

## Chapter 7.7: Sexual Violence

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# Chapter 7.7: Sexual Violence

## 7.7.1 Introduction

1. As required by its legal mandate (Article 3.4c), the Commission developed a gender-sensitive approach in seeking the truth about human rights violations during the political conflict from 25 April 1974 to 25 October 1999. Men and women have different social roles and status in their communities, and the Commission needed to understand how this might have affected their experience of violations and the impact these violations had on them. Although women were the victims of the same range of human rights violations as men, almost all cases of sexual violence - rape, sexual slavery and other forms of sexual violence - were committed against women.

2. The Commission found that women became the victims of specific forms of violations, which related to their low status and the sexual stereotypes imposed on them. These violations, which include rape, sexual slavery, sexual torture and harassment, can be classified as sexual violence. Although some men were victims of sexual violence, such as those who experienced sexual torture in detention, the majority of victims were women.

3. In Timor-Leste, as in other countries, victims of sexual violation are often unwilling to talk about their experiences. Despite the cultural and personal reasons for such reluctance, the Commission received hundreds of direct testimonies of witnesses who were subjected to severe sexual violations by members of the Indonesian security forces during the period of the mandate. There were also accounts of victims being violated by members of União Democrática Timorense (UDT), Associação Popular Democrática Timorense (Apodeti), Frente Revolucionária de Timor Leste Independente (Fretilin) and Forças Armadas de Libertação Nacional de Timor Leste (Falintil).

4. These personal testimonies are supported by a larger body of evidence which provides the Commission with a clear and consistent picture of the nature of sexual violations that occurred during the period of political conflict. This chapter attempts to tell the story of these violations, and the context in which they were committed, largely through the most authentic voice, that of the victims.

5. The vast majority of these victims were young women at the time they were violated. They were middle-aged at the time of giving their evidence to the Commission. Many said that they had harboured their darkest memories in silence during the long intervening years. The process of bringing this evidence to the Commission often involved a difficult emotional process for them and also to a lesser degree for the staff of the Commission who interviewed them.

6. The women who told their stories to the Commission came from different regions and belonged to different communities, yet the details of their accounts were strikingly similar. There was no apparent reason why they would be motivated to mislead the Commission. The fact that they came from such disparate groups would have made any form of collaboration impossible.

7. From its statement-taking process the Commission documented 853 reported instances of sexual violations. Rape was the most commonly reported sexual violation, at 46.1% (393 out of 853) of all sexual violations documented by the Commission. Rape was followed in frequency by sexual harassment and other acts of sexual violence 27.1% (231/ 853) and sexual slavery at 26.8% (229/ 853) of all reported acts of sexual violence. Out of the total violations documented from the statement-taking process 93.3% (796/853) were attributed to Indonesian security forces and auxiliaries, 2.5 % to Fretilin (21/853), 1.2% to Falintil (10/853), 0.6% to UDT forces (5/853), 0.1% to Apodeti forces (1/853), and 0.9% to others (8/853).

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8. The Commission also interviewed more than 200 victims and witnesses of sexual violence. These in-depth interviews and the statements reporting incidents of sexual violence depicted an overwhelming picture of impunity for sexual abuse. After careful consideration of the evidence before it, the Commission has no doubt that the patterns of widespread sexual violations that the women described represent the truth.

9. By any standards, the contents of this chapter portray a shameful and disgraceful account of the abuse of power. It became clear that the physically weakest and most vulnerable members of communities were targeted for reasons that have no legitimate connection to either military or political objectives.

10. The voices of the victims in this chapter provide a clear picture of the widespread and systematic nature in which members of the Indonesian security forces openly engaged in rape, sexual torture, sexual slavery and other forms of sexual violence throughout the entire period of the invasion and occupation. Members of Fretilin, UDT and Falintil also committed violations, although these were isolated incidents and occurred on a far smaller scale. They were neither widespread nor systematic.

11. The evidence also demonstrates how acceptance of abhorrent practices by commanders and officials encourages those under their command and control to continue and expand the use of such practices. The victims' testimonies clearly show that there was a widely accepted practice for members of the security forces to rape and sexually torture women while on official duty, in military installations and other official buildings. These practices were covered by almost total impunity.

12. Acts that commonly and openly took place in these official places included prolonged sexual torture of women, followed by individual or gang rape by members of the Indonesian security forces. This sexual torture often included mutilation of women's sexual organs, inserting of objects into vaginas, burning nipples and genitals with cigarettes, use of electric shocks applied to the genitals, breasts and mouths, forcing detainees to engage in sexual acts, rape of pregnant women, rape of women while blindfolded with their hands and feet bound, and the use of snakes to instil terror in victims.

13. Victim testimony also demonstrates that women were often raped during military operations and that it was commonly accepted practice for military officers to force young women, by threats of direct violence to themselves, their families and their communities, to live in situations of sexual slavery. In these situations, which often continued for years, the officers raped the women under their control at will, day after day. In some cases women were "passed on" by officers to their replacements or to other officers. All of this was not only tolerated by senior officers and officials, but even encouraged. Commanders and officials also participated.

14. Despite the heavy cultural taboos and personal difficulties, a number of women gave detailed accounts of their suffering at public hearings, which were broadcast live by national radio and television services. The Commission recognises the extraordinary courage of these women and all of the victims who provided statements and agreed to be interviewed. It applauds their determination that the story of their abuse should be known, no matter what the personal cost. It also draws the inescapable conclusion that the hundreds of women who gave direct evidence represent only a portion of the total number of victims who did not give statements, because of social or personal pressures or an inability to talk about their experiences due to ongoing trauma connected to the violations.

15. Given the prevalence of rape as a form of sexual abuse from 1974 to 1999, the first section of this chapter is specifically devoted to a discussion of the testimonies related to that crime. It is also important however to understand that there were forms of sexual abuse that involved rape along with other forms of exploitation and violence, where the victim was forced into an ongoing relationship with the perpetrator over extended periods of time. To understand this form of violence, the second section of the chapter concentrates on forms of sexual slavery. This will be followed by a discussion of other forms of sexual abuse that may have occurred in isolation or alongside rape and sexual slavery. The chapter then considers the long-term impact

of sexual violence upon victims and concludes with a summary of the Commission's findings on sexual violence.

## Definition and methodology

16. The Commission has employed a working definition of sexual violence as "any violence, physical or psychological, carried out through sexual means or by targeting sexuality."<sup>1</sup> This definition of sexual violence includes rape, sexual slavery and other forms of sexual violence such as sexual torture, public sexual humiliation and sexual harassment.

17. Rape and other serious sexual assaults that occurred during the 25-year mandate of the Commission violated both the international law and domestic law applicable at the time of the offences.

18. These acts were prohibited by the domestic legislation of both of the regimes that ruled in Timor-Leste during the years 1974-99. The Portuguese Penal Code and the Indonesian Penal Code (*Kitab Undang-undang Hukum Pidana*, KUHP) both prohibited rape. The KUHP also criminalised making someone "tolerate obscene acts". Rape or other serious sexual assaults were prohibited by the provisions of international human rights law that safeguard each person's fundamental right to physical integrity and protection against torture or cruel, inhuman or degrading treatment.

19. In armed conflict, protection from rape and sexual violence is more precisely regulated. The International Law of Armed Conflict specifically prohibits rape and contains general prohibitions against maltreatment, including provisions that refer to "honour". Sexual violence of sufficient severity, such as rape, sexual torture and sexual enslavement, may amount to crimes against humanity if committed as part of a widespread or systematic attack against the civilian population.

20. The Commission developed a number of methods to try to overcome the cultural barrier that makes it difficult for women to speak about the human rights violations they experienced. These included gender-balance in the recruitment of statement-takers and victim support staff for each district team; the involvement of women in community-based group discussions on the collective experience of human rights violations; the implementation of a special six-month research project on the violation of women's human rights in cooperation with an East Timorese women's non-government organisation (NGO); a public hearing on women and conflict that included a testimony and submission from women's NGOs; the inclusion of women survivors to testify in other thematic public hearings as a way to help restore their dignity; a household survey which included separate interviews with adult women to question them about their experiences of human rights violations; and healing workshops conducted in small groups, including one workshop only for women survivors, with the assistance of an East Timorese women's NGO.

21. The Commission collected 1,642 from a total of 7,668 statements from women who were witnesses or victims of human rights violations. This is 21.4% of all statements gathered during the 18 months of operations. Additionally, 260 statements regarding violations reported by women were received as a submission from a women's NGO. A total of 3,482 men and 1,384 women were involved in village-level participatory discussions on human rights violations held in 284 villages in more than 60 sub-districts. Sessions held specifically for women were conducted in 22 of these villages. The Commission's research team conducted more than 200 interviews, mostly with women victims of human rights violations.

22. The Commission's National Public Hearing on Women and Conflict, 28-29 April 2003, provided an opportunity for 14 women survivors of violations to tell their stories. Also during this

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<sup>1</sup> See Article 46 of the Regulations Annexed to Hague Convention IV to protect "family honour and rights". Sexual violence constitutes a violation of personal dignity under Common Article 3 of the Geneva Conventions. See also Furundzija Trial Judgment, paragraph 137 which traces the evolution of international law to include the prohibition of rape and serious sexual assaults in armed conflict with reference to the Tokyo International Military Tribunal and the prohibition of "outrages upon personal dignity" as stated in customary international law.

hearing, four expert witnesses provided background information on these violations. A total of 18 women gave testimonies in other thematic public hearings. In its survey on mortality and human rights violations of 1,322 randomly selected households, the Commission interviewed at least one adult woman in each family on her experience of human rights violations, including questions related to possible sexual violations. In total, 1,718 women were interviewed as part of this survey.\*

23. This chapter gives priority to many previously unknown cases rather than well-known cases. Although most cases of sexual violence towards minors (aged 17 years and under) will be found in the children's chapter, several cases have also been included here.

### Culture of silence

24. "It is a secret between me and God. There is no need to dig any deeper."<sup>2</sup> These are the words of a woman who was detained and tortured in Hotel Flamboyan, Baucau, when asked whether she experienced rape.

25. Many East Timorese women find it difficult to reveal that they were victims of violence, especially sexual violence. In a culture that values a woman's virginity above all, women who have experienced sexual violence, rape and particularly sexual slavery, are vulnerable to discrimination and isolation. Society tends to blame women for the sexual violence they experienced, to see them as "used goods" and stigmatise their children. There is very little social compensation to motivate women who experienced sexual violence to reveal it to others.

26. Some women talked to the Commission of their difficulties in admitting their experiences of rape to their husbands for fear of being rejected. A husband might abandon his wife if she admits to having been raped. A girl might not find a man willing to marry her. A woman raped by the military might become "fair game" for sexual abuse by other men.

27. Many of the accounts in this chapter express the shame and humiliation these women experienced once they were known as "military wives" or *feto nona*.<sup>†</sup> In some cases, even children born from situations of rape and sexual slavery and then abandoned by their fathers were ostracised by their community.

28. Perpetrators took advantage of the stigma of rape as they often relied on the victim's sense of shame to protect their identity as perpetrators. Even in cases where the victim had the courage to speak up, there was usually no punishment for the offender/s. These factors reinforce the culture of silence.

29. The Commission recognises that cases of both sexual and non-sexual violence experienced by women were under-reported. Because of the social and cultural stigma attached to sexual violence, individuals, family and community members were often reluctant to speak about it in a public forum.<sup>‡</sup>

30. The Commission further recognises the extraordinary courage shown by the women who voluntarily came forward to tell their stories of sexual violence by offering their statements and by testifying in public hearings.<sup>§</sup>

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\* All of these sources were drawn on for a discussion of findings in this chapter. However, the statistical analysis in this chapter, including graphs, includes only the 1,642 official statements and not the data from community profiles, the mortality survey or the in-depth interviews of the research team.

<sup>†</sup> *Feto nona* is a hybrid euphemism unique to Timor-Leste: *feto* is Tetum for woman and *nona* is Indonesian for a young, unmarried woman. For an East Timorese woman to become an Indonesian "*nona*" points to the identity of the perpetrator.

<sup>‡</sup> For more detailed information regarding the problem of under-reporting, see Part 6: Profile of Human Rights Violations.

<sup>§</sup> The Commission has created false initials to protect the identity of victims of sexual violence as well as those individuals who are closely linked to them in the accounts.

## 7.7.2 Rape

31. In accordance with recent international jurisprudence, the Commission adopted a definition of rape as a physical invasion of a sexual nature, committed on a person under circumstances that are coercive.<sup>3</sup> The elements of rape according to this definition are:

[T]he 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.<sup>4</sup>

32. Rape arises where sexual penetration occurs without the consent of the victim. Such consent must be given voluntarily, as a result of the victim's free will, and is assessed in the context of the surrounding circumstances.<sup>5</sup> In situations in which the perpetrator uses threats, force or captivity a victim is unable to give consent, according to international law. The manifestly coercive circumstances that exist in all armed conflict situations establish a presumption of non-consent.

33. The above definition of rape applies to both male and female victims. However, the Commission received only three reports of the rape of males. As shown in the following graph, the vast majority of victims were females, particularly those aged 15-24.

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34. Data gathered through statements, interviews and submissions reveal clear patterns of consistent and widespread rape. Rape occurred every year of the Indonesian occupation (1975-99) and covered all 13 districts. The Commission also received reports of East Timorese who had been raped in West Timor. Districts with high numbers of rapes also tended to have relatively high numbers of sexual slavery and other forms of sexual violence.

35. Like torture, rape is a violation of personal dignity that was used to intimidate, degrade, humiliate, discriminate against, punish or control the victim. In certain circumstances rape amounted to torture, as when, for example, rape was used to obtain information or to extract a confession from the victim. Another strategy was to inculcate fear in other prisoners who witnessed or heard the victim being tortured. This confirmed and reinforced the perpetrator's position of unregulated power and the victim's helplessness.

36. The data collected by the Commission indicates that there was a consistent pattern of torture and rape of women in detention throughout the period of the conflict. The numbers of women arbitrarily detained varied at times, but the practice of torturing a proportion of those detained remained consistent. This clearly shows that the torture of detained women was not random.

37. Rape was also a form of proxy violence. In other words, the rape victim was a substitute when the main target of violence could not be captured. In many cases members of the security forces raped the wife of a pro-independence figure whom they were unable to detain. The Commission received evidence of similar proxy violence conducted by parties to the inter-party conflict, although on a much smaller scale than that perpetrated by the Indonesian forces.

38. The graph below compares cases of arbitrary detention and rape, showing that these two violations also tend to increase and decrease together over time.

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<sup>3</sup> In this regard the Commission relies on the principles reflected in the International Criminal Tribunal on the Former Yugoslavia (ICTY) Rules of Evidence, Rule 96.

39. For analytical purposes this section describes cases of single and multiple rape, including repeated rape in detention, where the perpetrator did not create a condition of ownership.

#### Rape in the context of inter-party conflict (1975)

40. The Commission received seven statements describing acts of rape in the context of inter-party conflict in 1975, perpetrated by armed members of parties to the conflict. The Commission recognises that this result may reflect the reality that rape simply did not occur in large numbers during this period. However, the small number of incidents reported might also be due to other factors, such as women's hesitation to speak about rape perpetrated against them, the long period of time since that conflict, the possibility that witnesses and victims may have died in the interim, or a reluctance to raise issues involving individuals and political parties still present in Timor-Leste.

#### Rape by UDT party members

41. The Commission received three statements from victims of rape by members of UDT in the context of inter-party conflict. AA, a teacher and member of the Fretilin organisation, the Popular Organisation of Timorese Women (Organização Popular das Mulheres de Timor, OPMT), testified at a public hearing on her capture by members of UDT on 20 August 1975 in Liquiça:

*[T]hey captured me and took me by car to their headquarters [in the town of Maubara]. During the journey they verbally abused and hit me, they spat on my face, saying, "Fretilin is useless. They cannot even make a match, but they want independence." They tied my hands behind my back, gagged me with a piece of cloth, blindfolded me and tied my legs. Then they lifted me up and threw me inside the car, trussed like a pig. They hit me, kicked me and burned my knees and thighs with cigarette butts, then made cuts on my thighs with a razor blade.*

*When we got to a river one of the men said to the others, "Let's rape her before we take her to the commander." They laid me down on the bank of the river and a man held me down so that I remained flat on my back, then I felt a man raping me. When they finished I was dizzy and still. Seeing me like that they slapped me. They thought I had fainted and could not feel anything, but at that time I was still conscious.<sup>6</sup>*

#### Rape by members of Fretilin and Falintil

42. The Commission has evidence of three cases of rape by members of Fretilin that were committed in the context of inter-party conflict.

43. In his testimony to the commission, BA1 gave evidence of the rape of his two sisters, BA and CA from the village of Purogoa (Cailaco, Bobonaro) in 1975. An armed Fretilin party member named PS4 forced BA1 and his two sisters, at gunpoint, to go to Aileu. According to BA1:

*Because at the time we were members of UDT, PS4, carrying a Mauser [rifle], threatened my two sisters, forced them to sleep with him. Because they feared for their lives, they surrendered themselves to PS4. He raped them from evening to dawn.*<sup>7</sup>

44. After the rape, the two women were set free.

45. Rape also took place in the midst of killing those thought to be traitors. Tito Soares da Silva told the Commission that in November 1975 Fretilin troops established a post in the aldeia of Poerema, Miligo (Cailaco, Bobonaro). According to his testimony, villagers were made to provide them with food and young girls were forced to participate in a dance party. After four days in Poerema, Fretilin troops killed three people they suspected of being spies for the Indonesian army. Later on, the Fretilin commander known as PS5 killed another man and raped his wife.<sup>8</sup>

46. In 1976, A1 and her family fled from their house in the village of Leber (Bobonaro, Bobonaro) when attacked by the Indonesian army and wandered from village to village in the neighbouring sub-district of Lolotoe (Bobonaro). Eventually they were caught by Indonesian soldiers and returned to their village. During this time two members of the family died due to food shortages. A1 told the Commission about her older sister, A, who fled back into the forest:

*In 1976 my sister, A, ran back to the forest because we had no food. She ran into Falintil forces in the village of Opa [Lolotoe, Bobonaro]. Commander PS6 and his men said that my sister was a spy for the Indonesian forces. They captured her and raped her. After that they beat her to death somewhere in the Tapo area [Bobonaro, Bobonaro].*<sup>9</sup>

#### Rape during the Indonesian occupation (1975-99)

47. All but a few of the cases of rape documented by the Commission were committed during the Indonesian occupation of Timor-Leste. Of these, 51% (198/393) of rapes were committed during the invasion and the initial years of the occupation, and 23% occurred between 1985 and 1998. The remaining 26% of rapes were committed during the ballot-related violence in 1999. This coincides with data that shows Indonesian soldiers and paramilitary support personnel, such as members of Hansip (Pertahanan Sipil/Civil Defence, Hansip) and militia, were the perpetrators in almost all cases of reported rape. In a number of cases of individual and collective rape, perpetrators were identified by name or by the army or militia unit to which they belonged.

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#### Rape by members of Falintil

48. The Commission received six statements relating acts of rape by members of Falintil that occurred from 1975 to 1999.<sup>10</sup> In the armed conflict, women were at risk of sexual violence from all sides. However, the Commission noted that the number of rapes conducted by Falintil was much smaller than those committed by Indonesian military personnel. DA1 told the Commission about the rape of his aunt, DA, in 1978 by a Falintil soldier in Fatuk Makerek (Soibada, Manatuto). PS7, an armed member of Falintil, came to DA's house to force her to have sexual intercourse with him. She relented because she was scared. Although he then promised to marry her, PS7 left the area to be based elsewhere.<sup>11</sup>

49. During the consolidation of Indonesia's occupation from 1985 to 1998, women continued to be in danger of rape from armed men on all sides. For instance, Falintil soldiers continued to rape women in Ermera from time to time up till 1998. EA from Railaco Kraik (Railaco, Ermera) was raped on 16 March 1995 by a Falintil soldier known to her as PS8. She



believed she was a target because she had opened a kiosk in her village with capital received from an Indonesian government assistance scheme. One night when her husband was guarding the kiosk, PS8, carrying a knife, entered EA's bedroom and raped her. She became pregnant as a result of the rape.<sup>12</sup>

50. Another Falintil soldier named PS9 was a repeat offender of rape. In 1997, PS9 raped FA in the aldeia of Donbati, Lisapat (Hatulia, Ermera). In a tragic statement to the Commission, FA recounted her experience as a vulnerable woman confronted by armed men from both sides of the conflict. PS9 and another Falintil soldier named PS10 raped FA when she brought food for them in the forest. One month later, she was captured and raped by an ABRI soldier from the Rajawali combat unit<sup>\*</sup> for her involvement in supporting Falintil.

*On 16 February 1997 I was taking food to Falintil soldiers in Donbati, Lisapat. Two Falintil soldiers, named PS9 and PS10, put a rope around my throat, laid me down on the riverbed, and held a knife to me, threatening to kill me. They took off my clothes and took turns raping me, while still choking me with the rope around my neck. They did this for four hours. Then they sent me home, threatening me not to tell anyone if I wanted to live. I went home feeling scared and with a searing headache. I could barely walk. I still took food to Falintil and on 20 March 1997, while taking food to the aldeia of Raihatu, I was captured by Rajawali troops. Their commander PS374, who led 10 soldiers, slapped me four times and pulled me into a house. In the house, holding an AR-16 gun, he stripped and raped me. After this he and his troops left.<sup>13</sup>*

51. PS9 was also named by a woman raped in her own home. On 6 December 1998, GA harboured and fed PS9 at her home in Urahau (Hatulia, Ermera). The following morning her parents left her at home with PS9 while they went to the market to buy food.

*Suddenly PS9 threatened me with a knife and twisted my arm behind my back. I begged for mercy three times to stop him, but he continued to pull me into the bedroom, took off all my clothes and raped me for one hour. I couldn't scream because he had shut the door and covered my mouth with his hand. I was a virgin at the time, still innocent. After he raped me, I fainted. I did not know myself until he brought a glass of water for me to drink. I saw I was covered in blood. I cried because I was still a virgin. PS9 tried to give me Rp80,000 to go to the hospital for treatment, but I refused.<sup>14</sup>*

52. In March 1997 a member of Falintil named PS11 was staying at the house of HA in Atara (Atsabe, Ermera). Suddenly PS11 threatened her with a knife and raped her. Like EA, HA became pregnant as a result of the rape.<sup>15</sup>

#### **Rape by members of the Indonesian armed forces and their auxiliaries: during the invasion and large-scale operations (1975-84)**

53. Eyewitness and victim reports during the period 1975-84 describe several patterns of rape practices: rape when those who had fled to the mountains surrendered and were taken captive (1975-79); gang rape during armed attacks; organised rape in military posts or compounds, including the active involvement of local commanders; rape of female detainees;

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<sup>\*</sup> Rajawali was the code name for the Army Strategic and Reserve Command (Komando Strategi dan Cadangan Angkatan Darat, Kostrad) deployed to Timor-Leste in the mid-1990s. Prior to that it was a term that referred to Special Forces Command (Kopassus). All cases in this chapter in which Rajawali is mentioned as a perpetrator refer to member(s) of the Army Strategic Reserve.

and rape perpetrated by the paramilitary and others who considered themselves protected from the law by their affiliation with Indonesian security forces.

54. Rape, along with other forms of repression, was particularly associated with periods of heightened military operations as led by ABRI/TNI. As Indonesian military operations escalated, so did cases of rape.

*A. Rape at the time of surrender (1975-79)*

55. As described in Chapter 7.3: Forced Displacement and Famine, a large portion of the civilian population fled to the mountains at the time of the Indonesian invasion in 1975. Many of them eventually surrendered or were captured by Indonesian troops between 1975 and 1979. Upon surrender, many were housed in transit camps or in temporary resettlement camps close to military posts. Women thought to have strategic information about the location of Falintil troops, or who were thought to have links to those in the mountains, became targets of rape. However, there were also cases of random rape of women who had surrendered but who otherwise had no immediate connection to the Resistance.

