ CAVR Interview with João da Costa, Baucau, 23 April 2003.
- ²⁹⁴ CAVR Interview with João da Costa, Baucau, 23 April 2003.
- ²⁹⁵ CAVR Interview with Maria Margarida Babo (Garida), Dili, [undated].
- ²⁹⁶ *Ibid.*; see also Guilherme dos Reis Fernandes, to testimony to the CAVR National Public Hearing on Children and Conflict, Dili, 29-30 March 2004.
- ²⁹⁷ CAVR Interview with Reverend Agostinho de Vasconcelos, CAVR National Commissioner, Dili, 7 August 2003.
- ²⁹⁸ Helene van Klinken, *East Timorese Children in Central Java, Post 1999: Submission III*, Submission to CAVR, July 2001, p. 9.

-
- ²⁹⁹ *East Timorese Children on Other Islands*, On a meeting between UNICEF Indonesia, UNICEF East Timor, UNTAET Social Services, IRC, JRS and UNHCR, Dili, 2 November 2000.
- ³⁰⁰ Ibid.
- ³⁰¹ Arist Merdeka Sirait, National Commission on Child Protection, in Helene van Klinken, *Separated Children Post-August 1999*. Submission to CAVR, 2002, p. 1.
- ³⁰² Jesuit Refugee Service, “The Lost Of East Timorese Children [sic]”, *Terms of Reference, Family Reunification Visit of the Parents to the Children in South Kalimantan, Atambua*, (draft 22/01/01), p. 2.
- ³⁰³ Natercia M.J.O. Soares, (Chair of the HATI Foundation), “Pendidikan Anak Asrama dan Tanggungjawab Orangtua” [“The Education of Dormitory Children and the Responsibilities of the Parent”], *Kompas*, Jakarta, 5 October 2001, <<http://www.hati.or.id/kompas140901.html>> at 30 March 2005.
- ³⁰⁴ Ibid.
- ³⁰⁵ Helene van Klinken, *Separated Children Post-August 1999*, 2002, p. 3.
- ³⁰⁶ Jesuit Refugee Service, p. 2.
- ³⁰⁷ CAVR Interview with Zacarias Pereira, Tibar, Liquiça, 5 May 2004.
- ³⁰⁸ Dateline, “*East Timor’s Stolen Children*”, SBS (Australia), 4 September 2002.
- ³⁰⁹ CAVR Interview with Mário Carrascalão, Dili, 12 September 2003.
- ³¹⁰ Ibid.
- ³¹¹ CAVR Interviews with [name withheld], Bandung, Java, 28 and 31 January 2004.
- ³¹² CAVR Interview with Maria Floriana da Conceição, Bandung, Java, 31 January 2004,
- ³¹³ CAVR Interview with Petrus Kanisius Alegria, Dili, 16 June 2003.
- ³¹⁴ CAVR Interview with Domingos de Deus Maya, Dili, 20 April 2004.
- ³¹⁵ CAVR Interview with Sudirman, Dili, 25 April 2003.
- ³¹⁶ CAVR Interview with Alfredo Alves, Dili, 5 March 2004.