56. IA was only 17 years old in 1975 when her family surrendered to the Indonesian forces. Her family was allowed to return to their house in the aldeia of Kolibau, Rairobo (Atabae, Bobonaro). An Indonesian soldier, identified by the victim as PS12, armed and in uniform, forced his way into IA's house to rape her. At first IA resisted, so he dragged her out of her parents' bedroom, pushed her against a wall of the house and raped her.<sup>16</sup>

57. JA1 of Samaleten (Railaco, Ermera) told the Commission about the rape of her sister, JA, by four Indonesian soldiers from Battalion 512. In December 1975 JA1 and her family fled to an aldeia called Fatumaenhun, returning to Samaleten in August 1976 to escape an ABRI advance. Eventually JA1, her husband and sister were captured and taken to a temporary resettlement camp in the aldeia of Aitoi, Malere (Aileu Vila, Aileu):

*In April 1977 four members of Yonif [Infantry Battalion] 512 entered the barracks where my sister JA was staying and took turns raping her. Before they raped her, they tore off her clothes. At that time my sister was sick and could not stand up. I just stood there and witnessed the rape of my sister. I did nothing because I was too scared. My sister JA died two days after she was raped by the ABRI [soldiers].<sup>17</sup>*

58. Civilians who surrendered were defenceless not only against Indonesian soldiers but also against East Timorese members of the army and its auxiliary groups, such as members of the Hansip. KA and her husband, KA1, told the Commission about KA's rape in 1977. KA, her husband and two children surrendered in a village called Fahinehan (Fatuberliu, Manufahi). From Fahinehan they were taken to Turisca (Manufahi) then to the resettlement camp in Edi (Maubisse, Ainaro) where they were forced to dig up taro and sweet potatoes for a member of Hansip, PS13. After a few days PS13 summoned KA1 and asked him: "Now that your wife has become my wife, what are you going to do about it?" PS13 proceeded to beat KA1 repeatedly with a wooden club on his legs, arms and thighs for about one hour until he was covered in blood. KA1 managed to run away to Díli after being beaten. KA also testified about the attempted rape and murder of a woman named B by PS13 who then, in turn, raped KA at gunpoint. The rapes continued for one month.<sup>18</sup>

59. Rape took place during interrogation or when women were forced to join in military operations to find the enemy. LA spoke to the Commission about her rape after she surrendered

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<sup>16</sup> The period covered by the Commission's mandate, between 25 April 1974 and 25 October 1999, includes a point of major transition within the Indonesian military when ABRI (Angkatan Bersenjata Republik Indonesia, Armed Forces of the Republic of Indonesia) was separated into two distinct institutions – one the military and one the police. On 1 April 1999, ABRI was replaced by TNI (Tentara Nasional Indonesia, the Indonesian National Army) and Polri (Polisi Republik Indonesia, Police of the Republic of Indonesia) [see Part 4: The Regime of Occupation].

in Uma Metan (Alas, Manufahi) in 1978. LA and two friends, MA and LA1, were first taken to Betano (Same, Manufahi) by four members of the Hansip (Hansip) - PS14, PS15, PS16 and PS17 - and then handed over to Commander PS20 and two of his soldiers, PS18 and PS19 [Indonesian], at the Battalion 327 post in Fatukuak, a location in the village of Fatukahi (Fatuberliu, Manufahi). LA and the two other women were interrogated at the post for two weeks. At one point the three of them were tied together and made to stand in the sun. LA1 was sent home with Hansip member PS17 because she was sick, but LA and MA were forced to participate in a military operation in the mountains to find family members. At a place called Wekhau, both women were raped by PS18 and PS19. They were then forced to participate in the search operation for three days and three nights.<sup>19</sup>

60. Sometimes a woman was raped after she was released from detention by men able to take advantage of the situation, as reported to the Commission by NA. When NA surrendered in Dili in 1978, the village head, PS21, took her to the Nanggala<sup>\*</sup> post in Colmera (Dili, Dili) because her two brothers were still in the forest. She was detained there for eight months. Days after her release, two men who knew her from her time in detention - PS22, an East Timorese ABRI interpreter, and PS23, who worked as an informer - waylaid NA in her garden. When she resisted she was slapped, held by the throat and finally raped by PS22 in the garden.<sup>20</sup>

61. Women clearly identified as members or supporters of Falintil were also targets of sexual violence. OA was detained, tortured and subjected to repeated rape because she was suspected of providing food to Falintil. In her testimony to the Commission, she describes how she and others surrendered in a place named Aifu (Ermera, Ermera) to members of Battalion 721 in April 1976. At that time OA and six friends were taken to the Ermera Kodim. Accused of providing food to Falintil, the seven women were tortured, stripped naked, beaten, kicked and burned with cigarettes all over their bodies. Afterwards OA and two of her friends were held in a dark cell and repeatedly raped for a week. Eventually they were released from the dark cell and made to work in the Kodim yard. Two weeks later they were released.<sup>21</sup>

#### *B. Gang rape as part of military attacks*

62. Rapes occurred not only during the time of surrender but also during military attacks. Several reported cases of gang rape, where two or more perpetrators raped a single victim at the same time and place, took place during or immediately after a military attack.

63. PA testified to the Commission about how ten Indonesian soldiers ambushed her family in Lauana (Letefoho, Ermera) in 1976. The soldiers abducted her sister, C, and took her to an area called Catrai Leten (Letefoho, Ermera). There, 10 ABRI soldiers raped her in turns. PA was scared but managed to run back into the forest, leaving behind her mother and sister. Two years later she too was captured and forced into a situation of sexual slavery by an Indonesian soldier, as described in the Sexual Slavery section of this chapter.<sup>22</sup>

64. QA was not raped on the battlefield, but at a military post after an attack. In 1978, she and a group of villagers were foraging for food near Vila Uatu-Lari (Uatu-Lari, Viqueque) where she lived. Suddenly Battalion (Yonif) 732 and Hansip members attacked them. Three villagers were killed during this attack. QA and 11 women were taken to the Battalion 732 post where QA was raped. She told the Commission:

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<sup>\*</sup> Nanggala was the code name for a Special Warfare Command (Kopassandha) unit deployed in East Timor for combat operations from about October 1975 to April 1983. Commission research suggests that three companies were sent to Timor-Leste for a period of six months before they returned to their respective bases [see Part 4: The Regime of Occupation].

*In 1978 two Hansip named PS24 and PS25 and soldiers from Yonif 732 captured me and 11 other women in a place called Bubulita. They took us to the military post where they interrogated us. While the interrogation was underway, PS24 and PS25 ordered me to enter the 732 commander's place. They said I was to be interrogated, but that was a lie. They took me there to rape me. The commander raped me for 24 hours. They took turns raping me, all 15 of them. I had to endure this to make sure that they did not kill the 11 women who were captured with me.*<sup>23</sup>

65. RA and her friend were gang-raped by members of Airborne Battalion 100 (Batalyon Infantri Lintas Udara, Yonif Linud) on duty in Leulobo, a place in the village of Mauchiga (Hatu Bullico, Ainaro) in 1977. The repeated rapes had serious repercussions on their health and led to sustained bleeding over the following weeks.<sup>24</sup>

66. SA1 told the Commission about an attack on 24 December 1979 by Indonesian soldiers in a place called Kiarbokmauk (Alas, Manufahi) when she and her cousin, SA, were bringing food and medicine to Falintil. Indonesian soldiers repeatedly raped SA. Afterwards she was unable to walk and had to be carried home by horseback.<sup>25</sup>

67. TA was a well-known Fretilin figure and friends with Falintil commander, TA1. In 1979, she and TA1 together with two Falintil guards TA2 and TA3 were attacked by ABRI. TA1 was fatally shot, but TA and the two men guarding her managed to escape. Later Hansip and ABRI forces in Alas (Manufahi) captured her. The soldiers cut off the ears of her two Falintil guards, TA2 and TA3. TA was held at gunpoint and raped for two nights.<sup>26</sup>

### *C. Rape at military installations*

68. Rapes were committed not only by soldiers during battle, but also took place at military installations. The Commission has documented cases where military personnel summoned women for the purpose of rape. In some cases, local commanders not only failed to prevent rapes or to punish the perpetrators, but also were themselves the perpetrators of the crime.

69. UA3 told the Commission about the detention of her husband and father, UA2 and UA4 in the aldeia of Maulakoulo, Humboe (Ermera, Ermera) by Battalion 726 soldiers in February 1976. After their capture, UA2 and UA4 were detained and tortured at Kodim in Ermera. In August that year, the father and sister of her husband, UA1 and UA, were also summoned to the district military headquarters. UA was forcibly taken to a room and raped by the Head of Intelligence, Section 1 (Kepala Seksi I Intelejen, Kasi I Intel) known as PS26. Not yet satisfied, he then instructed a member of the Hansip to arrest UA's sister, VA. Forcibly taken to the Ermera Kodim, VA was then moved to a house of a local teacher where she was raped by PS26. Only after the two incidents of rape were UA, VA and the two detainees - UA4 and UA1 - released. PS26 took UA2 to become an Operations Support Worker (*Tenaga Bantuan Operasi*, TBO).<sup>27</sup>

70. In her testimony, WA, from the village of Afaloicai (Uatu-Lari, Viqueque) was detained, tortured and repeatedly raped following her surrender in Uatu-Lari in April 1979:

*PS27 [an East Timorese member of the Partisans] came to my house to tell me that the soldiers wanted me to go to the Koramil [Sub-district command post] and that I would have to hurry. I was scared so I just followed him to the Koramil. I took my youngest child who was just one and a half years old and left the older child with an aunt. When I arrived PS27 left me waiting in a room and went outside. Suddenly a soldier entered and asked me to have sexual intercourse with him. I refused. He became angry, grabbed the child from me and put him on the ground. Then he raped me in front of my child who was crying and screaming because he was scared.<sup>28</sup>*

## Rape at the Uatu-Lari Koramil (Sub-district Military Command Post)

1979-81

WA's rape at the Uatu-Lari Sub-district Military Command Post (Komando Rayon Militer, Koramil) was not an isolated case. On the contrary, the Commission has gathered evidence that shows a high incidence of rape at the Koramil in Uatu-Lari, Viqueque. XA, YA (see Sexual Violence section in Chapter 7.8: The Rights of the Child) and ZA gave mutually supporting testimonies about their rape during detention at the Uatu-Lari Koramil from 1979 to 1981 that involved at least nine offenders.

- PS28: member of Hansip and ABRI intelligence; PS29, now dead
- PS30: East Timorese member of the district parliament (DPRD II)
- PS31: village head of Babulu Village
- PS379: East Timorese First Corporal, police
- PS32, PS33, PS34, PS35: members of Hansip

Around 1979, XA came down from the mountains to Uatu-Lari Town where she was caught by PS30 and a member of ABRI whose name is not known. She was tortured for refusing to provide information on Falintil's whereabouts in the forest. She was stripped naked, burned with cigarettes, poked in the vagina with a wooden stick, beaten, punched and kicked. PS30 then took XA and eight other people, including XA1, XA2, XA3, ZA and YA, to a house the Sub-district command soldiers used for detention. There, two Hansip members, PS36 and PS33, tortured all detainees and raped XA in front of the other detainees. The following day, three Hansip members, PS37, PS31 and PS38 came to the detention site. They stripped XA naked and beat, kicked and punched her until she bled. Then the three took turns raping her again in front of the other detainees. XA was detained for 16 days and throughout that period the five Hansip members took turns raping her until her genitals were injured and swollen and she could no longer walk. When the offenders had enough, they forced male detainees to rape XA and her friends. When XA was released, she could not walk because her hip had been broken, so a soldier carried her back to her house. When she arrived home, her family treated her with traditional medicine. From then on XA was always closely monitored by ABRI intelligence and eventually she fled to Dili.<sup>29</sup>

In 1979, YA was arrested with her husband, XA2, and taken to the Uatu-Lari Koramil. On arrival, members of Hansip took off her clothes, and then threw her on the ground. A member of ABRI urinated on her clothes and Hansip members took turns raping YA in front of her husband. Those who raped her included Hansip members PS39, PS32, PS33 and PS34. During her detention at the Uatu-Lari Koramil, members of the Hansip would come and take her every night to rape and threaten her. Afterwards they returned her to the jail at the Koramil.<sup>30</sup>

ZA, whose husband was a member of Falintil fighting in the forest, was arrested in the middle of the night sometime in November 1979 by a group of soldiers. She was forced to take her seven-year-old child with her to the Koramil.

*When I arrived at night they gathered us women into a room. Not long afterwards a Hansip member named PS35 came to open the door for the soldiers to take the women to be raped. Every night the soldiers came to take the women. They also came for me but I tricked them by chewing betel nut and smearing the red juice on my inner thighs so that when they came and took off my sarong and looked at my genitals, they thought I was menstruating, but I was not. One night a Hansip member, PS41, forcibly took me to an interrogation room. He hit me, kicked me and burned my body with cigarette butts. Then he tore off my clothes and raped me. At that time my seven-year-old child was left inside the jail.<sup>31</sup>*

According to the testimonies of these three women, many other women detained at the Uatu-Lari Koramil had similar experiences of sexual violence, but since they came from other villages their names are unknown. Although AB was arrested several years after XA, YA and ZA, her testimony corroborates evidence about the pattern of sexual violence at the Uatu-Lari Koramil. In 1981, AB was taken from her home by four Hansip members known to her as PS41, PS42, PS43, PS44.<sup>32</sup> They took her to the Uatu-Lari Koramil where she was held for one week and raped in turns by four Indonesian soldiers whose names she did not know. Eventually she was released after being detained for two months in Viqueque.

71. BB's experience was similar to WA's. BB and her daughter-in-law, CB, were arrested in 1981 and detained at an ABRI post in Rotutu (Same, Manufahi) because their husbands were members of Falintil and still in the forest.

*They took us both to the ABRI post. Then a commander PS393 raped me and one of his subordinates raped my daughter-in-law who was pregnant at the time. They put us in together with two other women from Hato Udo. They detained my daughter in-law because her husband was still in the forest...we were continually raped for seven months although I was already old and my daughter-in-law was pregnant. Then we were transferred to jail at Kodim [District Military Command headquarters] 1634 in Manufahi for seven months and there we were not raped again. I was sent to Ataúro with my children, aged four and six. We remained in Ataúro for four years, seven months and seven days.<sup>33</sup>*

72. In 1981 in Tutuala (Tutuala, Lautém), a man identified as Koramil commander PS45 raped a woman named DB. On 17 July 1981, during the commemoration of "Integration Day" in Tutuala, SZ had to cook with members of the government women's organisation, Guidance for Family Welfare (Pembinaan Kesejahteraan Keluarga, PKK). According to the testimony of her brother, DB1, while DB was busy cooking, Koramil Commander PS45 called her out of the kitchen but "because she did not want to go, he dragged [her] into a room and raped her...her clothes were all torn."<sup>34</sup>

73. EB was the only woman out of eight people captured in 1979 in Selo Malere (Aileu, Aileu) by an ABRI platoon from the Remexio (Aileu) Koramil. All eight were taken to the Aileu Kodim (District Military Command headquarters), then moved to the Remexio Koramil about a week later. From there they were forced to search for EB1, EB's husband, who had fled into the forest when the others were captured. Eventually, all the men were released but EB continued to be held at the Aileu Kodim. One day she was moved from the Kodim in Aileu and taken to the Aileu base-camp military housing by a second lieutenant. She was raped repeatedly for two days before being returned to Remexio.<sup>35</sup>

74. CB told the Commission about her abduction, detention, rape and forced involvement in ABRI search operations for Fretilin. In 1979, CB was caught in Manulesi by a Hansip member and the head of Rotutu Village (Same, Manufahi) PS237. CB was forcibly taken to the Same Kodim where she told the Commission: "I was repeatedly raped for one month". CB was forced to go into the forest to look for her husband. When she was unsuccessful she was beaten with the butt of a weapon. An Indonesian Sergeant-Major known as PS47 decided to have sexual intercourse with CB. He said if she refused it meant she "still loved her husband who was in the forest". The rapes continued for one month. CB was transferred to Aisirimou (Aileu Town, Aileu) where she was forced to work in the rice fields for six months with another group of people. Eventually the International Committee of the Red Cross intervened and she was able to return to her village.<sup>36</sup>

75. FB1 told about the violations that members of her family experienced in 1981 at the Kodim in Manatuto. FB1 and four members of her family were arrested by ABRI soldiers and taken to the Territorial Combat Battalion (Batalyon Tempur Teritorial, BTT) post in Mota Hasoru-Malu, Manatuto. There they were detained and interrogated about Falintil activities. They were

then moved to the post in Raemean and finally taken in an ABRI vehicle to the Kodim in Manatuto. At the Kodim the male detainees were tortured while FB's sister, was raped every night by PS48, an ABRI soldier.<sup>37</sup>

### Rape of male detainees

In accordance with international tribunal case law, men can also experience rape. Some male detainees were raped during the Indonesian occupation. Usually, male rapes took place in the context of torture.

Dulce Vitor, a detainee in the military police compound in Baucau in 1978, gave evidence of the rape of male detainees:

*When I was detained at the Pom [Polisi Militer, Military Police] office in Baucau, sometime around November-December 1978, I saw male detainees who were sexually harassed and raped. Male detainees were tied and stripped, then ABRI soldiers and partisans stuck pieces of wood into their anuses. They screamed because they couldn't stand the pain, but the soldiers ignored them. The more they screamed the harder and faster the soldiers thrust the wood in and out of their anuses. The women detainees were forced out of their cells to watch the rape of the men. Women detainees were also forced by ABRI to hold and massage the sexual organs of male detainees. I know this happened in other detention sites in Baucau, yet what I witnessed with my own eyes happened to five men, whose names I don't know, at the Baucau Pom office.<sup>38</sup>*

In 1984, two brothers, GB and HB, were captured by ABRI soldiers from their village in Lore I, (Lospalos, Lautém) and taken to ABRI Command Post 4 in Maluro, Lore I (Lospalos, Lautém). GB, the younger brother, was detained and beaten first. He was forced to confess that his brother, HB, was providing food for Falintil. HB was detained and tortured. He was beaten and made to eat chilli, salt, and human faeces. He told the Commission about the torture and rape he experienced:

*Several days later they separated my brother, GB, from me and the other detainees. He was taken to a forest close to the command post in Maluro. When GB came back he told me that an Indonesian soldier PS49 had [made him perform] oral sex with him, till he almost vomited. Suddenly PS49 appeared and asked me directly: "Do you want to live or die?" I replied that I wanted to live, so PS49 took me to an old abandoned garden and made me sit on a heap of stones and made me perform oral sex on him. He made me swallow his sperm. [On another occasion] I was still feeling dazed from torture till I [almost] passed out. An East Timorese ABRI commander [sic, rank unclear] named PS50 stuck his penis in my mouth, pissed in my mouth and made me swallow his urine. I was scared so I swallowed.<sup>39</sup>*

76. IB1 gave the Commission a statement about his sister, IB, who was gang-raped by ABRI soldiers at the Ainaro Kodim in 1981. Previously that same year, six soldiers went to IB's house in the aldeia of Poelau, Soro (Ainaro, Ainaro). They arrested her and her brother IB2 and took them to Kodim in Ainaro. On arrival, five other women were already there. They were all beaten and burned with cigarette butts by their interrogators. According to her brother's testimony, several ABRI soldiers raped IB because her husband was an active member of Falintil.<sup>40</sup>

77. Information gathered by the Commission indicate that a high incidence of rape occurred along with a rise in mass detentions from 1982 to 1984. For example, detentions related to the Mauchiga (Hatu Builico, Ainaro) and Kraras, Bibileo (Viqueque, Viqueque) incidents. A number of these rape cases took place in military headquarters or posts.

78. JB1 related to the Commission the violations experienced by her and her family in the aftermath of the Mauchiga uprising. Her daughter JB was captured on 5 September 1982 from their home in Dare (Hatu Builico, Ainaro) by ABRI soldiers and three members of Hansip - PS51, PS52, PS53 - and was taken to the Kodim in Ainaro. Her husband, JB2, who was arrested on 30 August 1982, and her son, JB3, arrested on 3 September 1982, were also taken



to the Ainaro Kodim where they were tortured. At the Kodim in Ainaro, JB was beaten, kicked, electrocuted, burned with cigarettes on her legs and finally raped by the Kodim commander known as PS394. She was also raped by a Hansip named PS53 and an ABRI soldier whose name she didn't know. Later the same day she was arrested, JB and her brother were moved to Balide Prison in Dili (their father was already there). Two days later she, her father, brother and other detainees were put on a boat to the island of Ataúro.<sup>41</sup>

79. In the Mauchiga incident, not only Hansip and low-ranking soldiers raped women, but also military commanders as evident in the testimony of KB. On 20 August 1982, KB, KB's sister, LB, and five others were detained in the aldeiah of Surhati, Mauchiga (Hatu Bulico, Ainaro) by Hansip members PS54, PS55, PS56, PS57 and PS58. They were taken to the Koramil in Dare where they were beaten with rifle butts, belts and stabbed all over their bodies with sharp rocks until they bled. On the day following their release, the same Hansip assaulted KB at her home. They beat her with a crowbar and clubs, cut her hand with a knife and then jabbed her breasts with the muzzle of a rifle. Two days later, a high-ranking Indonesian commander from the Ainaro Kodim known as PS59 forcibly transported the seven people by minibus to the Kodim in Ainaro. At the Kodim they were detained in the same cell and PS395 participated in electrocuting their cheeks and genitals. PS59 raped KB, who was two months pregnant at the time, and her sister LB in their cell at the Ainaro Kodim.<sup>42</sup>

80. During this same year, Hansip members PS54 and PS380 detained MB and NB in Surhati Mauchiga (Hatu Bulico, Ainaro) because their husbands were suspected of being Falintil commanders involved in the Mauchiga uprising. The two women were taken to Koramil in Dare where the Koramil commander and PS54 raped MB all night long. She was released the following day, but two days after she got home PS60, a member of Hansip, went to MB's house. He threatened her with a weapon and raped her. The rapes continued for one month.<sup>43</sup>

81. OB and PB of Lifau (Laleia, Manatuto) were detained and raped in the Kodim in 1982. As her brother was a Falintil fighter, OB, along with her friend PB, were taken by two members of Hansip named PS62 and PS63, to the Kodim in Manatuto. There they were interrogated by the Kodim chief of staff (Kepala Staf Kodim, Kasdim) whose name is not known. After two days in detention, OB was taken into a room and raped by the chief of staff. At first OB resisted and so was beaten. In the end she "could do nothing but cry". One week later the two women were released. Not long after that, OB was almost raped by a Hansip named PS64, who accosted her with a gun when she was on the way to work in the fields. Because a TBO unexpectedly walked by, OB managed to escape. However, her mother and sister, OB1 and OB2, were detained and exiled to Ataúro soon after this.<sup>44</sup>

82. As her husband was a Hansip member who defected and fled to the forest to join Falintil, QB was arrested by two TBOs in March 1984 in her village of Mehara (Tutuala, Lautém). She knew the two TBO from Battalion 641 as PS65 and PS66. She was taken to post 641 in Herana-Poros (Lautém) together with another woman. On arrival at the Koramil, QB was told to go into a room full of weapons and, in darkness, she was interrogated about her husband. A soldier named PS67 [Indonesian] "started to touch my body, kiss my lips, burn me with a cigarette...[H]e hit and squeezed my swollen belly - I was pregnant at the time - to make me have a miscarriage." Then she was raped by PS67.<sup>45</sup>

83. RB told the Commission about her experience at this same military post, Battalion 641, in October 1984. At that time ABRI had already detained her husband in Lospalos (Lautém). RB and another woman were summoned from a list made by ABRI to the Koramil by a TBO. The commander and deputy commander of the post raped both of them. RB told the Commission:

*The ABRI did not consider the status of the women they wanted to rape – whether they were married women or still virgins. They targeted East Timorese women. I do not know why they only sought East Timorese women. Usually they instructed their TBO to collect women whose names were on a list - Who knows why? Maybe for being involved in clandestine activities or because their families ran to the forest - to be interrogated and then raped. It is as if these posts which were set-up for security reasons, became in fact places where women were raped. I saw many women taken there to be raped but unfortunately I do not know all the names, I only know a few. [12 names listed.]<sup>46</sup>*

## Rape of female detainees in the Flamboyant Hotel

The Flamboyant Hotel, in Bahu (Baucau Town, Baucau), was one of the most feared places of torture in the eastern district of Baucau. In addition to the Hotel there were nine other detention centres in Baucau Town, namely the Kodim and Koramil posts, Uma Lima (Five Houses), Rumah Merah (Red House), Municipal Club (Clubo Municipal), the Regimental Combat Teams (Resimen Tim Pertempuran, RTP) RTP 12, RTP 15 and RTP 18, and the District Police station (Polisi Resort, Polres). Male and female detainees were verbally abused, beaten, kicked with military boots, burned with cigarette butts, the fingers of their hands and toes were pressed under the legs of chairs and they were kept in solitary confinement for long periods of time. The sexual assault of women detainees was the main difference between men's and women's experiences in detention. When women were burned with cigarette butts, their breasts and genitals were often targeted. When they were stripped naked during interrogation, the threat of rape was an added burden to female detainees. At least 30 female detainees known to be held in Hotel Flamboyant and other detention centres in the town of Baucau from December 1975-84 were tortured. Nearly one-third of them were also raped.

For those whose loved ones were detained, lack of information about their location and condition became a daily preoccupation. SB1 was only ten years old when her sister SB, two brothers, her uncle and aunt were taken from their homes in July 1976:

*They were chained together and made to walk in a line. My cousins and I, all of us aged seven to ten, ran to follow the truck, shouting: "Where are you taking them?" After two days of looking for them at Flamboyant, a soldier told us to look for them at Rumah [Uma] Lima. When we arrived there a TBO from Baucau whispered to us that they were there. We were so relieved and immediately brought food for them. The next day they were no longer there. Only the empty food containers remained at the military post. I asked where they had been taken, but everyone just said they did not know. That day I saw many corpses being loaded onto a vehicle. They were stuffed into rice sacks, but the sacks were too short for the bodies. I saw heads jutting out, hair coming out. They threw the corpses into the vehicle like they were throwing firewood. I also heard screams of detainees being tortured. We went to Flamboyant to look for our family there. The next day, my sister was released and came home. She had changed. She was quiet and kept to herself. She told me that she and the others were interrogated, beaten and put in a room so crowded with other male and female detainees that no one could lie down to sleep. She said she was tied up, face-to-face, with another male detainee. She was also raped by an ABRI soldier. When she told me this she cried hysterically and then started laughing to herself. She was shocked and traumatised. After this, many ABRI soldiers came to our house asking her to marry them, but my parents refused. They only stopped coming after SB got married. She died a few years later, leaving behind two young children.<sup>47</sup>*

TB was abducted when she was two months pregnant and detained in the Flamboyant Hotel for six months. She was stripped naked, electrocuted and raped in a standing position. The torture and rape she endured were so brutal that in the end she agreed to become the "wife" of a member of Battalion 744 in order to secure her release.<sup>48</sup>

Sometimes detention, torture and rape of women in Flamboyant Hotel were clearly forms of proxy violence. UB1, daughter of a Baucau Fretilin leader, VB1 and VB2, daughters of another Baucau Fretilin leader, were among the first women to be detained at Flamboyant Hotel. UB1 told the Commission about the repeated rapes of UB whose husband was a Falintil Commander. UB1 took care of UB's three children, aged five, four and two years old, while she was held separately in a room on the second floor of the hotel where ABRI soldiers tortured and raped her. UB1 recalled how the women and children detained on the floor below would hear UB scream whenever she was tortured.<sup>49</sup>

VB1 told the Commission about her aunt who was among those tortured and raped. Her aunt never talked about it until, on her deathbed, she showed VB1 and her family the scars all over her body from the torture she experienced.<sup>50</sup>

According to Zeferino Armando Ximenes, in 1979 soldiers from Battalion 330 raped a woman by the name of WB in her home while her husband was in detention.<sup>51</sup>

Witnesses named the following ABRI units as perpetrators: Battalion 330, Battalion 745, a special forces unit known as Secret Warfare Command Force (Komando Pasukan Sandhi Yudha, Kopassandha), Nanggala (code name for a Kopassandha unit deployed in East Timor from 1975-83), Umi (one of four Nanggala units deployed in East Timor named for its radio callsign), Field Artillery Unit 13 (Batalyon Infantri Artileri Medan, Yon Armed), Military Police (Polisi Militer, Pom), Mobile Police Brigade (Brigade Mobil, Brimob), Infantry Brigade (consisting of three battalions) and Hansip members. The units deployed in detention centres were mixed. The first ABRI commander at Flamboyan Hotel was a Kopassandha commander named Major PS68, while the troops stationed there were from Battalion 330. Additionally, members of the Military Police, the Umi team, and Hansip were also at the Flamboyan Hotel. Battalion 330 and members of the Secret Warfare Command Force were reported to have been present at Red House (Rumah Merah). Members of the Secret Warfare Command, Kodim and Koramil, and the Hansip were seen at the Municipal Club. Battalion 745 (from Lospalos) and Field Artillery Unit 13 (from Malang) were deployed at RTP-12. Only members of Field Artillery Unit 13 were deployed at RTP-15 and RTP-18 and they did not mix with other troops.

The following ABRI and police officers were identified by victims and witnesses as perpetrators of torture and rape in Baucau (those named were witnesses, not victims of sexual violence themselves):

- Major PS68, Kopassandha commander, perpetrator of four listed torture and rape victims: XB, YB, ZB and UB (named by RJ, Marcelina Guterres, Florencia Martins Freitas, Santana de Jesus Soares Li)
- Captain PS69, a subordinate of Major PS68 [Indonesian], perpetrator of one listed torture victim (named by Florencia Martins Freitas)
- Private Second Class PS70, Battalion 330 [Indonesian], perpetrator of two listed torture and rape victims: YB and D (named by RJ)
- Private Second Class PS71, Battalion 330 [Indonesian], named as perpetrator of the same two torture and rape victims: YB and D and as perpetrator of listed torture and rape victim: UB (named by RJ, named as a member of Umi by Marcelina Guterres, Florencia Martins Freitas)
- First Sergeant PS72, Battalion 330 [Indonesian], perpetrator of two listed torture and rape victims: AC and UB, and as perpetrator of two listed torture victims: DC and DS (named by Marcelina Guterres, RoRJ, Florencia Martins Freitas, Terezinha de Sa)
- Mobile Police Brigade members PS73 and PS74 [East Timorese], perpetrators of one listed torture victim who named them: VB2
- Chief Warrant Officer PS75 [Indonesian] of the Military Police, perpetrator of one listed torture victim: BR, and perpetrator of one listed rape victim: BC (named by Terezinha de Sa, Miguel Antonio da Costa)
- First Sergeant PS76 [Indonesian] of the Military Police (now deceased), perpetrator of two listed torture victims: BR and DC, and perpetrator of one listed rape victim: CC (named by Terezinha de Sa, Miguel Antonio da Costa)
- First Lieutenant PS77 [Indonesian] and members of Field Artillery Unit 18, perpetrators of three listed torture victims: JG, LMG, and T (named by Zeferino Armando Ximenes)
- PS78 [East Timorese], an informer and staff member of the Flamboyan Hotel (named by Florencia Martins Freitas).

The effects of torture experienced by female detainees in Baucau continued throughout their lives. RJ, Terezinha de Sa and DC still suffer from back problems as a result of being beaten with wooden blocks when tortured. RJ is unable to walk normally. The deaths of at least five women - UB, AC, Ana Maria Gusmão, Mafalda Lemos Soares, and Palmira Peloi - may be related to their torture while in detention.

#### D. Other rapes

84. As the Indonesian military expanded its control of the territory, rape did not only happen behind military walls by Indonesian soldiers. Many East Timorese who worked with the Indonesian military, such as members of the Hansip and government officials, are also named as perpetrators of rape.

85. This increase in rapes by non-military personnel may be interpreted in different ways. It may point to the expansion of Hansip forces as well as to their increased role in aiding the military. It may also point to the impunity enjoyed by military perpetrators of rape in previous years.- that the military could get away with rape may have prompted other men to do it. Testimonies of some victims of repeated rape indicate that the first offender not only enjoyed impunity, but also encouraged others to commit the same crime. The following cases show a pattern of rape where women were handed over from one perpetrator to another.

86. DC said that in 1976 she was raped by PS79, the Sub-district civilian administrator (*camat*) of Lequidoe (Aileu), who went to her house and threatened to kill her father and brothers if she did not comply. Because DC was a virgin, she bled when she was raped and was very sore for a week. Several months later, PS79 sent four ABRI soldiers - PS80, PS81, PS82 and PS83 - to DC's house and they raped her. According to her testimony, this Sub-district administrator raped many others.<sup>52</sup>

87. EC told of her capture and rape in 1976 by Hatu Bulico (Ainaro) Koramil Commander PS84 (see section on Sexual Violence in Chapter 7.8: The Rights of the Child). After EC was seized by the military commander and a village head in Hatu Bulico (Ainaro), PS85, she was taken to the tactical command post (Komando Taktis, Kotis) where she was interrogated by Hansip member PS86 and commander PS84. EC was then stripped naked and raped, first by the head of the village, PS85, and then by Commander PS84. Still naked following the rape, she was ordered to return to her house. She was so ashamed that she had to hide on her way home. Several days later, Hansip member PS87 came to her house. He had just returned from an operation in the forest, so he was carrying a Mauser rifle. PS87 threw down EC, stripped her naked and then called all of his Hansip friends who were with him to come look at EC. When they saw her they laughed and whooped. Then PS87 raped her. He continued coming to EC and raping her until she became pregnant and gave birth to a child. In this case the behaviour of the local Koramil commander gave the "green light" to his subordinate, a Hansip member, to imitate him in his violation of both the law and local cultural morés. The case also shows that offenders who were not legally punished for their violations could become repeat offenders (see section on Sexual Violence in Chapter 7.8: The Rights of the Child).<sup>53</sup>

88. After Hansip members PS88 and PS89 killed FC's husband in 1979, other Hansip repeatedly raped FC in Aiduk, Leolima (Hatu Udo, Ainaro). First, an East Timorese member of the regional parliament (DPRD I) named PS90 raped her. Then PS90 brought two Indonesian members of ABRI, PS381 and PS382, from Battalion 323 and 125, to rape FC again. Later on, PS90 invited his four sons - PS91, PS92, PS93 and PS94 - to take turns raping FC.<sup>54</sup>

89. GC was raped by the Ainaro Koramil commander when she surrendered in Bunaria (Ainaro, Ainaro) in 1979. After she returned to her house in the village of Soro (Ainaro, Ainaro), Hansip members and the Indonesian Village Guidance Officer (Bintara Pembinaan Desa, Babinsa, a non-commissioned military position) of Soro named PS95 often went there and raped her. GC was raped at least twice by PS95 and became pregnant as a result of the rape. Due to her situation, a priest and a Catholic nun took GC to live at the church. The rapes only stopped when she moved to live and work in the church.<sup>55</sup>

90. HC (Quelicai, Baucau) gave evidence to the Commission about the repeated rapes she experienced. Fearing Indonesian military attacks, HC and her adopted mother ran to the forest in 1977. In 1978, HC, along with other refugees, was captured by members of ABRI and Hansip and brought to the village of Abafala (Quelicai, Baucau). HC's mother had died in the forest and her brother was a Falintil soldier. In December 1979 two Hansip members took HC from Uaitame (Quelicai, Baucau) to the Abafala Village office, which also served as an ABRI post. On arrival at the post, Hansip PS96 pushed HC towards sleeping soldiers and members of Hansip while shouting: "This woman is a member of Fretilin. Just fuck her!" They gagged her with a hand and said: "If you resist we'll fuck you dead". HC was raped by PS96 in front of the soldiers

and Hansip members at the post. She was released after the rape but the following day Hansip PS96 brought her back to the post and raped her again. The rapes continued for four nights until another Hansip member reprimanded PS96.<sup>56</sup>

91. In 1991, a group called Volunteers (Sukarelawan),\* which included PS97, PS98, PS99 and PS100 [East Timorese], arrived at the house of IC in Cassa (Ainaro, Ainaro). They came to capture IC's husband, but because he had already fled to Dili, they took IC instead. They brought her to PS98's house and tortured her. Her hands were tied with a cable together with another woman victim whose identity she did not know. They were interrogated about Fretilin activities, especially about providing food to Fretilin. During the interrogation the Sukarelawan members held a machete to IC's chest, beat her repeatedly with a rifle butt and punched her in the face. After two days and two nights the women were finally released. However, two members of the Sukarelawan, PS99 and PS100, followed IC to her house and raped her there.<sup>57</sup>

92. The rape of a detainee's wife, aside from being a violation experienced by the woman herself, was an added strain on the detainee, something that could eventually break his resistance to his interrogators. JC1 told the Commission about his detention and torture as well as the rape of his wife, JC. On 4 October 1984 about 20 soldiers and 10 members of Hansip from the Dili Kodim detained JC1 and his two brothers, who were suspected of providing food to Falintil. Another five men were also detained at this time. They were interrogated and tortured at the Dili Kodim and later moved to the government's Social Political (Sospol) office in Dili. In the end, JC1 and his brothers were held in the Balide jail for three and a half years. JC1's wife told him that while he was in detention she had been raped four times by a soldier.

*I had a jail sentence of three years and six months. I spent three months of the sentence at the [Dili] Kodim [District Military Command] and on 4 January 1985 they moved me to the Balide prison in Dili. While I was in Balide Prison, my wife visited me and told me that she had been threatened by TNI [ABRI] soldiers and had been raped four times. She didn't know their names.<sup>58</sup>*

#### **Rape during consolidation of the occupation (1985-98)**

93. Given the many compelling reasons why people do not speak publicly of their experiences of rape, the Commission has assumed that the under-reporting of sexual violence was relatively consistent across all periods of the conflict. This assumption has allowed the Commission to make some broad observations on the patterns of rape that occurred over the whole period of the political conflict.

94. The number of rape cases reported from the first few years of the occupation ranged between 10 and 47 per year. However, following a sharp increase in 1982 of reported rape cases (48 individual acts of rape from statements collected), there was a significant decrease in the number of cases reported - only 2 to 17 cases a year between 1985 and 1988. Two factors may have contributed to this decrease: the Indonesian military was decreasing its large-scale operations and the civilian government was increasingly in charge of day-to-day life in Timor-Leste. During this same period, victims named police officers as perpetrators of rape. This suggests an increased role of the police in maintaining security. Also during this period, victims' families began to seek legal redress for rape although, as perpetrators were seldom prosecuted to conviction, the judicial processes offered no real justice to victims. Rapes continued throughout the late 1980s and on through 1998, but at lower levels than during the first years of the occupation.

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\* Sukarelawan was a pro-integration group started in Ainaro about 1991 by Cancio Lopes de Carvalho that later received support from ABRI. Members of Sukarelawan later formed the core of the Mahidi militia.

A. Rape in detention

95. Although daily life during this period became increasingly normal, the military still detained and tortured individuals suspected of supporting independence at will. Women were detained either on suspicion of being pro-independence, or because their husbands, brothers or other family members were suspected of being involved in the Resistance. Almost 10% of all women detained during this period were raped on at least one occasion during their detention; many were repeatedly raped.

96. KC1 gave evidence to the Commission about the forced recruitment and rape of his wife, KC, in 1989 in Mehara (Tutuala, Lautém). As KC1 was a Fretilin/Falintil fighter living in the forest, Halilintar paramilitary troops forced KC to join military operations for two months. During this time she was raped by the troops and became pregnant as a result. PS101, a TBO with the troops during this time, later told KC1 that on 30 September 1989 he had personally witnessed soldiers from Battalion 744, under the command of Captain PS102 [Indonesian], stab KC in the chest with a bayonet, causing her death.<sup>59</sup>

97. Two sisters, LC and MC, were abducted together with their father in Ermera in 1994. 15 ABRI soldiers, only four of whom the sisters recognised, took them to the Koramil in Atsabe (Ermera). MC told the Commission:

*In 1984 [East Timorese] soldiers named PS103, PS104, PS105 and PS106, together with 11 Indonesian soldiers, detained me, my father...and my younger sister, LC, at Lasaun [Atsabe, Ermera]. They took us to the Atsabe Koramil, where they separated us. My father was in one room and my sister and I were in another. Both Timorese and Indonesian soldiers hit and kicked us. They immersed their boots in water and kicked us. They put a gun into our mouths, asking for information. They stripped my sister and I naked, blindfolded us, and put us in a tank of water from 8.00am until 12.00 midday. They did this again from midnight until 2.00am. After this they put us in a hole in the ground to kill us that night, but this did not happen and we were brought back to our place of detention. The soldiers, both Indonesian and Timorese, raped my sister in pairs. I could not keep track how many [soldiers raped her] because there were so many. This continued for four days.<sup>60</sup>*

98. NC was detained on 24 January 1996 at the Maliana Kodim 1636. There, she was threatened with a weapon, electrocuted and left to sleep on the wet floor. Members of, Joint Intelligence Unit (Satuan Gabungan Intelijen, SGI) raped NC while she was blindfolded and her hands and feet were in handcuffs. After several weeks she was released, but had to report to the Kodim every day for a year.<sup>61</sup>

99. On 10 February 1996, 10 East Timorese soldiers arrested OC and PC in their village of Raiheu (Cailaco, Bobonaro), and took them to the Bobonaro Koramil. They were held in separate cells in the Bobonaro Koramil where they were tortured, interrogated and suffered repeated rape:

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<sup>59</sup> In this case, Halilintar in Lautém in 1989 refers to a particular group of ABRI soldiers rather than to the militia group active in Bobonaro District.

*On 10 February 1996 at about 6.00am in the sub-village of Bada Lesumali, Raiheu [Cailaco, Bobonaro], ten Timorese soldiers carrying guns arrested me and my friend, PC. I knew the name of only one of them - PS107. At the time of our arrest we weren't tortured, but taken to the Bobonaro Koramil where we were put in separate cells. After that a soldier interrogated me about my relationship with Falintil. Because I wasn't honest, five Timorese soldiers slapped me twice and kicked me with their boots four times. They placed a chair on the toes of my left foot and then sat on the chair until my toes bled. Then I was put into a small room until the next morning.*

*On 12 February 1996 at about 7.00pm, five Indonesian soldiers entered my cell. They threatened me, threw me on the floor, stripped me and raped me. While it was dark, the five of them took turns raping me, one after the other, for three hours. I was 20 years old when ABRI raped me. That same night, ABRI also raped my friend PC but I didn't know it at the time. PC told me afterwards.*

*On 13 February 1996 the Bobonaro Koramil commander delivered the two of us to the Bobonaro Kodim 1637 [in Maliana] where we were handed over to the Kodim commander. Again we were separated and placed in dark cells. I was interrogated by two ABRI soldiers on duty at the Kodim. During this interrogation they took off all my clothes except my underpants, gave me electric shocks and burned my nipples with a cigarette butt. They were kissing me and flirting with me after they'd pushed me up against the wall to rape me, but it didn't happen because they saw [menstrual] blood in my underpants.*

*On 12 February 1998, three Rajawali soldiers came to my cell and tied my two hands together. [They took me outside], threatened me and forced me against a tree near the detention building. They lifted up my skirt and raped me in a standing position. That same day they released me and ordered me to go home.<sup>62</sup>*

100. During this period, perpetrators of rape in detention were not only members of ABRI, but also members of the police. Although cases of rape by police were fewer compared to rape cases by ABRI, the treatment of female detainees by police was similar to the way ABRI treated women detainees, especially women suspected of involvement with pro-independence organisations.

101. In 1993 three women named QC1, QC2 and QC were returning from a meeting with members of Falintil in Atsabe (Ermera). Two East Timorese intelligence officers, PS108 and PS109, ambushed them and attempted to sexually assault them on their way home. A member of Falintil, PS325, was able to prevent the assault by stabbing PS108. The three women ran away but a week later they were picked up again and taken to the police station in Atsabe where they were tortured. An East Timorese police officer, PS110, took QC to an empty room, stripped her and raped her. QC experienced severe pain for three days. After three days they were moved to the district-level police station in Gleno (Ermera) where they were held for one week. They were then sent back to the Atsabe police station where they were held for one month. QC was just 15 years old at the time.<sup>63</sup>



*B. Rape without legal recourse*

102. Indonesian courts were functioning in Timor-Leste as early as 1977. However, by the 1990s the formal justice system was still not serving rape victims and their families who attempted to use it to obtain some form of justice. Most victims thought it useless or even dangerous to report the fact that they had been violated. Those who did seek legal redress for the violations they suffered received little help.

103. On 4 April 1992, RC of Fatuletu (Zumalai, Covalima) was raped by a member of Hansip named PS111. As described by her sister, RC1, RC's family reported the case to the Koramil commander in Zumalai, but to no avail:

*PS111 came and threatened us with a gun. He shot in the air three times. We were all scared...He came to force my younger sister RC to have sexual relations with him. Because she was afraid, he raped her. Even though PS111 was a Hansip member and a village official whom we knew was married, he wanted to force my sister to become his mistress, but because she refused he threatened her with a gun and raped her. We reported the case to the Koramil commander, but he just kept quiet. Then he told us just to settle this through 'adat' [traditional customs]. But this did not happen. PS111 just said in a threatening manner: "This is the rule of the gun. We are free to rape Fretilin supporters." My sister RC died in 1999.<sup>64</sup>*

104. SC was raped in 1995 by a police officer known to her as PS396 in Soibada (Manatuto). The police officer entered her house in the middle of the night and fled the scene when SC's parents entered the room. Although clearly a crime under Indonesian law, the police commander who investigated the case beat the officer who had raped her, shaved his head and forced him to pay a small compensation instead of carrying out his duty to arrest him. The treatment of the perpetrator by his commander clearly demonstrates that the police commander accepted that his subordinate had committed a violation. However, he did not arrest him. According to the evidence of SC:

*He covered my mouth so I could not scream, then he stripped and raped me. I cried at the time and my parents heard me. PS396 fled and jumped the front fence, running towards the police station. My parents beat me up and then reported the incident to the Kapolsek [Kepala Polisi Sektor, Sub-district Police Chief]. The Kapolsek came to my house with his subordinates and beat PS396 in front of my parents. Then he shaved his head and ordered him to pay Rp200,000 in compensation. After that he was transferred to Manatuto.<sup>65</sup>*

105. On 5 November 1996, TC from Lisapat Village (Hatulia, Ermera) was arrested along with seven members of her family in Atabae (Bobonaro) on suspicion of harbouring Falintil. They were brought to the Ermera Koramil where they were detained for about two weeks. They were then held for another two weeks at the Army Strategic Reserve (Rajawali II)\* military post in Lulirema (Ermera). While TC was in detention, soldiers repeatedly raped her and made her do domestic chores. This case became known to local church workers who successfully advocated for TC's release. The case also was reported to human rights workers in Dili and Jakarta. In a submission to the Indonesian Human Rights Commission (Komnas HAM) on 22 January 1997, a coalition of Jakarta-based NGOs gave details of the case:

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\* Rajawali is the code name of the 'Komando Strategis dan Cadangan Angkatan Darat (Kostrad) The Army Strategic Reserve Command that was based in Timor Leste throughout the 1990s. Previously this term was used for Kopassus (Special Forces). All references in this chapter to the Rajawali as perpetrators, refer to members of Kostrad.

At about midnight, TC was released from the flagpole and brought to the Koramil headquarters with her hands still in handcuffs. She was put in a separate room by herself...All the time she was there, she was kept in handcuffs except when she ate and went to the toilet. One day (date unknown to the victim) at about midnight, when it was very quiet, suddenly the lights in her room were turned off from the outside. In the darkness, a soldier she could not recognise entered the room. He embraced her while threatening her not to scream. "If you scream it's your own fault. I will take you out tonight and kill you in the forest. If tomorrow you tell my commander, I will kill you the following night," he said. With her hands in handcuffs, TC resigned herself to being raped until she fell unconscious...

In mid-November 1996, the detainees were brought to Rajawali II command post in Lulirema. In this command post there were 50-100 soldiers. They were detained there for two weeks. During the first week, TC was raped twice. The rapes took place at night with her hands still in handcuffs. The perpetrator's name was unknown to her, but she knew that his rank was three yellow chevrons (a Sergeant-Major), that he was dark-skinned and tall with straight hair...In the second week her handcuffs were taken off. The same perpetrator raped her twice more. While she was at the military post, TC was also made to boil water and do other chores.<sup>66</sup>

106. TC was released after the intervention of a local catechist.<sup>\*</sup> She filed a report with the Military Police in Balide in Dili with the help of two lawyers from the HAK Foundation, a legal aid and human rights NGO, who were supported by senior Indonesian lawyers in Jakarta and Kupang. One of the lawyers, Rui Pereira dos Santos, explained:

*The [investigation process] took a long time. The main impediment was that the person who committed these crimes at the Rajawali post in Ermera had returned to his base [outside East Timor]. That was...why he could not be brought to the military police (headquarters) in Dili to be investigated. When the investigation was completed we sent the papers to the Korem Commander with copies to the High Military Court in Jakarta, Military Commander-in-Chief, Minister of Defence and Security, the Attorney General and the Head of the Supreme Court in Jakarta. At the end I heard that they completed the indictment in Jakarta, but the indictment was changed from rape to having mutually consenting sexual relations [a lesser charge]. They also took away any mention of TC's domestic chores. I heard that the perpetrator was sentenced to six months, but as TC's lawyer I never actually received copies of the decision. During the investigation process, TC was already three or four months pregnant.<sup>67</sup>*

107. On 9 January 1997, UC and UC1 were arrested in the village of Babulo (Uatu-Lari, Viqueque) because of their involvement in smuggling bullets to Falintil. They were taken to the

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\* Catechist is a lay position in the Catholic Church that provides for local religious training and guidance for learning the liturgy, preparing families for their children's baptism, preparing children to receive communion, and similar tasks. In Timor-Leste there are Catechists in most village communities.

Uatu-Lari Sub-district police station then moved to the Viqueque District Police Station 1134 in the town of Viqueque. UC explained the events that followed:

*When we arrived there, they detained us separately. That night they called me for interrogation then sent me back to my cell. That same night a policeman named PS112, originally from Kupang, came into my cell and raped me until dawn. On 11 January 1997 another policeman named PS396 came into my cell and again I was raped until dawn.<sup>68</sup>*

108. After her interrogation UC was released, only to be summoned again on 23 August 1997 for a court hearing. Yayasan HAK provided UC with legal assistance during her trial and she told them about her rape while in detention. She was too afraid for her life to go with her lawyers to the Military Police, so her lawyers reported the crime using their power of attorney. They also forwarded the report to the provincial military auditor. However, according to UC's lawyer, there was no substantial response. The case remained "in the ice box".<sup>69</sup>

#### *C. Rape in and around the victim's home*

109. As with cases of sexual violence overall, the number of cases of rape of women reported to the Commission, including rape in detention, decreased markedly between 1985 and 1998. Women, however, still remained at risk of sexual violence. This is particularly clear in cases of rape taking place in areas that have traditionally been regarded as the realm of women: in and near their homes, in their gardens and in their neighbourhoods.

110. In 1989, VC was 15 years old when Indonesian Private First Class PS113 from a field artillery (Artileri Medan, referred to as Armed) unit came to her house in Iliapa, Lore II (Lospalos, Lautém) demanding that VC become his "wife". According to VC, by this he meant having access to her sexually and having her accompany him to parties. VC refused. PS113 threatened her with a gun, then dragged her to the bedroom and raped her. As a result of the rape she became pregnant but continued going to school. Private PS113 was transferred to Laga (Baucau). Later, he turned up again and, this time threatening her with a grenade, tried to force her to come with him to Laga. VC was able to escape.<sup>70</sup>

111. PS114 was the head of the aldeia of Talo, Hatulia (Hatulia, Ermera). Owing to his close ties with Battalion 744, PS114 was able to commit repeated rapes with impunity. In March 1989 he repeatedly raped 14-year-old WC, who described how it happened:

*Ps114 just came in, took off my clothes, sat on top of me and raped me four times that night. He gave my mother Rp30,000...Whenever he found me by myself on the street. He would pull me into the coffee bushes, strip and rape me. He even brought an Indonesian man named PS115, the supervisor of the coffee plantation, PT Salazar, in Talo. PS115 called me to the street, pulled me [into the bushes] and raped me. When I got home, PS114 raped me again. I felt like an animal. PS114 raped me many times - on the road, in the coffee plantation, anywhere...until I became pregnant. Then he never recognised the child.<sup>71</sup>*

112. XC was another victim of the same offender, six years later. She was raped in her home in Talo in 1995. In her testimony, XC says that PS114 was known to have good relations with Battalion 744 and she feared for her life if she resisted him.<sup>72</sup>

113. Also in the aldeia of Talo, a soldier from Battalion 726 raped YC. On 12 July 1989 four soldiers, armed and wearing army fatigues, surrounded YC's house. At the time, her father and brother were not at home. One soldier entered the house and raped her.<sup>73</sup>

114. ZC's husband, a member of Falintil, was holding a secret meeting with a Falintil commander named Mauhunu and Adjunto Mera Putar when the three were ambushed by soldiers in a joint operation comprising members of Battalion 142, the Ainaro Kodim and milsas. As her husband managed to escape, ZC became the target of proxy violence. She was taken from her house on the same day:

*On 8 November 1991, the Sukarelawan [Volunteers], led by PS98, arrived at my home with two of its members, PS116 and PS 117. They asked where my husband was. I replied that he was out working on a project. Then they took me to a place called the Pro-Integration Hall where I was interrogated. I was accused of preparing food for Falintil. I replied I did not know anything. Two days later, members of Sukarelawan tied me up together with 14 other men and women. After one night, PS98 and Second Sergeant PS118, a member of Koramil, untied us and we were forced to sign a statement...Before that we were forced to drink palm wine as part of taking an oath in a ceremony [of allegiance to Indonesia]. We were forced to take this oath in November 1991. After that we were made to dance with PS98 and militerisasi members until dawn. One night, members of Sukarelawan entered my house with knives, guns - AR 16, FNC, SKS - and samurai swords. PS1119 ordered my father-in-law to go buy cigarettes. Then I was dragged into the bedroom, my clothes were torn off and I was raped...Another member, PS120, raped me once.<sup>74</sup>*

115. Women were not only raped after being taken from their homes; AD was raped in a kiosk near her house in Laleia, Manatuto. In 1994, on her way to the kiosk to buy biscuits, a group of soldiers - PS123, PS124, PS125 and several others - forced AD into a kiosk. PS123 then raped her while the other soldiers stood guard at the entrance. PS123 threatened AD with death if she screamed.<sup>75</sup>

116. BD1 of Aidaba Leten (Atabae, Bobonaro) gave evidence to the Commission about the rape of his wife, BD. In 1996 Halilintar militia members captured BD1 in Aidaba Leten and tortured him at the Joint Intelligence Unit (SGI) post, which was at the home of PS126. One year later, after BD1 had already fled to the forest, the same group of militia, including PS127, PS128, PS129, PS130, PS131 and PS132, came to his house where his wife, BD, was staying. They threatened they would kill all of BD's family if she did not surrender. PS130 raped BD in her own home.<sup>76</sup>

117. In December 1996, CD watched members of army strategic reserve (Rajawali) search her house in the village of Batu Manu (Atsabe, Ermera) after receiving information that she was involved in clandestine activities. CD, her brother, her father, together with two other men, CD1 and CD2, were tied up and beaten. In the middle of the night they were made to look for a man called Mateus who allegedly went to the forest to deliver grenades. CD had to climb the hills and cross a river. Two members of the army strategic reserve raped her in front of CD1.<sup>77</sup>

118. E1 was active in the clandestine movement. In August 1997 his sister E was taken from her home by PS133, an East Timorese Babinsa, and three East Timorese ABRI soldiers - PS134, PS135 and PS136. They took her to the village office in Betulau (Liquidoe, Aileu) where

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<sup>74</sup> Militerisation or milsas was a process of military recruitment and training of civilians begun by the Army Strategic Reserve Command (Kostrad) in 1989. Members of civilian groups such as the Hansip (Pertahanan Sipil, Hansip), People's Resistance (Perlawanan Rakyat, Wanra) and Trained Civilians (Rakyat Terlatih, Ratih) were sent from East Timor to Bali or Malang (Java) for three months of military training. Upon completion of their training they were inducted into the army. Both the training and those East Timorese who were trained in this way were commonly called milsas or sometimes three-month soldiers. [See Part 4: The Regime of Occupation for more details of milsas programmes in Timor-Leste].

E1 was already being interrogated. There, PS133 and another militia member raped E. She kept this a secret until, on her deathbed, she told her brother.<sup>78</sup>

119. DD1 gave evidence to the Commission of the rape of her sister, DD, in the village of Laulana (Letefoho, Ermera) in 1998. Members of Territorial Combat Battalion (BTT) 711 took turns to rape her in her own house. Suspected of cooking for Falintil, DD was forced into the kitchen by three soldiers (one of them an Indonesian called PS137) where she was raped in front of her brother.<sup>79</sup>

## **Testimony and evidence from Mário Viegas Carrascalão on violence against women from 1982 to 1992**

In his written submission to the Commission, Mário Viegas Carrascalão, the Governor of East Timor from 1982 to 1992, identified four groups of perpetrators of sexual violence against women.

**“1) Indonesian soldiers** [who committed violent acts against women] in a more or less organised and systematic way. In these cases, the victims were in general easy targets, as they would pay with their own life, or a relative’s life, if they refused to obey the violator/offender. There were accounts where even the firing of weapons was used [by soldiers] to achieve their goals. These victims included:

- a. Close female relatives of Resistance members killed in combat, for instance their widows and/or daughters, as well as sisters, aunts and cousins
- b. Wives and/or daughters of those detained accused of supporting the resistance
- c. Wives and/or daughters of those who still had relatives “in the forest” even if not active [in the Resistance]
- d. Female prisoners [detained] for criminal offences and female political prisoners
- e. Daughters of an East Timorese woman and Portuguese man living abroad, or their descendants
- f. Beautiful daughters of common village people, offered to the soldiers by their own relatives in exchange for favours/benefits/secretcy; in some areas of Timor Leste, such practices were already in use during colonial times
- g. Young women living in “Guarded Villages” (Desa Binaan) that were none other than concentration camps.

“In these cases (a. to g.), [methods] frequently used were threats, intrigue, blackmail and terror. The perpetrators were consistently soldiers with territorial functions (from the provincial, Kodim and Koramil, village-level military and police officers). The women were “gifts” offered by local subordinates to their superiors when they came on working visits. This was a way used by inferiors to attract the favours of their superiors and thus get a faster promotion in their careers.

**“2) East Timorese integrated into the structure of the occupying military power** as informants, members of paramilitary groups or Hansip and Civilian Security, or inducted as part of the regular forces. These offenders acted mainly against the most simple and poor sections of the population. The [methods] they used were usually terror, threat of denouncement to the Secret Service, intrigue, blackmail and night visits to victims’ homes (alone or accompanied by members of “Intel” or other military [personnel], in some cases dressed as ninjas, as they did in Dili). They were [also] the link between the Indonesian soldiers and the local victims [and were used to take victims] to serve their hierarchical superiors.

**“3) Civilians, both East Timorese and foreigners, who occupied important positions at all levels of the administration.** This group used the positions they held in the state administration to “facilitate” bureaucratic procedures for their victims (single, widowed or married women) who needed, for instance, a commercial license, streamlining the provision of pensions to which they were entitled if their deceased husband had been a public servant, or...better chances at a public tender for development projects. In return they [these civilians] would have their carnal desires satisfied.

**“4) East Timorese and foreign primary school teachers.** In 1983, when the system of compulsory schooling began in East Timor, not only children aged six started attending school, but also youth aged up to 16 and 17 years old attended primary school. The small number of East Timorese primary school teachers led to the recruitment of many Indonesian teachers. Only male teachers, single or married (but if married, the wives had to stay in Indonesia), were sent to East Timor. The East Timorese who were recruited to teach at primary schools were also mostly male, young - having just finished their degrees - and single or married. If married, their wives were not allowed to go to the countryside with them. The outcome of this situation reached the government in the form of stories about the involvement of “Sirs” or East Timorese teachers with their female students. The districts of Covalima, Maliana, Liquiça and Baucau registered the most 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. This man ended up being transferred to his homeland without completely serving his time in prison.

“Not all offenders were punished for their offences because the Governor, according to Indonesian law, could not punish soldiers, police officers, district administrators (Bupati) and [others]. Thus, the maximum he could do about these people [perpetrators] was to conduct investigations and, when possible, press charges [against them] through the departments where they worked and that could, therefore, take action.”<sup>80</sup>

Mário Carrascalão also described several cases of rape where he took action, either with letters of complaint to the provincial military commander or by speaking with Indonesian government and military leaders in Jakarta. Mário Carrascalão told the Commission that he never received an official response to any of his reports about sexual violence.

#### **Rape and the Popular Consultation**

120. Data gathered by the Commission show a sharp increase of rape cases in 1999 with peaks in April and September 1999. Of reported rapes from this year, 19% (20/105) were committed by militia members.

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##### *A. Rapes before the ballot (April-August 1999)*

121. Rape took place as part of the violence that spread throughout the territory before the August 1999 Popular Consultation. Incidents of rape peaked in April and May, before the ballot, in almost all districts. This occurred concurrently with the wave of population displacement caused by house burnings and other acts of violence throughout Timor-Leste.

122. Once again women were often the victims of proxy violence - members of the Indonesian security forces and the militias under their control raped the wives, sisters and daughters of the absent men whom they sought to kill because of their support for the independence movement.<sup>81</sup>

123. The experience of DE is an example of this pattern. DE was assaulted in her own home in Fatubesi (Hatulia, Ermera) on 14 May 1999 by Darah Merah Putih (Red and White Blood) militia. Led by commanders PS138 and PS139, the militia, together with members of Joint Intelligence Unit, attacked DE's house because they knew that her husband, DE1, had already fled to the forest to join Falintil. PS135 went inside the house, threatened DE with a knife and raped her. After that, PS136 and members of the Joint Intelligence Unit took turns sexually molesting her. They tied her hands with cable and took her to the Darah Merah Integrasi (Red Blood for Integration) militia post in Hatulia where she was detained for two months. While there she continued to be a target of sexual harassment. She said that at least 24 members of the Joint Intelligence Unit and the militia sexually molested her. After two months she managed to escape.<sup>82</sup>

124. In May 1999, a militia group named KMP (Kaer Metin Merah Putih; literally, Grasp the Red and White) conducted a series of violent acts throughout the sub-district of Lolotoe, Bobonaro. The Special Panel for Serious Crimes of the Dili District Court found three people - Jhoni Franca, KMP commander; Sabino Leite, the head of the village of Guda (Lolotoe, Bobonaro) and José Cardoso, KMP commander - guilty of rape as a crime against humanity. This was the first case of rape to be prosecuted as part of crimes against humanity by the Special Panel.<sup>83</sup>

125. Also in May 1999, three women, whose identity has been suppressed by the Court, were arbitrarily detained by KMP together with 13 other people from Lolotoe. After being detained for one month in the Guidance for Family Welfare (PKK) building across the road from the Lolotoe Koramil, the three women were taken away with the pretext that they had been summoned by João Tavares, commander of PPI (Pasukan Pejuang Integrasi, Integration Fighters' Force). They were put in a government ambulance driven by an East Timorese government health worker named PS140, together with the Lolotoe Koramil Commander, Second Lieutenant PS141 [Indonesian], and KMP commander, PS142. The three women were taken to a hotel in Atambua where they were raped repeatedly. One of the victims testified that one of the women was subjected to an injection which they believed to be some form of contraception. The three women were threatened with various weapons, and told that if they did not have sexual intercourse they would be shot dead and thrown into the sea. After being allowed out to get food they were raped again the following night.<sup>84</sup>

126. Militia parties were a pre-ballot phenomenon. Militia groups, with their resources and power, were able to organise parties that were compulsory for village women to attend. These parties provided an opportunity for sexual harassment and rape. DMP (Dadurus Merah Putih, Red and White Wave), the militia group that operated in the village of Lourba (Bobonaro, Bobonaro) organised such a party on 4 May 1999. In her testimony to the Commission, EE told of 14 women, herself included, who were forced to prepare coffee and food for the militia. She was summoned by the commander of DMP and raped. According to her testimony, the other 13 women suffered the same violence.<sup>85</sup> FE gave evidence that corroborates this incident.

*During the day a militia came to my house. He pretended to chase after my rooster, while saying: "I'll see to you shortly." At the time, my husband...had been ordered to go on an operation with them so he was not home. The militia man raped me that day although I had just given birth two months earlier.<sup>86</sup>*

127. Another woman, GE, testified about being raped in her home after the same party:

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<sup>83</sup> PPI – the Integration Fighters' Force - was launched on 17 April 1999 in an official ceremony held in front of what was then the Governor's office (now known as the Palácio do Governo) in Dili. João Tavares was PPI's chief commander and Eurico Guterres its vice commander. Later that day, militia attacked and burned the home of Manuel Carrascalão where displaced people had been sheltering, killing at least 12 people including his son, Manelito [see Part 3: The History of the Conflict; Chapter 7.2: Unlawful Killings and Enforced Disappearances].



*[M]ilitia [commanders] PS383, PS143, PS144, PS145 and PS146...shoved their hands in our bras and pulled out our breasts. We had to let them do it because they threatened to beat us with wooden blocks. On the way home from the party the DMP commander called me and three other women friends...to be interrogated. He had photographs of us when we were cooking for Falintil. I replied: "It is true that my friends and I have cooked for Falintil, but we are just ordinary people. We don't understand politics. If they say they are hungry, yes, I have to feed them because we are all human beings. What is wrong if we feed them? I am scared too, because the Falintil carry weapons." After the interrogation I went straight home. As soon as I got to my room, four members of DMP - PS383, PS143, PS144 and PS145 - were already naked and waiting for me. They dragged me, took my clothes off and took turns raping me. My children came into the room and the men beat and kicked the children out of the room.<sup>87</sup>*

128. Violence increased dramatically in almost all districts in the months leading to the announcement of the Popular Consultation, causing large-scale displacement. Women displaced from their homes and villages were, once again, at risk of being raped.

129. In April 1999, HE, having been threatened with murder by members of the Sakunar (Scorpion) militia, left home to seek refuge in the house of relatives in Lesuwen (Suai Town, Covalima) Her relative was also a member of Sakunar. Despite her best efforts to protect herself, HE was raped by a member of Laksaur militia named PS147.<sup>88</sup>

130. After the massacre at the Liquiça Church on 6 April 1999, many families fled their homes. Many women were raped in the chaos that ensued. IE, a woman from the village of Leotela (Liquiça, Liquiça), was detained by a BMP (Besi Merah Putih, Red and White Iron) militia member, PS148, on the way home from the market on 14 April 1999. IE and her woman friend were forced to sign a statement accusing the village head of Leotela of sheltering members of Falintil. A week later Territorial Combat Battalion (BTT) and Special Forces Command (Kopassus) troops came to force the people of Leotela to move to Liquiça under threat of death. DP ran to stay with her uncle in Liquiça, but less than one month later PS148 arrived looking for her:

*On 7 May 1999 at about 9.00pm, PS148 came to my uncle's house and said to him that I had to report to the BMP commander for interrogation. Instead, PS148 took me to a place called Kaeloho [Liquiça] where I was sexually assaulted. He forced me to kiss him and to do things that I cannot talk about here...*

*Three days later, on 12 May 1999 at around 3.00pm, PS148 came to my uncle's house driving a hardtop jeep. This time he used the excuse that he wanted to talk to me about a letter for the village leaders in Leotela. I was taken to the beach, close to the Kaimeno River. He forcibly removed my clothes and forced me to the ground. PS148 said that if I refused him he would kill my family and me. Then he raped me and threatened to kill me if I told his wife.<sup>89</sup>*

131. JE was just 17 years old when the Liquiça Church Massacre took place. On 28 May 1999, two members of the BMP militia named PS151 and PS152 arrived at her family home in Maumeta (Liquiça, Liquiça) at 3.00am. JE ran to hide in the district parliament building (DPRD II) but PS151 and PS152 chased her, armed with two guns and knives, and raped her.<sup>90</sup> In a

separate incident on the same day, KE was watching television in her home in Maumeta (Liquiça, Liquiça) when a member of the BMP militia named PS153 and a police officer known as PS154 arrived at her house. PS153 raped KE and threatened to kill her if she told her family. Five days later, on 2 June 1999, PS153 raped her again. KE became pregnant and gave birth to a child as a result of rape.<sup>91</sup>

132. Similar cases were reported in other districts. After her husband ran to the forest, LE travelled to Suai Town on 25 April 1999 with her mother and aunt. When they arrived at the village of Ogues (Maucatar, Covalima), they were assaulted by two members of the Laksaur militia, PS154 and PS155. LE was taken to a room at the militia headquarters and asked about the whereabouts of her husband. PS155 ordered her to move to the Laksaur headquarters. LE refused, and she was raped there. She was pregnant at the time.<sup>92</sup>

133. Women were vulnerable when they moved to find safety, but also if they stayed behind to look after their homes, livestock, aging parents or young children. In the lawlessness before the Popular Consultation, those with effective immunity from the law felt free to commit crimes, including rape in people's own homes.

134. ME, in her statement to the Commission, described her rape by a BMP militia in Maumeta, (Bazartete, Liquiça). On 1 May 1999, ME was at home when she was given a drink laced with drugs by PS156, a member of the BMP militia. She became so weak that PS156 was able to pick her up and take her into the kitchen. There, he gagged her mouth, threw her on the ground and raped her. As a result, her hip bone was broken and she is still unable to do any heavy work.<sup>93</sup>

135. NE was raped at her home in the aldeia of Kawa Uman, Kasabauk (Tilomar, Covalima) on 7 July 1999 after her husband and children had fled to seek refuge in the Suai Church. The Laksaur militia came to her house and one of the men, known as PS157, threatened, beat and kicked her till he broke her ribs. He then raped her until she lost consciousness.<sup>94</sup>

136. ABLAI (Aku Berjuang Laksanakan Amanat Integrasi, I Struggle to Execute the Integration Mandate) was another militia group that used rape as part of their attacks on civilian populations. From statements the Commission received through a submission, a pattern of sexual violence as part of ABLAI's attacks around Same (Manufahi) in April 1999 can clearly be identified. OE of Horeme (Same) gave this testimony:

*On 17 April 1999, an ABLAI militia came looking for villagers who were hiding, but they did not find anyone. They came with machetes, knives, bows and arrows, screaming and threatening: "If you do not come out, we will kill the men and rape the women." Hearing their threats we came out from our hiding places and walked towards the chapel close to the house of one of the militia named PS158. PS158 dragged me by the arm to get me inside a room. I resisted but he threatened me: "If you do not follow [me] I will kill you." In the room they took turns raping me. After PS158 finished raping me he ordered one of his friends to rape me too. When they finished with me they just left me lying on the bed. I was so ashamed when I got up from that bed.<sup>95</sup>*

137. A second victim, PE described how in the same village and on the same day she was ordered to cook and then taken to an empty room and repeatedly raped.<sup>96</sup>

138. The third and fourth victims, QE and RE, were raped on the same day. Several days later they were forcibly taken to the militia post where they had to remain until September 1999. RE, whose father and brother were killed during this incident, described her experiences of rape by ABLAI militia members:

*On 17 April 1999 militia encircled the aldeia of Orema, Hola Rua [Same, Manufahij] and conducted a sweeping operation to kill us. At about 10.00am, a group of militia, including PS159, PS160, PS161, PS162 and PS163, came to my house looking for me. PS159 said: "If you dare refuse to sleep with me, I will kill you." Hearing this, my brother...tried to distract PS159 by giving him some food. But after he ate he pulled me into a room. There he took off my clothes and raped me. He brought a machete and knife into the room. After he raped me, he told me not to tell anyone. Several days later militia members PS161 and PS162 arrived at the house to take me [and three other women] to the village of Leoprema. We remained at PS160's house till August. Every Saturday night throughout our stay, PS161, PS159, PS162 and PS163 took us out and made us dance with them. At the dance the four of us were kissed, hugged and then taken outside the tent to be raped in turn until the morning.<sup>97</sup>*

*B. Rapes after the announcement of the ballot results (September-October 1999)*

139. Data gathered by the Commission clearly indicate that violence peaked again during the period following the announcement of the results of the ballot on 4 September 1999. Rape took place along with forced displacement, house burning, killings, disappearances and other acts of violence. The western districts, which experienced more violence during the post-ballot period, also reported a higher incidence of sexual violence. Of the 47 reported rapes committed after the 1999 ballot and included by the Commission for statistical analysis, 81% (38/47) occurred in western districts of Timor-Leste or in West Timor.

140. As shown in the graph below, the Indonesian military and militia members committed all of rapes in 1999 that were reported to the Commission.

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141. Rapes took place in the context of widespread displacement where many families fled their homes and became separated, often leaving those most vulnerable a target of violence. Two sisters from the village of Namleso (Liquidoe, Aileu) SE and TE, respectively 24 and 15 years old - were forcibly moved by AHI militia (Aileu Hametin Integrasi, Aileu Strengthens Integrasi) then raped by TNI soldiers while in transit. SE gave the following testimony:

*On 18 September 1999, AHI groups ordered us refugees to walk towards Aileu. [We] arrived in Aileu at 3.00pm and were put up at the local Puskesmas [health centre]. My family and I slept on the terrace. In the evening, at about 7.00pm, three militia - PS156 from Fahisoj, PS165 and PS167 from Namleso [villages in Liquidoe Sub-district, Aileu] - came to get me. They were wearing AHI T-shirts and carried weapons, knives and handmade guns. They forced me to follow them to an empty house. The three militia members ordered me to go in and then they hid somewhere. Suddenly two soldiers from the Kodim in Aileu, whom I knew but not by name, came in. They were dressed in black T-shirts and pants, the AHI uniform. The two soldiers ordered me to take off my clothes and I had to have sexual relations with them, one after the other, to save my life.<sup>98</sup>*

142. SE's younger sister, TE, was raped by a member of the militia called PS384 after she was taken by motorcycle from the health centre to an empty house. TE testified:

*He slept with me right there while pointing a knife at my neck and saying, 'Quick, get your clothes off and don't scream.' Then he threw me down and raped me. He set down the knife next to him, so I just succumbed. After sexual intercourse I felt pain around my vagina<sup>99</sup>.*

143. The following night TE was taken again from the health centre where she was sleeping. A militia by the name of PS397 took her to an empty house and left her there. Because she could see a man dressed in fatigues and holding a machete, she became scared and ran back to the health centre. However, this time two soldiers in uniform came to her and threatened to shoot her if she refused to surrender herself. She was forced to return to the empty house and submit to being raped for the second time. After the rape she was told to go and get her older sister, but she did not do it. However, this did not save her sister from another rape.

*At about 2.00am, the perpetrator ordered three of his subordinates to go to my place and wake up my sister. They told her that she was being called by their superior so, willing or not, my sister had to go with them because they were armed. When she arrived at the place where I had been raped, the same thing happened to her. She was raped by a soldier, but she did not see the perpetrator because the place was dark.<sup>100</sup>*

144. In the sub-district of Bobonaro (Bobonaro) at least three different incidents of rape were reported where East Timorese militia or civilians took a woman to Indonesian soldiers to be raped by them. UE described how the Dadurus Merah Putih militia and TNI soldiers attacked and forcibly moved the inhabitants of the village of Oat to a number of places before settling in the town of Bobonaro. According to UE, PS385, PS386 and PS387 - three militia from the village of Malilait (Bobonaro, Bobonaro) - ordered a relative of UE called UE1 to bring UE's daughter to them. UE's daughter and nieces hid in the darkness of the house where they were staying. After a while, the three militia members came to the house themselves. UE told her interviewers: "Because my daughter was still a young girl, I agreed to go with them instead." The militia members took UE to the Bobonaro Koramil and handed her over to the Koramil commander who raped her in one of the rooms.<sup>101</sup>

145. The testimony of VE, also from the village of Oat, is similar to that of UE above. VE was a refugee in Bobonaro on her way to Atambua. She was picked up by an East Timorese man named PS168 and taken to a house she did not know. She testified:

*The perpetrator [whom I did not know] told the people in the house to switch off the lights. Then he took me to the bedroom and had sexual intercourse with me...I did not react because I was scared he would cut my throat. I submitted because I was scared and [also] to save the lives of my family.<sup>102</sup>*

146. Following the announcement of the results of the Popular Consultation, rapes motivated by revenge against someone who had already fled continued to take place. WE told the Commission about how she was raped in the village of Mauabu (Hatulia, Ermera) on 9 September 1999. An East Timorese member of the Army Strategic Reserve (Rajawali), PS169, and an East Timorese government official from the village, PS170, arrived at her house looking for her husband who had already fled to the forest. As her husband was not there they set fire to the family's motorcycle and WE was raped by PS169.<sup>103</sup>

147. In another case of proxy violence, XE was raped in front of her husband. In September 1999, XE and her husband were on their way to Lautém when they were ambushed by unknown TNI soldiers who pointed guns and machetes at them and threatened to kill them because their parents were members of CNRT. As the soldiers began to take off XE's clothes, her husband attempted to intervene but was hit unconscious by a blow to the head with a rifle

butt. Then XE was raped. XE and her husband gave two traditional weavings and Rp200,000 to the soldiers in order to be released.<sup>104</sup>

148. The escalation of violence and impunity created a context where the most brutal forms of violence against women could take place - the double crime of rape and murder. At least two cases of rape and murder of women took place in September 1999.

149. Francisco Martins, himself a member of Darah Merah Integrasi (Integration Red Blood) militia at the time, gave evidence to the Commission about the rape and murder of YE in the village of Lauala (Ermera, Ermera):

*On 6 September, I was on my way home to Gleno from Atambua. On that night, around 9.00pm, the Darah Merah Integrasi [Darah Merah Integrasi] militia commander, PS172, brought a young woman by the name of YE to our post in Gleno behind the marketplace and the Liurai Guesthouse. That night I saw PS172 and three other members - PS173, PS174, PS175 - take YE to sleep with her in a house. The next morning, 7 September 1999, when YE woke up her body was covered with fresh blood and her clothes were also bloody. She cried and asked our help to take her to the church. It was only then that I knew they had raped her because she couldn't walk [normally], she was stumbling.<sup>105</sup>*

150. After the rape she was returned to the post, tied up and finally killed.

### The rape and killing of ZE, 11 September 1999

ZE's mother, ZE1, told of the rape and forced disappearance of her daughter, ZE, in Ermera on 11 September 1999. ZE was an active member of CNRT and a UNAMET polling staff member. During the evacuation of the UNAMET office in Gleno, Ermera, on 31 August 1999, ZE, together with UNAMET international and local staff, were brought to Dili. However, according to her mother's testimony, on 4 September 1999 she was brought back to the Gleno Kodim in a police vehicle. ZE's mother testified to the Commission about her daughter's rape and murder.

*At approximately 8.00pm, an East Timorese TNI soldier from Battalion 744 named PS176 and his members...arrived at my neighbour's...house where we were staying because our house had been burned down a few days before. Before PS176 entered the house we were already surrounded by Rajawali troops. PS176 came into the house and sat in the front room. Then he called ZE to come out from the back [of the house] and made her sit next to him. In front of me, he pulled ZE towards him, hugged and kissed her...I went into the back room because it upset me to see my daughter treated like that. At that time my neighbour's wife told ZE's daughter and her own daughter to go into the back room. She locked them in so that they would not have to see what PS176 did to ZE...*

*After my neighbour left the front room, PS176 dragged ZE to the front of the house next to the stairs on the verandah, and there he raped her. We watched from the window...We heard ZE scream but we could do nothing. Perhaps because his cohorts felt they had been kept waiting too long, they fired one shot in the air and PS176 stopped what he was doing [and left]...When we went out, ZE was crying. She said, "I feel ashamed because I have been treated like an animal. Did you hear me being raped next to the stairs?" We replied, "We saw and heard but we could do nothing. We were all waiting to die." After she drank some water she made us go inside where she took off all her clothes to show to me and the neighbour that her body was damaged. She said, while she cried: "You have seen yourselves, my body is ruined. They all raped me". I saw with my own eyes that on her breasts all the way down to the vagina the skin was blackened and grazed...*

*On 12 September they came again to pick up ZE [and] she went with them. We went to mass and then we too were picked up with a car and taken to Gleno...After that ZE was made to cook for TNI, the police and militia. On 13 September 1999, a commander from the Darah Merah militia known as PS177 arrived with his associates. PS177 said to ZE: "Teacher, get into the car." I said if that was the case I wanted to accompany my daughter, but they refused...ZE said to me: "Mother, now it is PS177 taking me off. I know I will be killed." I waited from morning until 5.00 that afternoon, but ZE did not come back. Suddenly a Darah Merah militia, PS178, arrived. He said to me: "Mama, stop waiting because the teacher has been killed." I replied: "If that is the case, show me ZE's body." PS178 said: "This is the first time I've ever seen someone from Ermera kill a woman."<sup>106</sup>*

151. Some testimonies regarding sexual violence indicate that "rape centres" existed in the midst of the violence during and after the Popular Consultation. These were places where women were forcibly detained and made accessible for repeated rape. For example, in the village of Malilait (Bobonaro), the Hametin Merah Putih (Strengthen Red and White) militia abducted and detained women in a house. The house, according to an interview with Bosco da Costa, belonged to a family who had fled to Atambua (West Timor) and had been taken over by the militia. Old people and four young women were kept in the house. The HMP militia commander, PS179, his deputy, PS180 and the Ai-Assa village head, PS181, held the people in that house. According to da Costa, the Koramil commander and district police chief did not reprimand or take action against the militia although they had knowledge of the crimes.<sup>107</sup>

152. AF, a victim of repeated rape, explained that the crime was perpetrated by militia and TNI personnel together in the house of the wife of one of the militia members, and that she was not the only victim of rape in this house:

*On 10 September 1999 the militia and TNI arrived at the house armed with weapons and threatened to kill me and all my family if I did not follow them to the militia headquarters. As we were all in a state of fear and panic, in the end I gave in. My father, mother and daughter resigned themselves to [my arrest] [At] militia headquarters the militia handed me over to three TNI soldiers who raped me for three days and three nights, from 10 to 12 September 1999.*

*The first night I was raped by an East Timorese TNI soldier named PS182. On the second day I was raped by PS388 [East Timorese]. PS388's wife, PS389, helped...by providing the house to be used by the militia and TNI as their place of operation. One of my friends...was also raped in PS389's house on 18 September 1999 and she has not overcome the trauma. On the third day PS388 handed me over to another friend, a TNI soldier called PS183 [East Timorese]. He raped me on the third night, 12 September 1999.<sup>108</sup>*

153. The Commission received corroboration regarding this "rape centre" from BF, another woman who was raped in the same house:

*The command house belonged to [East Timorese] PS389 and PS388, a TNI member from Topo. I thought I would become PS389's maid - cook, prepare coffee for the commander and the militia - but I had guessed wrong. It turned out that they planned to rape me. When I found out I became frightened. I cried and asked PS389 to help me get away, but instead she got angry and swore at me. "Many women have already been brought here and they did as they were told. Why do you have to be so stubborn?" I could only remain silent and cry quietly. There was nothing I could do. On the night of 18 September 1999, PS184 [East Timorese] came to PS389's house. She deliberately left while PS184 locked me in a room and raped me.<sup>109</sup>*

## **Rape and sexual slavery after the Suai Church Massacre, 6 September 1999**

The rapes and sexual slavery of women after the attack on the Suai Church on 6 September 1999 were organised systematically. Rape occurred in several places where women, who had been refugees at the Suai Church were temporarily accommodated, namely at the Suai Kodim, at a junior high school building (SMP 2), an orphanage and the Wives of Civil Servants (Dharma Wanita) building. Women were also raped in transit to Atambua, West Timor and during their stay in refugee camps there. The Commission received evidence of rape and sexual slavery from 11 testimonies that name Laksaur and Mahidi (Mati Hidup Integrasi dengan Indonesia, Dead or Alive Integration with Indonesia) militias as well as the Indonesian security forces as perpetrators of these crimes.

CF was one of the refugees attacked in Suai Church who personally witnessed the killing of one of the priests, Father Francisco. After that she was detained in the high school building and witnessed women being taken out by militia. Eventually, she too was raped by a militia member and, a few days later, by a police officer. CF told the Commission:

*We were forcibly taken to the junior high school building where we were verbally abused by the militia and were not given food for three days. Every night we were harassed and the young girls were taken away by the militia. On 11 September, precisely at 9.00pm, a man came in with a torch which he shone into my face. He lifted the sarong I was using to cover my face. The Laksaur militia ordered me to stand up and threatened that if I did not they would shoot everybody around me. I had to stand and they dragged me out of the room. I was taken away by PS185, a Laksaur militia who raped me and then returned me to the room where all I could do was cry...On the following day we were taken to the Dharma Wanita building. We were terrorised there and the women were taken out. On 14 September a police officer who was said to be a member of SGI forced me inside a vehicle. I was scared and crying. The militia said: "You had better go or I'll shoot you tonight." I was taken to the house owned by a police officer and was raped. After that I was returned to the Dharma Wanita building when the others were already asleep. A Lauksar militia threatened me, "Today you went with a policeman, if tomorrow we call you and you refuse, you will die."<sup>110</sup>*

Irene dos Santos also testified to the Commission about the rapes that took place after the attack at the Suai Church. On 7 September 1999, Irene saw two women, DF and EF, taken away forcibly by Laksaur militia known as PS186, PS187 and PS188. The three men beat DF severely until her mouth and nose were bleeding. Eventually DF fell to the ground and there she was raped while unconscious. As a result of the beating, the victim hemorrhaged for four months and then died.<sup>111</sup>

EF is a courageous young woman who testified at the Commission's First National Victims' Public Hearing Rona Ami-nia Lian (Hear our voices) in Dili from 11-12 November 2002. She witnessed the murder of many people in the Suai Church, including her own family. The survivors were divided into two groups - approximately 75 were taken to the Kodim and another 50 to the school building. EF told the Commission:

*We were taken to the school building - approximately 50 people, including children. I overheard the militia say: "Don't kill that one, we'll rape her." I was scared and did not have the courage to look at them. On the way to the high school, we were escorted by Javanese police in uniform...At the school, we were all put into a dark room...A militia called PS189, a teacher from the village of Leogor, came to force me to sleep with him. But I refused. He became angry, kicked me in the back and slapped me on the face till it was swollen and I fell to the ground. Then he forced me he took off my clothes and raped me.*



EF was repeatedly raped in the junior high school building. "On the night of 10 September, they interrogated me and demanded money. Because I was scared I gave Rp100,000 to PS398, Rp100,000 to PS399 and Rp50,000 to PS400. In the darkness we were raped together with other women." According to her testimony, at least three other women were raped that night by militia members named PS190 and PS191. On 13 September 1999 the refugees were put into a Hino truck with Indonesian soldiers and militia and taken to a camp [in West Timor] to stay with other refugees. Shortly afterwards PS189 found EF and forced her into a situation of sexual slavery. EF stated:

*He said he had been looking for me for two days. He hit me with his handmade weapon right in the mouth, kicked me in the chest and hit my back in front of several people. That night he moved me to his house and when we arrived...he raped me again. I was with this man for three months and 16 days. During the day he would go out and keep me locked inside a room and when he returned he would open the door and do it again.<sup>112</sup>*

Those who were kept in the Suai Kodim headquarters experienced the same sexual violence. FF sought refuge in the Suai Church in July 1999. Her husband was a member of CNRT who had already fled into the forest. She stated:

*[T]he large-scale attack by the Laksaur militia in the Suai Church. Also taking part in the attack were Indonesian soldiers out of uniform. They were using handmade weapons - fire arms, machetes, samurai swords...I saw many dead people.*

FF escaped death only to become a victim of rape and sexual slavery. After the massacre, the survivors were mustered:

*We were made to gather and not move. They threatened to shoot anyone who moved. At about 3.00pm my family and I were moved to the Kodim. At about midnight on 7 September, PS192 threatened and raped me. I did not resist because I was too scared.*

After five days FF was moved to the Koramil and then to an orphanage where she was raped again by the same man:

*When he did that, there were four TNI soldiers outside on night duty. At 6:00am the following morning PS192 took me on a Yamaha motorcycle from the orphanage to Rai Henek Oan [Betun, West Timor]. There, he threatened me with a knife. As long as I was there I was his "wife". He said I had to be his mistress because my husband [did not support autonomy]. I had to become his mistress because I was a survivor of the Suai Church tragedy.<sup>113</sup>*

GF was 15 when she, with her aunt and younger brother, sought refuge in the Suai Church. Her aunt testified about GF's kidnapping and sexual slavery:

*During the massacre...GF's 13-year-old brother was killed. We were made to leave the church with other refugees. We were divided into two groups - some [were taken] to the Kodim and some to the high school in Suai. GF and I were in the Kodim for one week until 12 September 1999. At the Kodim, in front of me, PS193 and a member of Laksaur [militia], PS194, put a necklace around GF's neck. PS194 said: "This is my war prize. As of now, GF is my third wife." From that moment on GF was separated from her family and taken wherever PS194 went. GF was taken to live in the Laksaur headquarters in Raihenek, Betun, West Timor.<sup>114</sup>*

In her testimony to the Commission, HF described how she was forcibly taken from the Suai Church to the Kodim after the massacre. During the eight days of her detention there she was repeatedly raped by PS195, PS196 and four other militia. On 14 September she was moved to Atambua where she was repeatedly raped by PS197, PS198 and four other Laksaur militia.<sup>115</sup>

A young woman, IF, narrowly escaped death during the massacre at the Suai Church. As the situation quieted:

*My aunt and I and other refugees were staying at the Kodim. We were harassed throughout our stay there. Women were taken away at night. They would come with torches and shine them on us while we were sleeping. Then they would make the women go out with them.*

IF said that on 14 September she was taken to Betun, West Timor, and that night she was raped:

*At about 6.00pm or 7.00pm four men came in a hardtop jeep. Two of them were armed. They took me in the jeep to a forest where two Laksaur militia took turns raping me.<sup>116</sup>*

JF was one of the refugees taken to the Kodim then forcibly displaced to West Timor, where many survivors of the Suai Church Massacre were taken:

*At the time, the survivors...women and children, were separated in two groups of approximately 100 people. We were taken to the Kodim and the others to the junior high school building. PS194, his brother, who was the village head of Moruk, and several other militia wearing black Laksaur T-shirts took us there. They were carrying handmade weapons, machetes and AR [a kind of semi-automatic rifle], whereas the military and police officers were in uniform but unarmed.*

On 11 September, JF was taken to a refugee camp in Wemasa, Timor Barat. Nine days later some Laksaur militia - PS194, PS199, PS200, PS201 (a primary school teacher), PS202 and PS203 - grabbed JF, who was holding her child, and her sister-in-law and put them in a car with other women. They were taken to an isolated area where JF was raped in turns by PS199 and PS201. She described the rape:

*PS199 took me away from the vehicle, told me to put my child on the ground and to take my clothes off. Then he raped me. When he finished I held my child again. When I got back to the car, I was taken away again by PS201 and he did the same to me. The child was crying, but there was nothing I could do because at the time I was feeling severe pain. After they raped me I was taken back. It was 1.00am. On the way back they were merry and laughing.<sup>117</sup>*

A week later JF was raped again, this time by a member of the civilian staff of the Suai Kodim named PS204. The rape took place in the refugee camp in front of her mother and sister-in law.

*KF remembers in detail how the refugees were deported to West Timor and how she was raped in a refugee camp. She testified:*

*On Wednesday [15 September 1999], a member of Kodim 1635, a Pratu [Private First Class] whose name I did not know, arrived in a truck and took 57 of us, including children, to Wemasa in West Timor...At 11.00 on the night of 5 October 1999, Commander PS194, PS202, PS200, PS190 and Pratu [Private First Class] PS206 from unit 144 came to our place while we were asleep. They were dressed in army fatigues and armed. They threatened to kill us. I was raped by [Laksaur] Commander PS194. When he was finished he said: "You are just like a slut to be used and then thrown away."<sup>118</sup>*

LF1 also told about her experiences after the murder of Father Francisco and her husband during the massacre:

*[T]hose of us who survived were ordered out [of the church]. We were shoved, kicked with boots, trodden upon and beaten. They pointed guns and machetes at us all the way from the church to the Kodim 1635 house...There were many people at the Kodim, among them Domingas, the wife of the [CNRT] zone leader of the Zumalai Sub-district, with her daughters, Zulmira, Fatima, Agustinha, Cinta and Monica...While at the Kodim we were verbally abused, ridiculed and given leftover food. The other women and I did not eat because we were afraid of being poisoned. On 13 September 1999...the Kasdim [Kodim chief of staff] ordered our move to Betun [West Timor] on four trucks...but at the Camenasa [Suai, Covalima] crossroads we were left by the side of the road.*

On 14 September 1999, at about 7.00pm, a Laksaur member, PS208, took away my niece who was with me at the time. She was forced into a hardtop jeep and taken away. On the same evening at 7:30, a friend and I continued [our journey] with the help of a Mahidi member we knew...He took us by foot to Betun. We were escorted by two police officers on motorcycles. Walking from the Camenasa crossroads to Betun, West Timor, took eight hours. We arrived on 15 September 1999 at 10:00am. [Just as we arrived] my niece was brought back by Laksaur member PS208 on a motorcycle. When she got off the motorcycle she could not walk because she had been raped. She had injuries and blood on her genitals, I treated her...she drank [a concoction of] water and sirih [betel leaf], I washed her with sirih water and leaves that I had boiled.<sup>119</sup>

MF was abducted by a Laksaur militia, PS209, and taken to the Kodim.<sup>120</sup> After a short while there, MF and other refugees were moved to Wemasa, West Timor. On 21 October 1999 she was assaulted by a Laksaur militia, PS210. On that night, two Laksaur militia members, PS194 and PS190, forced her into a vehicle. At first they invited her to a party under the pretext that she could meet her husband there, but when she refused they just shoved her into the car. There was already another woman in the car. "At that time I said to my parents, 'If I am not back by morning, it means I am dead.'" At the Wemasa crossroads, PS190 raped MF and PS194 raped the other woman.

The rape and sexual slavery experienced by the women who survived the Suai Church Massacre show elements of a pattern:

- collaboration between the Indonesian security forces and the militia at the time of the massacre and afterwards
- the placement of the victims in the Suai Kodim, school building, and in other places guarded by security forces
- militia and police personnel had unimpeded access to the women staying in those places
- the security forces and the police did not protect the women against the perpetration of sexual crimes.

154. As indicated above in the narratives of the rape and sexual slavery following the massacre at the Suai Church, sexual violence did not stop when refugees were in transit to West Timor or resettled there. On the contrary, women became more vulnerable to sexual violence once removed from their home communities. In the context of this large-scale population movement, many women were raped in transit.

155. In September 1999, the Dadurus Merah Putih (DMP) militia forced NF and others to move into the public gymnasium (GOR) in Maliana in preparation for evacuation to Atambua. At 4.00am, in the midst of these preparations, militia member PS211 grabbed NF, dragged her behind the GOR building and raped her. PS211 threatened to attack her brothers if she did not comply.<sup>121</sup>

156. OF of the aldeia of Ira Lau, Pairara (Moro, Lautém) was forcibly moved from her home in September 1999 by seven TNI soldiers from a Territorial Combat Battalion (BTT) who came to her village. They were ordered to go to Lautém. On arrival in Lautém, she was threatened with a bayonet and sword and then raped:

*While waiting for the boat on the Lautém beach, two TNI members I didn't know approached. They were armed with bayonets and swords. They threatened me and my children with their weapons. They raped me in turns. I gave in so they wouldn't kill my children.*<sup>122</sup>

157. OF was then put on a boat to West Timor along with her four children and other members of her community.

158. On the other side of the territory, in the enclave of Oecusse, a member of the Sakunar militia raped PF when her husband was made to enlist as a refugee in September 1999. PF testified at the Commission's National Public Hearing on Women and Conflict held in April 2003:

*PS212, the Sakunar militia commander in Lela-Ufe, and PS213, a militia member, gave false information to my husband, telling him we should put our names on a list in order to be moved to safety at a place called Oelbinose in West Timor. The two men threatened him: "Whoever does not come will be destroyed inside their house." After my husband and others left, the two men came to my house. PS212...came [inside the house and] accused me of having prepared food for José Poto, a member of the clandestine movement. Without saying anything, he grabbed me, took me outside and dragged me to the traditional [round] house. PS213 remained behind with my five children who were crying hysterically.*

*I was scared and crying because there were only the two of us in the round house. I said to him: "Please, don't do this because I am married." Nevertheless PS212 took out a knife and held it to my chest. I was so scared I wet my sarong. Trembling, I said again: "If you want, go ahead and take the goat that is in the pen." He ignored my comments...PS212 pulled me and hugged me so that I couldn't move. He pushed me into a corner, up against the wall...and raped me for a very long time.<sup>123</sup>*

159. The West Timor refugee camps provided no protection from rape, particularly for those who had been forcibly displaced and were encamped side-by-side with the militia members who had brought them there. On 14 September 1999, QF and four of her friends were abused in Wedare (Suai, Covalima) where they had been hiding. They were taken from Wedare by a militia called PS214 along with four of his friends to their Mahidi militia post in Betun. QF and her friends were detained there for three days and three nights. After that an East Timorese village police officer (Bintara Polisi Desa, Binpolda) named PS401 took QF from the militia post in Betun to Wemata (Belu, West Timor) where he raped her.<sup>124</sup>

160. In September 1999, RF and her three children were refugees in Haliulun, Atambua. Her husband and son stayed behind in Timor-Leste. While she was in Haliulun, an Aitarak militia named PS126 asked her to sleep with him while offering her Rp20,000. When RF refused, PS216 threatened her with a machete and raped her. An eyewitness saw the rape.<sup>125</sup>

161. SF from Tilomar, Covalima recounts a similar experience which occurred in September 1999. According to SF's testimony, her husband had already fled to the forest for fear of being attacked by the Laksaur militia. Under threat of a handmade gun,<sup>\*</sup> SF was raped by one of the three militia members in her own (refugee) residence:

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<sup>\*</sup> The use of handmade pistols (*senjata rakitan*) was very common among militia in 1999. For a photograph and explanation of how a three-barreled pistol was assembled by militia, see Appendix 3 and 4 in K Campbell-Nelson, YA Damapolii, L Simanjuntak and F Tadu Hungu, *Perempuan dibawa/h Laki-laki yang Kalah: Kekerasan terhadap Perempuan Timor Timur dalam Kamp Pengungsian di Timor Barat [Women Carried by/Underneath Men Who Lost: Violence Against East Timorese Women in Refugee Camps in West Timor]*, JKPIIT and PIKUL, Kupang, pp. 247, 249.

*On 10 September 1999, in Manumutin, Betun [Belu, West Timor], three Laksaur militia - PS217, PS218 and PS219 - came to my house [refugee quarters in Betun]. They were armed with handmade guns and swords. PS218 and PS219 told me that the three of them were going to rape me. I replied to PS219: "You are already married to my mother's sister and I call you uncle. Why must you rape me, your child?" Of the three, only PS219 raped me. He held my hands behind me and dragged me outside the house. He threw me down with my head to the west and my feet to the east. After stripping me, PS219 raped me...While raping me, PS219 held a handmade gun that he had at my chest. After this, TNI came from Atambua and forced us [including the refugees in that region] to leave for Atambua. I was forced to join the other refugees going to Atambua because my husband was still in Suai [he had run to the forest]. After that I wasn't bothered again.<sup>126</sup>*

### 7.7.3 Sexual slavery

162. Sexual slavery is illegal under the general prohibition on slavery.<sup>127</sup> The UN Special Rapporteur on Contemporary Forms of Slavery defines sexual slavery as "the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised, including sexual access through rape or other forms of sexual violence." She further explains:

Sexual slavery also encompasses situations where women and girls are forced into "marriage", domestic servitude or other forced labour that ultimately involves forced sexual activity, including rape by their captors.<sup>128</sup>

163. Sexual enslavement in international armed conflict or occupation is a violation of Article 27 of Geneva Convention IV and would be a grave breach of that convention (Article 147). It may also amount to a crime against humanity if committed as part of a widespread or systematic attack against the civilian population.

164. The Commission received evidence of a significant number of cases that can be categorised as sexual slavery. Many of the cases included practices that were striking in their similarity. A small number of cases involved members of East Timorese political parties as perpetrators. In the vast majority of cases members of the Indonesian security forces were the predominant class of perpetrators. Three main patterns of sexual slavery were identified by the Commission.

165. One common practice was for Indonesian officers to keep East Timorese women in conditions of sexual slavery in military installations. Ownership in these cases was either individual or collective. In other words, women could be raped by one repeat offender or by a group of offenders. Their detention was logistically supported as part of everyday military operations with the knowledge of the local military commander. The following graph shows correlation between reported acts of detention and sexual slavery during the period of the conflict.

Insert graph g1stIM800400

166. A second form of military sexual slavery did not require the physical detention of women at military installations. Instead, women were summoned as required by members of the military for sexual purposes. In effect, these women were considered the property of a military unit and therefore had to provide sexual services to members of the unit if, and when, required to do so. These cases also involved the use of military installations. In some cases, a woman's name was

put on a special list and the information regarding her sexual availability was passed from one battalion to the next when there was a rotation of troops in a given area.

167. A third pattern of sexual slavery involved a member of security forces establishing ownership of a woman in a domestic setting, usually her house. In this form of sexual slavery, the perpetrator would often threaten the woman or her family with death if she did not make herself available to him for sex on demand, and often also to perform other domestic work. In the circumstances of Timor-Leste, such a threat could reasonably be expected to be acted out if the demands were not complied with. In some cases, a woman would have to choose between this exclusive arrangement or repeated gang rape. The victim of this common pattern of violation was often colloquially called a “TNI mistress” or a “TNI wife”. However, in reality, there was no marriage and no consent freely given by the victim to engage in sexual relations with the perpetrator.

gpMpfvIn800 or gpMpevIn800 (revise institutional affiliation groupings)

168. The Commission recognises that some genuine marriages took place between Indonesian security personnel and East Timorese women based on mutual agreement. These consensual unions, either formalised by civil registry, traditional law (*lisan* or *lulik* in Tetum, *adat* in Indonesian), religious rite, or as a *de facto* marriage, do not constitute a human rights violation. The Commission also notes that some East Timorese women willingly entered into a relationship with members of Indonesian security forces for economic reasons. The Commission considers these relationships as consensual unions which do not constitute a human rights violation.

#### The victim’s perspective

169. In several cases the situation of sexual slavery continued over a number of years. This prolonged exercise of ownership by the perpetrator produced even more complicated results, particularly if children were born in these relationships. Some victims were alienated from their families and communities. They became financially and socially dependent on the military officer who controlled them, leaving little realistic option of escaping the situation.

170. Victims of sexual slavery used a variety of euphemisms to describe their experiences. Some simply described the first act of rape and then added “this continued for one year”. Others said simply that they were made into “a whore” (*lonte* or *feto nona*” (see footnote above). Others used the colloquial term of “*isteri TNI*” (TNI wife)

171. These euphemisms reflect prejudices and stereotypes against women who became victims of sexual slavery. Whatever term was used to describe the violation, sexual slavery carried a stigma for the victim. This often resulted in isolation from her family, ridicule from the community and discrimination against the woman and her children, including in some cases by church officials. Despite these barriers, women broke the silence and with great courage told the Commission about their experiences of sexual slavery.

#### Sexual slavery in the context of inter-party conflict

172. The Commission found evidence of sexual slavery that occurred in the context of the inter-party conflict in 1975.

173. TF1 from village of Selo Kraik (Aileu Vila, Aileu) testified to the Commission about the sexual slavery of TF that began when Fretilin detained TF1, TF and seven others. In August 1975 TF1, three other women and five men were abducted from their fields by Fretilin troops from another village. Suspected as UDT sympathisers and accused of hiding weapons, they were beaten and interrogated at the Fretilin headquarters before being taken to the Aisirimou prison in Aileu where they were further interrogated. They were finally released, but were made to pound rice and clear land [for planting] for one month. One night, PS220, a member of Fretilin, entered the room where four women were asleep and forcibly took TF away. TF1 stated:

*PS220 came into the room [occupied] by us four women and dragged her out of the room. That night he raped TF and he continued the relationship until they had many children.<sup>129</sup>*

174. UF testified about the killing of her husband, in 1978 in the village of Maulau (Maubessi), by three members of the UDT party known as PS221, PS222 and PS223. After the killing PS221 coerced UF into a sexual relationship threatening to kill her if she refused. UF gave birth to a child from that relationship.<sup>130</sup>

175. In May 1977, VF1 and members of her family were detained by Fretilin on suspicion of treason. VF1 testified to the Commission about the detention and torture by Fretilin that she experienced and witnessed, first at Roluli and then at Fretilin's *Renal* centre (Rehabilita o Nacional, National Rehabilitation) in Remexio (Aileu). At the end of her account, VF1 mentioned that one of the female detainees was forced to marry a member of Fretilin:

*Six of us women were held [in the Fretilin detention centre in Roluli]...for two weeks. Throughout that period I was often beaten, kicked and interrogated. They separated us [the detainees] into two groups: men and women. My group was taken to a new place of detention known as a Renal in Remexio, Aileu. During the journey our hands were bound behind our backs and we were all tied together with a long rope pulled by Fretilin...Almost all those detained in the Renal died, including all my aunts and grandmother. They all died of starvation...On 25 June 1978 we ran helter-skelter out of Renal as the Indonesian soldiers were closing in and attacking the population in that area. On that day we fled to Roluli. There, the four of us [women] went our separate ways to live with and cook for Fretilin commanders. My friend VF lived with Commander PS224, WF lived with Commander PS225, while XF and I lived with Commander PS226...After that we continued our trip separately together with the commanders...On 19 January 1979, we all...surrendered, including Commander PS226, in Metinaro [Manatuto]. Before we surrendered, my friend XF was forced to marry PS227, a member of Falintil.<sup>131</sup>*

#### Sexual slavery during the Indonesian occupation (1975-99)

176. The Commission found evidence that sexual slavery took place in the context of the Indonesian occupation. Victim and eyewitness testimonies suggest that incidents of sexual slavery increased during periods of known major Indonesian military offensives. Significant increases in cases of sexual slavery occurred in the late 1970s, again in 1982 during the *levantamento* period and in 1999 around the time of the Popular Consultation.

#### Sexual slavery during the invasion and large-scale operations (1975-84)

177. The Commission's database of documented sexual slavery cases shows 63% occurred during the period of Indonesian invasion and large-scale military operations between 1975 and 1984. Cases of sexual slavery during this period can be divided into two distinct patterns: military sexual slavery and domestic sexual slavery.

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<sup>131</sup> *Renal* detention centres were Fretilin detention camps in the interior in the 1970s after the invasion. They were used to incarcerate and "re-educate" Fretilin members on political ideas. They were also the site of numerous human rights violations [see section on *Renals* in Chapter 7.4: Detention, Torture and Ill-Treatment].

A. Military sexual slavery in military installations

178. The Commission has gathered strong evidence that points to the practice of sexual slavery which was institutionally tolerated and supported by the Indonesian military.<sup>132</sup> In cases where the victims were detained in military installations during the period of sexual slavery, the culpability of the military is obvious.

179. YF told the Commission about her experiences of detention and sexual slavery when she was about 15 years old. When the Indonesian military invaded, YF and her family, who were known as Fretilin supporters, fled to the forest from the village of Lauana (Ermera). In 1977, YF, her family and an old woman named YF1 were caught by Indonesian soldiers. They were taken to the Letefoho Koramil in Ermera for interrogation and then were ordered back into the forest to convince other Fretilin members to surrender. At the time, YF's brother, who had been captured and detained at the same time as YF, was able to prevent her from taking part in the operation. YF returned to her house in Lauana. YF1, however, went on the operation and was shot in the back by the military. Some time later, soldiers went to YF's house and arrested her again. YF told the Commission:

*The military recaptured me and my cousin, ZF, and we were taken from Lauana to the Koramil in Letefoho. In Letefoho two military men, whose names I have forgotten, forced ZF and me to have sex with them at the Koramil. They pushed us into two separate rooms and threatened us: "You are Fretilin and if you do not want [to do it] with us, we'll shoot you dead." We did not want to die so we just submitted to the soldiers who raped us.*<sup>133</sup>

180. After the soldiers raped the two girls, they forced them to stand by the flagpole in the hot sun. They slapped them and threatened to shoot them. An East Timorese soldier at the Koramil stopped this. After four days in the Letefoho Koramil, YF was transferred to the Ermera Kodim where she was detained for one year (1977-78). YF said of her time at the Ermera Kodim:

*The raping continued and I was not allowed to meet my family because we were all Fretilin. During my detention at the Kodim, the Peltu [the chief warrant officer], whose name I forget, continually harassed me and used me like a whore [nona].*<sup>134</sup>

181. YF gave evidence that two other women caught in Hauhei (Hatulia, Ermera) were also repeatedly raped by the soldiers in the Ermera Kodim. YF gave birth to two children, one of whom died.

182. In many cases of military sexual slavery, military resources were used to commit this sexual crime. Like YF, who was unlawfully arrested and detained, AG told the Commission about her experiences of rape and sexual slavery, first at the Hatulia Koramil in Ermera and then at the Maliana Kodim in Bobonaro:

*In 1977 an Indonesian TNI [sic] soldier, PS228, came to my house, threatened my parents and took me to the Hatulia Koramil...[there he] undressed me, laid me down on the cot and used me like a prostitute. [This continued] for a whole year.*<sup>135</sup>

183. On completion of his tour of duty, PS228 abandoned her. Two years later, he was again stationed in East Timor, this time at the Maliana Kodim. He ordered two Hansip members to bring AG to him. Once again, under the threat of death, AG's parents had to surrender their daughter to the Indonesian soldier. AG was taken to the Maliana Kodim barracks and again forced into a situation of sexual slavery for three years. She gave birth to two children. PS228 claimed AG as his exclusive sexual property over a number of years. The fact that he ordered



two Hansip members to fetch AG from the sub-district of Hatulia, which was under the control of the Ermera Kodim, to take her to the Maliana Kodim, clearly demonstrates the use of military resources and authority between Kodims in the commission of this crime (see also case below of PS229, Head of Intelligence Section, Ainaro Kodim).

184. Women were not only detained for sexual slavery in Kodim (district) and Koramil (sub-district), but also in the military posts throughout the territory. BG describes her detention and sexual slavery at the Battalion 145 post in Hatulia:

*In 1977 in the town of Hatulia, the commander of Battalion 145, PS230 from South Sumatra, threatened to shoot my brother...with a gun in order to force me to go to the TNI [ie, ABRI] post. [There he] used me as a prostitute for one year until eventually I gave birth to a child. At the time I was still a young girl.<sup>136</sup>*

185. BG also testified that another woman, known to her as CG, was also forced to live at the Yonif 145 post. Like BG, CG was coerced into a situation of sexual slavery and eventually gave birth to a child. When Battalion 145 left Timor-Leste, the two women and their two children were abandoned without any means of support. The two women were in a situation of sexual slavery at this military post until both women became pregnant and gave birth to a child. This indicates that this practice was known and tolerated by the military.

186. Women known to have a role in Falintil were all vulnerable to sexual slavery. This included women who surrendered after having fled to the mountains and, in particular, women known to be married to Falintil leaders. DG, who two years previously had witnessed the gang rape of her sister E in Lauana, Ermera, became a guerrilla fighter and was married in a civil ceremony to a Falintil Commander named DG1. They were separated during battle and in 1977 DG heard that her husband had been killed in Aidea, Ai-Assa (Bobonaro, Bobonaro). A year later DG surrendered in Cailaco (Bonbonaro). DG told the Commission:

*Because [ABRI] knew I was the wife of Commander DG1, the Hatulia Koramil commander, a man from Sulawesi named PS231, forced me and used me as a prostitute for one year...[Then] he just abandoned me with the child born of this relationship.<sup>137</sup>*

187. EG1 gave evidence to the Commission about the sexual slavery of his sister EG. According to his testimony, she was targeted because her brother was a Falintil commander. In 1979, after four members of her family were killed by Indonesian bombs dropped on the aldeia of Fatuacan, Fahinehan (Fatuberliu, Manufahi), EG1 and his family surrendered to the head of the aldeia of Riamori, in Fahinehan Village, named PS233. EG1's older brother, EG2, a Falintil commander, also surrendered. EG1 told the Commission:

*The village head [of Fahinehan] informed Linud 100 that EG2 was a high-ranking commander in the forest and therefore he would have to be killed or, if not, TNI [sic] would have to take or marry his sister. Then they came for my sister, EG. They took her to the military post and raped her in turns. They continued to do this until 1980 when they [Linud 100] were demobilised and replaced by Battalion 643. They also took me to become a TBO at that post...I saw my sister being raped with my own eyes. When they left Fahinehan, she was released [and allowed] to go home.<sup>138</sup>*

188. In 1979, FG, who was aged 14 at the time, surrendered to the Indonesian military in the village of Mulo (Hatu Builico, Ainaro). With two other friends, FG was held in a room at the Hatu Builico Koramil. There, the Koramil commander and his deputy, respectively known as PS402 and PS403, stripped and raped them. FG told the Commission

*They raped me and my friends every night throughout the one week of our detention. The first time I was raped I bled and could not walk.<sup>139</sup>*

189. FG had a child as a result of rape. She told the Commission that two years later an ABRI soldier, PS404

*came [to my house] to force me to marry him...I was scared because it was an increasingly heated situation where many people were being detained...[I]n the end [I gave in to him and] had a child from this union.<sup>140</sup>*

190. In this case, FG and her friends were victims of repeated rape while detained at the Hatu Bulico Koramil (Ainaro), and two years later FG was the victim of domestic sexual slavery.<sup>141</sup>

191. In some cases, sexual slavery included forced recruitment into military operations to find Falintil, as experienced by GG. In 1979, two ABRI soldiers from Battalion 121, a Corporal PS234 from South Sumatra and an unknown man, detained GG from her home in the aldeia of Nun Sorau, Ma'abat (Manatuto, Manatuto). They took her to the Manatuto Kodim. "If I refused they would kill my father. Because I was terrified, in the end I resigned myself." After being raped on the floor, the following day GG was taken back home. "From then on I was used as his 'comfort wife' for six months and gave birth to a child as a result." While GG was pregnant she was forced to go into the forest carrying 5 kilograms of rice, food, cigarettes and two letters. The letters - one from the Kodim and the other from Battalion 121 - were an appeal to members of Fretilin still in the forest to surrender. Eventually GG met some Fretilin members who knew her but she was detained at the Fretilin command post for five days. Eventually GG was able to escape and go back to report to the Kodim in Manatuto. A few days later she was forced to go with a battalion on another search for Fretilin's places but they did not find anything. The following day she had to follow another military operation:

*Three TNI [sic] from Battalion 121 whose names I did not know threatened me with a gun and a grenade so that I would lead them into the forest to search for Fretilin's armed resistance. Because I refused, I was kicked three times on the thigh till I fell. I was one month pregnant at the time. I was told to stand and continued being forced [to walk on].<sup>142</sup>*

192. GG returned to the village of Cribas (Manatuto, Manatuto) with this military unit in a convoy of three Hino vehicles. She was forced to climb mountains and stay in the forest with the soldiers but they failed to find any Falintil troops. The sexual slavery aspect of this case is clearly evident; the abduction from her house, the threat to her family's safety, the rape and the involvement in military operations were not of her own free will. Battalion 121 exercised the right of ownership over GG although only Corporal PS234 had sexual access to her.

193. In the following case, a head for the intelligence section was able to transfer two female detainees from the Koramil in Hatu Udo (Ainaro) to the Kodim in Ainaro strictly for his private sexual use. In 1980, MB and NB surrendered in Betano and were taken to the Koramil in Hatu Udo. Having heard of their capture, the head of intelligence (Kasi I Intel) from the Ainaro Kodim, known as PS229, went to interrogate them. After PS405 returned to Ainaro, he ordered two Hansip members to fetch the women from the Hatu Udo Koramil and take them to the Ainaro Kodim:

*We stayed there, [then] Kasi I Intel [Head of Intelligence Section] PS229 called me and NB to [his place] to use us both. In a week, he would rape us for five days and five nights. He did this to us for one year. I had a child from this relationship.<sup>143</sup>*

## B. Military sexual slavery outside military installations

194. The Commission found evidence of sexual slavery where women, not held inside military bases, were still summoned by ABRI at will for sexual abuse by soldiers. Although not physically detained at a military compound, such victims were nonetheless under absolute military control. In some cases, women's names were on a list or file held by the military, which required them to make themselves available sexually for military personnel. These lists or files were handed down from one battalion to another. As HG of Lautém related to the Commission:

*My name was on the Kodim list as a person who could be "used". So with every [troop] rotation I would always be picked by a member of ABRI who wanted me. I always submitted to them because I feared for my life.<sup>144</sup>*

195. IG was a victim of military sexual slavery for a period of one year that ended when she agreed to a situation of domestic sexual slavery with a Babinsa. In 1977, IG was taken from her home in the aldeia of Uaturidi, Bahú (Baucau, Baucau) by Combat Team Regiment (RTP) 15 and Battalion 330 troops. She was interrogated and tortured. "[They] burned my lips with cigarette butts, slapped me, kicked me...then told me to go home." IG was arrested again a year later, this time in the aldeia of Anawaru, Caibada Uaimua (Baucau, Baucau) and taken to the Baucau ABRI headquarters. "At the TNI [sic] headquarters, soldiers raped me repeatedly for four days. If I refused [they said they] would shoot me dead." After four days IG was released and returned to her home in Anawaru:

*But...every morning at 08:00 I was called by the TNI [sic] to be with the soldiers as husband and wife. If I refused I would be killed. All this happened because at that time my husband was still with the Falintil guerrillas<sup>145</sup>*

196. The situation continued for one year. In 1979, IG was beaten when she refused an ABRI soldier who wanted to have sexual intercourse with her. "I was under great stress at the time, so in the end I reluctantly gave myself to a Babinsa who wanted to marry me." She had two children from that relationship.<sup>146</sup>

197. G1 testified about his sister's ordeal of sexual slavery in 1978, when G1 and his family surrendered to Battalion 122 in Lauana Village (Letefoho, Ermera). At the time G was forced to become the sexual property of Battalion 122. She was only 17 years old. G1 told the Commission:

*When we surrendered, my sister G was still a virgin. The soldiers and the Hansip raped her. When the soldiers needed to satisfy their lust, they would take [G] to the post to use her. Because of these sexual violations G never married - she lives alone.<sup>147</sup>*

## C. Domestic sexual slavery

198. The Commission received evidence of cases of sexual slavery where a woman, sensing threat from armed security personnel, was forced to enter into a long-term sexual relationship in a domestic setting. In many cases of domestic sexual slavery reported to the Commission, the victim was raped prior to being forced into a long-term sexual relationship with the perpetrator.

199. The Commission received corroborating evidence regarding the case of sexual slavery experienced by JG. In 1980 ABRI was distributing corn flour to the population of Welaluhu Sub-district (now known as Fatuberliu) in Manufahi District. Two men and three women - JG, KG, LG - were detained and tortured. The three women were separated from the other detainees, placed in a house near the Koramil and raped repeatedly by the Koramil Commander, PS239, and his deputy. JG was raped for nearly 40 days by the deputy Koramil commander. Two weeks after JG was released, the deputy Koramil commander went to her house and forced her to

“marry” him. This relationship continued for one month until this deputy finished his tour of duty in East Timor.<sup>148</sup>

200. MG gave testimony about the rape and domestic sexual slavery she experienced in her own home in 1982 when she was only 15 years old. This case, which took place in the village of Manlala (Soibada, Manatuto) demonstrates the powerlessness of the local population and the civilian government in relation to the Indonesian security forces.

*In 1982, on my way home from school, I was chased by a member of Nanggala [Special Warfare Command] named PS240. I could not run fast so he caught up with me and raped me [in a place called] Besarin. A few hours later, my teacher, Lourdis, arrived at the place of the rape because my friends told her what had happened...When my father returned from the fields, he was very angry and he beat me although I was still a child.*

*My father could not stand to see me like that and in the end he reported the incident to the government Sub-district head [Camat], a man named PS241, [so that he would] prohibit PS240 from having any contact with me. Instead Nanggala PS240 became very angry and beat and kicked my father until he bled. A week later Nanggala PS240 came to the house and stayed there for the night. From then on he forced me to become his comfort wife, till I became pregnant. After the child was born he began to avoid [me], till [eventually] he was transferred to Baucau.<sup>149</sup>*

201. A similar case was reported by NG1. In 1983, when NG1 was still a 12-year-old child in the village of Sananain (Laclubar, Manatuto), PS242, an Indonesian member of the village police (Binpolda), often visited NG1’s family house. One night PS242 called and asked for NG1’s sister, QA. NG1’s parents tried to prevent PS242, but he forced his way into NG’s bedroom. NG1 also tried to protect his sister, but PS242 threatened to shoot him. That night NG was raped in her home. After that night, PS242 decided that he would stay at the house from time to time in order to have sexual relations with NG. This situation continued until PS242 completed his tour of duty in Sananain. NG gave birth to a child as a result of these violations.<sup>150</sup>

202. The table below provides a brief summary of some cases of domestic sexual slavery during this period.

**Table 1 - Summary of cases of domestic sexual slavery (1975-84)**

HRVD Statement Number	Year	Location	Perpetrator	Brief description	Duration of sexual slavery
01792	1975	Rairobo, Atabae, Bobonaro	Unnamed police	Under threat of being burnt alive, OG1 surrendered his daughter to a policeman. Two children were born of this relationship.	More than one year

01167	1975-76	Atabae, Bobonaro	PS243, from Sulawesi Indonesia, member of the Maliana Koramil	First Sergeant PS243 forcibly entered PG's home. Under threat of death, she was forced to accept an on-going sexual relationship with him. A child was born of this relationship, but abandoned by PS243 when he returned to Indonesia.	More than nine months
01827	1975-78	Atabae, Bobonaro	PS126, East Timorese, Partisan	When Partisan troops entered Aidabaleten Village, QG was raped for five hours by PS126. She was then forced into a situation of sexual slavery with him that lasted three years.	Three years
06190	1976-78	Hatulia and Ermera, Ermera	PS2245, District Administrator of Ermera, East Timorese	After surrendering to ABRI in the village of Samara, RG and her family were taken to Ermera. There, PS245, the district administrator of Ermera, made RG stand in line with three other girls. He selected her to be his "mistress"; he began a non-consensual sexual relationship with her.	Two years
07905	1976	Sau, Manatuto	PS246, field artillery soldier, Indonesian	PS246 threatened to kill SG's parents; he then raped her in her own house. This situation continued for seven months.	Seven months
06193	1978	Hatulia Ermera	Unnamed soldier in Battalion 721	Under threat that he would kill her brother, an ABRI soldier from Battalion 721 forcibly took H from her village in Hatulia to live with him in Dili.	Six months
04108	1978-79	Rotutu, Same, Manufahi	PS247, ABRI, Indonesian	TG was threatened by 10 Hansip members who claimed they would kill her whole family if she did not accept PS247 advances. PS247 lived with TG and her family for two months. TG was pregnant when PS247 forced her to move with him to Betano. They lived in Betano until their child was a year old before PS247 returned to Sulawesi, Indonesia.	More than one year
01161	1978-81	Atabae, Bobonaro	PS248, Army Special Forces Regiment (RPKAD), Indonesian	PS248 threatened UG with death if she rejected his sexual advances. Three children were born from this relationship and deserted by PS248 upon his return to Indonesia.	Three years
06355	1979	Raimea-Biluli, Ermera	PS249, Commander Battalion 401, Indonesian	PS249 and nine other soldiers went to the house of VG. PS249 threatened to kill VG's brother if she rejected his advances. She submitted because she feared for her brother's life. PS249 continued to rape VG in her home. She eventually gave birth to a son who later died.	More than nine months
01066	1979-81	Dukurai, Letefoho, Ermera	Liurai PS250, Village Chief	WG was detained by PS250 and a Hansip member named PS340. She was beaten, then forced into a situation of sexual slavery with PS250 who lived with WG in her parents' house. She had two children	Two years

				from this relationship.	
00566	1979	Uailacama, Vemassee, Baucau	PS251, Babinsa of Vemassee, Indonesian	PS251 accused J and her father of working with Fretilin and threatened to kill them. In exchange for sparing their lives, PS251 took J and lived with her at the Vemassee Koramil. A child was born of this relationship.	One year
05212	1980	Lenao, Manatuto	PS252, ABRI soldier, Indonesian	The victim was raped under threat of death at her own home, then forced to accept an on-going sexual relationship. When PS252 was transferred to Soibada (Manatuto) he took her with him. She had a child from this relationship. He returned to Indonesia.	More than nine months
03527	1984-87	Railaco Kraik, Railaco, Ermera	PS253, Babinsa, originally from Central Java	PS253 confiscated the possessions of XG. That night he went to her house threatening to kill members of her family. She was raped and then forced to accept an on-going sexual relationship in her home. She had a child from this relationship.	Three years

*D. Consecutive domestic sexual slavery*

203. The Commission received evidence of cases of consecutive domestic sexual slavery, perpetrated by different offenders on the same victim.<sup>151</sup> The Commission has evidence that sexual “ownership” was passed from one member of the Indonesian security forces to his replacement.

204. YG became the victim of sexual slavery by three Indonesian soldiers consecutively. In 1980 YG was nearly shot by a police officer and ABRI soldiers when she was in the fields with her children. Accused of having joined Falintil, YG was taken to the Alas Koramil (Manufahi). On the way, they threatened to kill her and throw her in the river. At the Alas Koramil, YG was interrogated for three days. Then the Alas Koramil commander, known as PS254, forced YG to give in to his sexual advances and eventually she had a child. The Koramil commander died soon after the child was born. In 1982 YG was again forced into sexual slavery, this time with an Indonesian soldier named PS255. From this relationship she gave birth to a stillborn baby. A year later, for the third time, YG was forced into sexual slavery with a member of ABRI whose name was not disclosed. The soldier left YG after a month on completion of his tour of duty.<sup>152</sup>

205. ZG was forced into a situation of sexual slavery that continued for one year and involved four consecutive perpetrators from different military units. In 1981, ZG was only 16 years old when PS256, the village head of Mindelo (Turisca, Manufahi) went to ZG’s house in the middle of the night with PS257, an Indonesian soldier. PS256 threatened to kill ZG’s brother he he did not surrender his sister. ZG was forced into a sexual relationship with PS257 that lasted for two months. After PS257 left the region when his battalion was moved, another Indonesian soldier named PS258 arrived in the area and, with a member of Hansip, went to ZG’s house. With threats, he forced ZG into a sexual relationship that lasted four months. After PS258 left he was followed by another Indonesian soldier, PS259, and later yet by another Indonesian soldier named PS260. Each of them forced ZG to have an on-going sexual relationship that lasted the duration of their duty in this region (one to four months). In 1984 another soldier whose name was not known to the victim tried again to force a sexual relationship with ZG. ZG explained to the Commission:

*I surrendered myself to be killed. I said to him, “If you want to kill me, go ahead, but I don’t want to live in a situation like that again.” So it didn’t happen.<sup>153</sup>*

206. As a result of her situation, ZG became mentally unstable.<sup>154</sup>

207. At the beginning of the 1980s, the Indonesian military considered the district of Lautém a stronghold of the Resistance, which it termed the “security disturbance movement” (*Gerakan Pengacau Keamanan, GPK*). Consequently, large-scale military operations were conducted in this district, increasing the incidence of sexual violence against women. In the sub-district of Lospalos torture, rape and sexual slavery were widespread. HG, whose name was on a list of “available women” at the Lospalos Kodim headquarters (see above), was one among several women who told the Commission of her capture, and the torture and sexual violence she then experienced. In 1981, HG’s husband, a member of a civil defence group of the Indonesiann military known as Trained Civilians (*Rakyat Terlatih, Ratih*), was shot dead during a Falintil attack. A year later in 1982, HG was captured by the Indonesian military under suspicion of helping her uncle who was in the forest.

*They made me walk from the house to the Maluro [Lore I Village] post where I was detained for three days. While at the post, they stripped me naked and pulled my pubic hair, then they electrocuted me on the genitals and...on the ears. I was captured with all the young girls of Maluro. We were all stripped naked before the population of Maluro, then they inserted large batteries inside our vaginas.*

208. HG was interrogated, tortured and raped for three days. Following this she was sent home, though she was summoned every night and, along with a mother and daughter, forced to sexually “service” the soldiers. She described:

*Each of us had to have sexual intercourse with one man until they returned to their own provinces. Mine was an Indonesian soldier named PS262. After he finished with me I was not allowed to go home but was made to sleep there with him. My friend and her daughter were sent back home. One day PS262 was transferred to the Kodim in Lospalos. I was taken there too, to live with him. When I became pregnant he told me to go back to my home in Maluro. After I gave birth, he never cared for the child who eventually died of malnutrition...*

*The second person to claim me [sic, it is actually the third person counting the man who first raped her] was PS263 [Indonesian]. He ordered me and a group of other people to go into the forest to look for Falintil members...They made me walk about 100 metres in front of them, then they followed, always watching me from the back. During the operations in the forest I was made to wear ABRI fatigues but I was not given a weapon. During the journey I had to have sexual intercourse with PS263 whenever he wanted. When I became pregnant he asked a friend, trained as a nurse, to give me an injection to make me abort, but I refused.*

*I have forgotten the name of my fourth “husband”. The fifth was named PS264 [Indonesian]. In the end I had five children from five different fathers. The father of my first child who died, was from the Komando Unit. The father of the second child was from Unit 412. The third was from Unit 413. I forgot the name and unit of the fourth child’s father. The last child’s father was PS264, I do not remember from which unit.<sup>155</sup>*

209. Like HG, AH was also subjected to several forms of violence. In 1983, her husband was captured and detained for several years at the Lospalos Kodim (Lautém). Soon afterwards, AH was also captured by PS265, a member of the Secret Warfare Command (Nanggala) combat unit, and a soldier from Unit 642, Company A. She was taken to the ABRI post in Maluro, Lore I Village where she was tortured and raped by several ABRI soldiers for about a week. After her release, soldiers also went to her home where she lived with her two small children and raped her there. She had to report daily to the Maluro post from 1983 to 1987. Often when she went to report they would call her in to be interrogated and raped.<sup>156</sup>

210. BH was detained and tortured because she refused the sexual advances of a soldier. Then she became the victim of domestic sexual slavery perpetrated by two Indonesian soldiers in succession.<sup>157</sup> The Commission also received the testimony of CH who told of her capture, sexual torture and sexual slavery at the Maluro post. Like HG, she said that her name was listed in ABRI files and that she could be passed by a soldier from one battalion to the next as troops rotated in and out of Maluro.

*In 1983, I was captured by ABRI soldiers from Unit 372 because [a member of my family] was still in the forest. I also gave cassava, sweet potatoes and beans to Xanana and Falintil who harvested them directly from my fields. An informer reported this and so ABRI soldiers came and seized me from my house and took me to the ABRI post in Maluro. On arrival, they stripped me naked and interrogated me. They hit me with their hands and with sticks, they bound me and kicked me, burned me with cigarette butts, and other forms of torture. During the interrogation another member pinched me and squeezed my breasts, but I remained passive because there was nothing I could do. They pulled my pubic hair and then raped me. They raped me in turns. Every time they needed it, I had to do it with them. If not, they would beat me black and blue. I was detained at the ABRI post for two years. My main duties while in detention were to wash their clothes, cook and take care of their sexual needs. In the end I had a child by an ABRI soldier named PS266 [Indonesian].<sup>158</sup>*

#### **E. Case study: rape and sexual slavery in Mauchiga, Ainaro**

211. To better understand the context in which sexual slavery occurred, the Commission conducted a special investigation on the human rights violations that took place in Mauchiga (Hatu Bulico, Ainaro) from 1982-87. Sexual slavery, rape and other forms of sexual violence took place at the same time as mass detention, torture, killings, and, finally, exile to the island of Ataúro and other isolated areas.

212. At dawn on 20 August 1982, Falintil troops and men from Dare and Mauchiga attacked the Dare Koramil and other ABRI posts in the area. A heated battle ensued when ABRI and Hansip forces immediately returned fire. On the same day ABRI in the area launched a retaliation attack against the civilian population of Dare and Mauchiga. They were soon reinforced by ABRI troops, including Battalions 745 and 746, deployed to the area from the surrounding areas. From 20-24 August, ABRI razed the village of Mauchiga and the population fled and scattered in all directions, including up Kablaki Mountain. ABRI gave chase to the fleeing population and captured most of the women who were then detained in several places: the Kodims in Same and Ainaro; the Koramils in Maubisse (Ainaro), Lesuati (Same, Manufahi) and Dare (Ainaro); the Dare primary school building; the Dare market; and in tents or temporary huts in Dare. Except for those in the school building, most detainees were then relocated to more permanent detention sites on the island of Ataúro, in Dotik (Manufahi) and locations in and around Dare.



213. Civilians captured in Mauchiga were taken to the Lesuati ABRI post after their homes were burnt down. After several weeks in Lesuati, these detainees, as well as those being held at the Kodims in Same and Ainaro, were transferred in Hino trucks to the Balide Prison in Dili. As the trucks were full, some detainees waited for another week or so for more trucks to come and get them. When they did not, the remaining detainees in Lesuati were forced to walk for several hours until they reached the Dare Koramil in early September 1982.

214. When the makeshift detention centres around Dare were full, some detainees were allowed to stay in the houses of the Dare community. Detainees living in civilian homes had to report for a daily roll call at the Dare Koramil. Meanwhile, the women in the detention centres were strictly guarded and controlled. They were separated from the men of their families and cut off from social or emotional support from their community.

215. Sexual violence towards the women of Mauchiga began shortly after they were detained. For example, six of the women held in Lesuati reported they were taken to another ABRI post in Mantutu (not far from Lesuati). [DH](#), [EH](#), and [FH](#) were sexually tortured (see section below) while [GH](#), [HH](#) and [IH](#) were taken there on separate occasions to be raped (see also section on Sexual Violence of Chapter 7.8: The Rights of the Child).<sup>159</sup>

216. JH was not taken to the Mantutu post, but was raped at the Lesuati post on the same night her husband and uncle were interrogated and killed at the Mantutu post.<sup>160</sup>

217. The gang rape of female detainees often took place in the context of interrogation. Of the 66 women interviewed (or mentioned in interviews) about the 1982 uprising in Mauchiga, 41 were victims of sexual violence: 24 were raped, 11 others experienced slave-like sexual abuse and six others suffered from other forms of sexual violence. GH testified to the Commission:

*On 20 August 1982, two ABRI [soldiers] burned all the houses in Mauchiga and ordered me to go to Lesuati. I stayed there for a week with my family. One night they took me to the military post in Mantutu for interrogation. As it turned out, they had lied because there I was raped by PS61, an East Timorese soldier of Battalion 745 with the rank of Serka [Sersan Kepala, Sergeant-Major]. They raped me on the road in the long grass. He wasn't the only one. ABRI and Hansip members did the same. At the time it was as if my body was that of a whore.*<sup>161</sup>

#### *E.1 Internment in Dare, Ainaro*

218. The office of the Dare Koramil was the geographic and logistics centre where many of the crimes against the members of the community of Mauchiga were organised and committed. The office of the Dare Koramil was located between two detention centres. The primary school was located directly behind the Koramil and the market was directly opposite, across the road. Most people who were captured were eventually taken to this Koramil before their final destination was determined.

219. For many women detainees, interrogation sessions were merely a pretext for security forces to rape them. "Each night they [the military] would take women...and say they were 'seeking information', but in reality they were raping the women." As a rule, the opening question to a married woman being interrogated was: "Where has your husband fled?"<sup>162</sup> Rape during interrogation was usually accompanied by other forms of physical torture. LH told the Commission:

*The three of us [LH1, LH2 and I] went to Hatuquero to look for food. There, we were caught by the village head named PS267. He took the three of us to Aituto [Maubisse, Ainaro] and handed us over to the Dare Koramil. [There] a Hansip by the name of PS54 said to the three of us: "Why don't you just come [to me] so I can make all three of you my wives?" After he said this he...started to beat me with a large bamboo stick. Then he took some matches from the pocket of his trousers and burned my mouth, ears, arms and body until my skin was all black and swollen. After he burned me, he ordered me to take off every stitch of clothing on my body. Then he went to call an ABRI [soldier] and the two took turns raping me.<sup>163</sup>*

220. Some women were called to come for interrogation at the Koramil while others were detained there. LH1, together with LH, MH and NH were detained in the kitchen of the Dare Koramil for one week before being transferred to a house in Dare. LH1 was the only woman not raped while staying in the Koramil kitchen.<sup>164</sup>

221. ABRI facilities in Dare were not the only place soldiers raped the women of Mauchiga. OH and PH, two women who cooked for a clandestine meeting to prepare for the Falintil attack on the Dare Koramil, were raped during their detention at the Ainaro Kodim.<sup>165</sup> One of the offenders was Sergeant-Major PS269 [Indonesian]. He raped OH after she was interrogated and beaten on her back until she was unable to walk. At the time, OH was two months pregnant. OH1, who together with other men from Mauchiga was put in a cell of the Ainaro Kodim a few days before OH and PH were detained there, named other perpetrators. He told the Commission:

*On 11 June 1982, I was still in the cell when an ABRI soldier took me away for interrogation because the information I had given, in their opinion, was not the truth. They beat, kicked, pinched, burned and electrocuted me all over my body. On 12 June 1982, they caught PH and OH and put the two of them in a cell. Then they were both raped.*

*One day, the same thing happened to a woman whose name I don't know. She was from Ainaro. ABRI and Hansip raped her too. I know because she was in the next cell and I heard everything through the wall. I heard her screaming, something like this: "I am five months pregnant. Why must you rape me like this?" Those in charge at the time were PS270 and PS271 [Indonesian]. PS271 was an Intel agent who rarely wore a uniform. One of the men who raped PH and OH was PS272 [Chief of Intel Section, First-Sergeant]. The other one, PS406, was an intelligence agent who also rarely wore a uniform.<sup>166</sup>*

222. QH was also detained at the Ainaro Kodim for a year before she was released from her cell to enter a situation of domestic sexual slavery, following negotiations among the soldiers at the Kodim.<sup>167</sup>

223. RH was held in a dark cell when she was detained at an ABRI post:

*I was in Nunu Mogue [Hatu Bulico] for three months, always under ABRI's control. Suddenly a Hansip came to the house and said that three of my friends and I...were being summoned by Kasi I Pak PS271, PS270, and Pak PS273 [Indonesian]. When we got there, they interrogated me about the Falintil's attack in Mauchiga. Because I didn't tell them the truth they put me in a secret cell with a locked door and windows. I stayed a few weeks in that dark cell. One night, when I was asleep, suddenly the ABRI soldier who stood guard at the door entered the cell and did something ugly to me [raped me]. After he finished, he threatened me: "Don't tell anybody about this." I was in that dark cell for three months.<sup>168</sup>*

224. Dozens of people from Mauchiga were held in the Dare market place opposite the Dare Koramil. The market place was an open courtyard covered by a thatched roof. Some of those who were captured and held in the market place stayed there only one night before they were moved across the road to the primary school. Others from Mauchiga stayed in the market for several months while they built temporary shelter close by. ABRI and Hansip members raped at least five women while they were held there. They were taken out at night and raped behind the market. Two of the women were in an advanced state of pregnancy when raped. SH told the Commission:

*On the evening of 17 September 1982, several members of Hansip came to my place. They told me the commander wanted me for interrogation. As we left the Koramil, they immediately raped me. They were PS274, PS275, PS276 and PS277. While I was being raped, PS277 held a torch and shone it over the place where we were. I was five months pregnant at the time.<sup>169</sup>*

225. TH was raped the night before she gave birth. She told the Commission:

*[I]t was the middle of the night, four Hansip came to our place. They asked me: "Where is Tomás, your husband?" "My husband fled, I do not know where." "You are lying!" Then they took me outside...[T]he four Hansip took turns raping me. While one raped me, another shone a torch over me and the man raping me. This continued until they finished. I was very hungry and weak because they raped me until morning without stopping. When they finished I was crying. But what did they say? "Why are you crying? Our penis is the same as your husband's. We did it so your baby will come out [be born] quickly." After saying that, they left me. I managed to stand up by holding on to the trees around me and walked back to our place. My stomach was aching. For over two hours I bled profusely. I was aware that I was about to give birth. I went to ask if I could use the kitchen of those who lived close to the Koramil, so I could give birth. In the end they gave me a place and I gave birth to my child in that kitchen on 18 September 1982 at 10.00am.<sup>170</sup>*

226. Testimonies of those who survived the violence show that an effort was made to separate men and women detainees. Albertina Martins told the Commission that a group attending a traditional *koremetan* function in Maubisse at the time of the attack was taken to

Dare.\* There, men and women were separated. The women went to the market place while “all men in the group were taken to Atauro.”<sup>171</sup>

227. In late August 1982, the primary school behind the Dare Koramil was taken over by ABRI for about six months to be used as a make-shift detention centre. Many of the detainees were tortured and raped in the school. Mauchiga residents were brought to the building in groups as they were captured, starting on 22 August 1982. Some stayed for days or weeks, others stayed for months. If someone were moved out, someone else would be brought in. From the beginning to the end of September the number of people being sent to the school for detention decreased. By October hardly anyone else entered the school. Between March and April 1983 all those who had been detained there were moved and the school was returned to its original function.

228. In 1982 the primary school building consisted of four large rooms. Each room had a wooden door and large windows covered in meshed wire. Three rooms were used to house the detainees. Those detained in one room were not allowed to look at or mix with the detainees held in the other rooms. The detainees had to sleep on the bare floor and every day were released long enough to scrounge for their own food. ABRI used one of the four rooms, located at one end of the building, as an office and interrogation room. ABRI soldiers often summoned women to the “office” for “interrogation”. The room had tables, books and other office facilities as well as a mat and a pillow that were used when women were raped.

229. Data gathered by the Commission suggests there was a pattern to the rape that followed the hierarchy of rank among the offenders. Higher-ranking officers used the ABRI “office” in the school for rape. Hansip and lower-ranking ABRI soldiers tended to go to the school in the middle of the night. They would drag the women out and rape them in the long grass around the school. PS278 worked as a TBO for PS279, an Indonesian member of Combat Engineers Battalion 5 (Batalyon Zeni Tempur, Yon Zipur or just Zipur). PS278 told the Commission about one of his duties:

*One of my additional duties was that when they wanted a woman, they would order me to go to the school and inform the parents of the girl they wanted to use. The parents had to make her wash and wait in an empty room inside the school. The door was always open. There was a mat and a pillow on the floor. If the room was in use then the door was locked from the inside. That was my duty. I had to go to the school about twice a week. Only PS279 asked me to do that. I went in the afternoon and would immediately return to the post. Then PS279 would go and come back again. He did not stay there. Maybe the commander knew, but he could do nothing because PS279 was a brutal man and had taken over power. At night when they took a woman to the post I only heard her scream. But in the morning I did not see her.*<sup>172</sup>

230. UH was only 15 when she was repeatedly raped by members of ABRI, Combat Engineers Battalion and the Hansip.

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\* *Koremotan* means “lifting of the black”. It is a traditional ceremony conducted 12 months after death, when family members can remove their symbolic black clothing. It is usually accompanied by singing and dance.]

*At the time I was 15 and still young. When I got to Dare, all the women, small children and old people were detained in the school. While I was there, they harassed me every night. Members of ABRI and Hansip, PS280 and PS281, would take me to the room of an Indonesian soldier named PS279. The room was an office room as well as a bedroom. He carried a small gun and was in full ABRI uniform to "attack" me...On the second night a Hansip from Hatu Builico [Ainara] did the same to me. He did it outdoors, standing up. On the third night, the same thing happened in PS279's room. On the fourth night an ABRI soldier, PS229 [Indonesian], took me to the house of his friend PS283. The friend was out and PS229 did that shameful thing to me.<sup>173</sup>*

231. Although the interrogation room at the school served as a place to rape women, most rapes occurred outdoors, as depicted in the following two testimonies. As VH told the Commission:

*After being held in the school for one month some Hansip - PS284 from Tatiru Dare, platoon commander PS54, PS286 and PS287 - called me in for interrogation, but as soon as I was outside the school they took me into the bushes and raped me.<sup>174</sup>*

232. WH, whose husband had fled to the mountains, relates:

*When I arrived at the school the Hansip and ABRI soldiers showed their true colours. If there were no young girls then the older women would become their victims. A Hansip whom I knew, PS288 from Dare Mulo, did that bad thing to me. At first he pretended to ask me the whereabouts of my husband, then in the end he unleashed his anger on me outside the school in the long grass.<sup>175</sup>*

233. Nearly one-third of the women in the Dare primary school, aged 15 years and above, were raped while in detention there.

**Table 2 - Women detainees at primary school building, Dare, Ainaro, 1982-83**

No	Date detained (1982)	Name	Approximate Age	Accompanying children	Reported sexual violence while detained at the school
1	23 August	XH	22		rape (later: sex slavery)
2	25/26 August	VH	25	one toddler, one nursing baby	rape
3	"	Orlanda da Costa	18-20	one nursing baby	
4	"	YH	15		rape
5	"	ZH	15		rape
6	"	UH	15		rape
7	"	AI	38	one toddler, one nursing baby	attempted rape
8	"	Mariana da Costa	40	eight children	
9	"	BI	22		(later: sexual slavery)
10	Late August	Eduarda da Costa	33	three children, one nursing baby	
11	"	Celestina da Silva	30	one child	
12	"	FH	33	six children, one nursing baby	(prior: sexual torture)
13	"	DH	36	two children	(prior: sexual torture)
14	"	EH	26	one nursing baby	(prior: sexual torture)
15	"	Laurentina de Orleans	44	five children, one nursing baby	
16	Early Sept	WH	35	one child	rape
17	Mid-Sept	CI	40	three children	rape
18	"	Joana Britos	Unknown	five children, one nursing baby	
19	"	DI	20	two children	rape
20	"	EI	25		attempted rape
21	"	Elisa Barbosa	50		
22	30 Sept/1 Oct	Armanda Barbosa	45	two children	
23	Unknown	FI	teen		rape
24	Unknown	IH	14		rape
25	Unknown	Silvina Barbosa	Unknown		
26	Unknown	Juliana B	40		
27	Unknown	Josefa de Conceição	30+		
28	Unknown	Bendita Barbosa	22		
29	Unknown	TH	25		rape

234. By about mid-September, with the market place and primary school full of detainees, ABRI had to find alternative accommodation. Some detainees were allowed to stay with family or acquaintances that lived close to the Koramil in Dare. However, living in a house rather than the school or market place was no guarantee of safety for the women. As BI told the Commission:

*Every night the ABRI soldiers picked me up from the house to go to a party and dance with them [around Dare]. They used that opportunity to satisfy their lust. In the end I had a child by a Nanggala 16 soldier named PS289.<sup>176</sup>*

235. The military determined locations where detainees were to build their own houses. Two places mentioned were Lebukua, slightly higher up from the school towards Blehetu Mountain, and Fatuk Hun, a neighbourhood in Dare. When all corners of Dare were saturated with detainees from Mauchiga, the Koramil commander enlisted the help of the head of the Nunu Mogue to move some of the detainees to Nunu Mogue. The situation in Nunu Mogue did not differ much from Dare. There were no facilities for displaced persons so that those from Mauchiga had to build very simple huts with materials from the forest. As in Dare, displaced women in Nunu Mogue were also vulnerable to sexual violence. One day, when GH went out of the house to collect water, she was followed by a Hansip who raped her.<sup>177</sup>

236. Rape was not only perpetrated against the women of Mauchiga, but also against women from neighbouring communities. GI from the village of Mulo (Hatu Builico) told of her abduction at the time of the Battalion 745 attack on Hautio in 1982. Using the pretext that the Ainaro Kodim head of intelligence had summoned her, GI was taken to a command post where she was repeatedly raped by three members of Battalion 745. Previously, GI had also been tortured and raped by the head of the intelligence section, PS229 [Indonesian], and two members of Kodim 1633, PS291 and PS292 [Indonesian].<sup>178</sup>

237. Rape and sexual slavery continued in Dare long after the first retaliation attack and mass arrests of August and September 1982. HI was captured in 1984 because her uncle was a member of Falintil. At the Dare Koramil post 10 members of the Special Warfare Command (Nanggala) beat her and then took her to the Kodim in Ainaro where she was stripped naked and electrocuted for two hours until she was unconscious. After that she was forced into a situation of sexual slavery with head of the intelligence section, PS229, of the Ainaro Koramil that lasted for three months.<sup>179</sup>

#### *E.2 Internment on the island of Ataúro, Dili*

238. Following the failed uprising, detainees from Mauchiga were sent to the island of Ataúro in at least three waves of displacement. On 30 August 1982, the first group from Mauchiga was sent to Ataúro. It included men captured prior to Falintil's attack on the Dare Koramil, some held at the Ainaro Kodim and some held at the Koramil in Lesuati. The second group left for Ataúro on 16 October 1982 and the third went on 6 January 1983. A submission received by the Commission from the community of Mauchiga listed the names of people who died or were detained. It indicates the total interned on Ataúro was 431; 202 men and 229 women.<sup>180</sup> Living conditions in Ataúro were extremely poor, with the arrival of more than 3,000 detainees from all parts of Timor-Leste. From the Mauchiga area, at least 56 men, women and children died from disease, lack of water and malnutrition during their internment in Ataúro. The Commission found no evidence of sexual violence during this period (see Part 3: The History of the Conflict; Chapter 7.3: Forced Displacement and Famine).

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<sup>176</sup> GH is the same woman whose account of rape at the Mantutu post shortly after the razing of Mauchiga is found earlier in this chapter.

239. On 27 November 1984, after two years on Ataúro, about 300 people from Mauchiga and surrounding villages were sent back to the district of Ainaro.<sup>181</sup> They were moved to Bonuk (Hatu Udo, Ainaro), an uninhabited location on the south coast of the district. Several sources reported that life in Bonuk resembled the first few months in Ataúro: "...[we] suffered more compared with life in Ataúro, because Bonuk was very remote, dry and full of mosquitoes."<sup>182</sup> The only food they had was leftover corn they had brought with them from Ataúro. After about 50 days in Bonuk, and following a visit by the Governor Mário Viegas Carrascalão, the Bonuk detainees were returned to Dare. There they were once again close to the Dare Koramil, the local centre that controlled the Mauchiga population. On the way from Bonuk to Dare, some 20 to 30 men and women who were considered leaders of the Resistance were detained in Mau-ulo III, a village about one kilometre from Ainaro.<sup>\*</sup> They were told to build houses and live there. No sexual violations were reported to have occurred in Ataúro or Bonuk (see Chapter 7.4: Detention, Torture and Ill-Treatment).

240. The majority of the community of Mauchiga was eventually returned to Dare. Compared to the years on Ataúro, conditions in Dare were worse, primarily because military control was much tighter in and around Dare. Those from Bonuk had to report to the Koramil before they were allowed to return to their own houses. JL moved into her family's traditional home in Dare and remained there for more than three years. JL told the Commission:

*On the first night we were there, an ABRI soldier, PS294, a Head of Section III<sup>†</sup> from East Java, came to the house with a TBO. They called me to come out, but I refused. On the second night [the ABRI soldier] came alone in full uniform and armed with a gun, like the first night. He threatened to kill all my family. My mother had to say: "You had better give in." So, before he was transferred to Ainaro, PS294 came to my house [every day] for a week and raped me. I became pregnant from my relationship with him. I had just given birth when an [Indonesian] ABRI soldier, PS229, came and gave me a can of corn to eat so I could nurse the baby...When...[my daughter] was five months old, First Sergeant PS391 [Indonesian] wanted to have a relationship with me but I refused. From then on I was no longer harassed by soldiers wanting to rape me.<sup>183</sup>*

### *E.3 Internment in Dotik, (Alas, Manufahi)*

241. Generally, the people of Mauchiga who were captured in caves and wooded areas of Mount Kablaki above Same were detained at the Same Kodim or Koramil. On 7 January 1983, about 100 people from the Mauchiga area, over 70% of them men, were sent from Same to Dotik, a village south of Alas on the south coast of Manufahi. When they arrived, they found an ABRI post and a handful of families already living there. However, no houses or land for cultivation had been prepared for them and ABRI did not tell them where they had to live. The village head of Dotik, Eusebio, gave them an area of uncultivated land some distance from the ABRI post and the other families. They lived there under tarpaulins provided by ABRI while building their houses from materials in the forest. Like Bonuk, Dotik was hot, water was scarce and mosquitoes were abundant. Four Neighbourhood Security System posts (pos Siskamling) were built around the perimeter of the houses, one in each direction - north, south, east and west. The posts were manned by members of Battalion 745.

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<sup>\*</sup> Located on the road between Ainaro and Suai, Mau-ulo III was not far from the notorious execution site of Bullico, popularly known as Jakarta II (see Chapter 7.4: Detention, Torture and Ill-Treatment). The people left in Mau-ulo III knew of Jakarta II and this may have added to the repression they experienced while living there. On the road from Suai, just before Mau-ulo III, there was also an army post where war equipment was stored. A platoon of 30 to 40 soldiers were on duty at that post.

<sup>†</sup> Kasi or Kepala Seksi (Head of Section) III would be Head of Section for Territorial Matters; Kasi I was Head of Section for Intelligence.



242. At least three women were raped in Dotik. In 1982 KI, her father and her sister lived in a house with two women from Mauchiga, L and M, and M's child (about six months old). KI told the Commission:

*We had been in Dotik one month when ABRI came and started to harass us. One night M was called and raped because her husband was a Falintil commander. He is dead now. But it was not just M. The three of us were also raped. They came from their post to Dotik every one or two weeks and whenever they wanted to sleep with a woman, they just came. Sometimes they came one at a time. Sometimes they would come and take turns raping us till they had enough. The first time they came, they fired shots inside the house. At the time my father said: "We are in their hands now, it's better you [three girls] give in to them." Then they started coming periodically.*

*There was also an Indonesian Babinsa named PS295. He kept coming to harass all of us, but in the end he took L as his "wife". He told the community to build a house for him and L after they had been there two months. After a year and a half, L gave birth to a child. When the child was one year old they moved to Dare. L remained in the house there when PS295 went back to Indonesia. The first few weeks PS295 raped M and me, but after L moved from our house to live with him he stopped harassing us.*

*One day, PS296, a Babinsa from Bobonaro, came to the house and threatened me. I was raped by three men - PS296 [East Timorese] and two Indonesian soldiers. While one was raping me the other stood guard. One of the Indonesian soldiers once threatened me with a gun pointed at my throat. I was raped until [eventually] I had a child. I lived in Dotik for three years.<sup>184</sup>*

243. In 1984, Governor Mário Viegas Carrascalão visited the displaced community in Dotik, just as he had visited the people of Mauchiga who had been detained in Bonuk. Shortly after this visit, the detainees in Dotik were returned to Dare. Around 1985, those people from Mauchiga who had been interned on Ataúro, in Bonuk, Mau-ulo and Dotik returned to Dare. Once again, they had to take care of their own food and accommodation needs. It was only later in about 1987, after five years of displacement and hardship, that the people of Mauchiga were allowed to return to their own village.

## Testimony of XH, Mauchiga, Hatu Bulico, Ainaro

XH's story begins with Falintil's attack of the Dare and Ainaro Koramil and ABRI's retaliatory operation on 20 August 1982. XH helped to take care of a wounded Falintil member she found close to her house:

*Maybe because I helped him I became a suspect and on that afternoon I was captured by ABRI and Hansip at my home in Mauchiga and was taken to Dare. At that time only women were detained at the Koramil post in Dare. There, ABRI and Hansip [Hansip] started to torture each one of us. Before raping me they beat me...they used weapons to poke me in the ribs until I was injured, they kicked me with army boots in my lower back until I was unable to walk...Then they raped me. After raping me, they burned me with cigarette butts on the face and arms till my skin blackened. They did all this [to me] for more than a month in the Dare Koramil post.*

*I was also treated like a slave. Every day I had to wash clothes, cook and do other domestic chores for the ABRI. They also made me wear an ABRI uniform. I was given a rucksack, a radio, a pistol and ammunition. They taught me how to use the equipment so I could go with them to Mount Kablaki to search for Falintil commanders. The rucksack was so heavy that sometimes I fell. Once I fell in the middle of a river and all my clothes were soaked, but the ABRI did not heed me and ordered me to continue walking. On arrival at [our destination] they handed me over to the troops there to rape me. After that we returned to the Dare Koramil post with the excuse that no Falintil commander had been found. The following day I refused to go on more operations.*

*At that time ABRI...[used the school building behind the] Dare Koramil post. They said it would be...to house the women whose husbands had been interned on Atauro. It was not exactly a school, but a place where women had to live with ABRI soldiers. That is where I lived. Every day I was called for interrogation, but even before they started they had already received false information about me from a Hansip commander, an East Timorese who lived in Hatu Bulico. If I did not speak according to this false information they had received from this commander I would be tortured and raped. I was not the only one raped. There were also women still breastfeeding, women whose children were a couple of months old and others whose children were three or four years old. When the soldiers raped the women, they took them outside and separated them from the children. Even if the children were crying, the soldiers did not care. All they wanted was to satisfy their lust. They also raped pregnant women.*

*Tomás was the husband of one of the women [who was detained]. They bound both his hands behind his back and then dragged him behind a Hino truck all around Dare. While he was being dragged, the ABRI and Hansip hit him with wooden clubs every time he passed them until his body was crushed and the white of his bones could be seen. Only his face looked intact. Another young man was put inside a 50 kilogram plastic sugar sack. It was not the sack itself but the plastic lining they used. They tied up the plastic bag, poured kerosene over it and burned the young man alive. Strangely enough, when he was dead - his body was completely burned - but he was still kneeling and holding up his right hand. I saw with my own eyes how sadistically they treated those two men.*

*In the end, I had to find a solution, so I ran away to the Sisters' convent in Ainaro to continue my vocational schooling [at SMPK] in Ainaro. To get permission to leave I said I had some pressing business in Ainaro. But instead I ran away and was able to return to school. But not for long...[ABRI]...wrote a statement...[accusing me of having] links with Falintil. Then they took the false statement to the school principal...and in September 1982 they recaptured me at the school in Ainaro. Four men came for me - two ABRI and two East Timorese Hansip members - and took me back to the Kodim in Ainaro.*

*On arrival at the Kodim, the Kasi Intil [head of the intelligence section] had gone to the village of Cassa [Ainaro, Ainaro] so I had to wait until he returned. He immediately asked his subordinate: "Is this XH? Now you wait, I'll bathe first." After he finished bathing, he immediately called me in, not into the interrogation room, but into his bedroom to be raped. After that they started interrogating me, [throwing] all kinds of accusations at me: "You have provided food to Falintil, haven't you? Wasn't your house used for Falintil meetings?" I denied everything and that is when they started torturing me for the second time... They hit me on the head with a wooden chair until blood was streaming down my face onto my clothes. At the same time they put electric cables in my ears to electrocute me. They also electrocuted my hands and feet. I jumped here and there until my blood froze. Every time they threw a question at me, they burned me with cigarette butts - in the mouth, on the face and other parts of my body. Or they electrocuted me. When I became helpless they raped me again. Then they took me to the toilet in the office of Kasi Intel and detained me there three months. Every day, when the soldiers, went in there to use the toilet, I would have to go out... Whatever they did in there, they never flushed it. There [in the toilet] I lived, slept and ate for three months. They put my food in a small can of condensed milk and I got that once a day. Drinking water also went into that can. For three months I did not change my clothes and did not bathe.*

*One day, all the ABRI personnel went to a function in Dili. While they were gone a Timorese civil servant seized the opportunity and attempted to rape me. He started touching me and said that he considered me his second wife. I reminded him: "You already have a wife. I also have a husband. Don't treat me like those outsiders. My husband will come back from Ataúro and when we are walking together, what will you say [then]?" In that way I was able to prevent him from raping me.*

*In the afternoon when the ABRI returned from Dili, the civil servant reported to them saying: "XH says that she keeps thinking of her Falintil husband in the forest." But I had never said that. That night ABRI took seven men and two women detainees, including myself, to throw us off Builico [a very deep ravine known as Jakarta II]. When we arrived, the men were made to stand on the edge of the ravine and then pushed to their death. When they tried to push us women off we held on to their legs so that if we fell we'd fall together with the soldiers. One commander said: "So, do we want to kill them or shall we just take them back?" Another soldier said it would be better to take us back as the others were already dead. As soon as we got back, my friend and I were immediately tortured and raped.*

*There was never a day without rape. At any time, any day, my friends and I were raped.*

*One day, a friend called Maria was summoned to the office of the Kasi Intel. Maria was also a detainee. When she was in the office of the Kasi Intel, she saw me in the toilet and whispered through a small hole in the wall: "It is better to confess to anything they ask you so that you can get out of that toilet fast. Whatever they ask you, you agree and tell them that I, Maria, was your commander." In the end I told the ABRI that Maria was my commander. After they got confirmation from Maria they released me from the toilet and moved me to a prison cell where I stayed for three months until April 1983 when I was released and I returned to Dare.<sup>185</sup>*

### **Sexual slavery during consolidation of the occupation (1985-98)**

244. Compared with the post-invasion period and 1999, cases of sexual slavery reported for the period 1985-98, as with cases of rape, were at markedly lower levels. This coincides with a drop in cases of women detainees as exemplified by the graph below.

**[[BENETECH]\* GRAPH**

245. The evidence gathered points to a decline in military sexual slavery and an increase in cases of domestic sexual slavery, where a member of the armed forces used the power of his position and arms to force a woman into a sexual relationship in a domestic setting.

246. K was a victim of domestic sexual slavery for five years, from 1985 until 1989, perpetrated by the Koramil commander of Laclubar Sub-district in Manatuto. At first, the commander named PS297, kicked down the door of K's house because her parents did not want to open the door for him. Threatening her with a weapon, PS297 forced K to take off her clothes and then he raped her in her own home. K's parents could not accept this and beat K so that she would refuse to have a relationship with PS297. However, PS297 continued to visit K's home and to have sexual intercourse with her. In the end, K became pregnant and had a child who died soon after birth. The situation continued for five years until PS297 returned to Sumatra at the end of his tour of duty in East Timor.<sup>186</sup>

247. The Commission also received evidence of women being traded to prevent or stop the torture of family members. N1, from the village of Bado-Ho'o (Venilale, Baucau), was arrested by an Indonesian village-based military officer (Babinsa) named PS298 in August 1986. Prior to the arrest, PS298 had asked N1's sister, N, to have sexual intercourse with him. Because she refused, PS298 brought N1 to a military post where he was tortured. They accused him of being a member of a security disturbance group (GPK) and Fretilin. They kicked and hit him with a gun on his mouth until his teeth fell out. The next day N1 was made to stand by the flagpole at the post, staring at the sun from morning until afternoon. On the second day N1 was threatened with detention and torture for one month if he did not hand over his sister. In the end N had to enter into a situation of sexual slavery with PS298 to save her brother.<sup>187</sup>

248. Some victims of sexual slavery committed by Indonesian soldiers also became targets of the same crime committed by Timorese from civilian groups. LI testified that for six years, beginning in 1980, she was forced into a situation of sexual slavery by an Indonesian soldier from the Koramil of Laleia (Manatuto) named PS299. In 1986, she was again coerced into a situation of sexual slavery by PS300 [East Timorese]. He was a member of the Hansip from the same Koramil. Threatened with a weapon, LI was raped every night in her own house. In the end she alone was responsible for raising her two children, one from each of the relationships.<sup>188</sup>

## Testimony of MI, Lalerek Mutin, Viqueque

MI is a small, soft-spoken woman who bravely shared her experiences of domestic sexual slavery with the Commission in April 2003.

After the Hansip revolt led by Commander Ular and followed by the massacres of Kraras in the village of Bibileo (Viqueque, Viqueque) in September 1983, the surviving Kraras population, mostly women, were transferred by the Indonesian military to a village called Lalerek Mutin. This village later became known as the “village of widows”. At the time of the massacres of Kraras, MI was two months pregnant. She ran to the forest with her husband, but then surrendered. When the child was five days old her husband came out of the forest.

*After he surrendered...he came back to the house where we lived for one month. In March [1984], ABRI summoned him to make him a TBO. After he left to report, my husband never returned. Maybe they killed him the same night they called him.*

When MI's child was a year and two months old he fell ill and died due to lack of medical care. Together with other inhabitants of Lalerek Mutin, MI was forced to join a Spear Brigade (*pasukan tombak*) whose duty was to patrol the area. Every night the widows of this civilian brigade were threatened and harassed by ABRI members.

One night, ABRI had a party. MI was ordered to attend by PS301, an Indonesian Private Second Class from the Special Warfare Command, Nanggala III. By using a number of excuses, MI was able to refuse this order twice. The third time, however, three men went to MI's house and woke her up and forced her to attend the party. On arriving at the party, PS301 accused her of harbouring a member of the Falintil (known as GPK to the military) in her house. She denied this. PS301 also danced with MI late into the night and would not let anyone else dance with her. Early in the morning he ordered MI to go back to her house and wait for him there. As soon as she arrived at the house, MI took a knife for harvesting rice, a food container and some water, and went to the rice field with her cousin. She was very tired and slept in a hut at the rice field while her cousin tended the field. Not long afterwards, a member of the Hansip and an East Timorese friend arrived with PS301 and his three men from the previous night. When they found her, PS301 seized the opportunity to “capture” MI with the accusation that among those running away was Commander Ular, the leader of the rebellion that attacked the combat engineers (Zipur) post in Kraras. PS301 then assaulted MI.

*He started slapping me and I fell. When I tried to stand, he stamped on my breasts and I was flat on my back again. Then he hit me on the back, he took a thick cassava trunk...and hit me with it. I do not know how many times, I was not counting, but he beat me until he broke the trunk on my body. I was not crying, I don't know why, but I felt that I was about to die. When he finished beating me my face felt swollen. I ran to the house and they followed me to the house.*

Before PS301 arrived at MI's house, her sister-in-law had reported the incident to leaders in the neighbourhood and another person who had come to MI's house. They looked at her but said nothing. Soon after PS301 arrived at the house, he asked for a pan and he himself boiled water to put compresses on MI's body. When he went out to prepare the water, MI argued with the East Timorese who had gathered at her house.

*My in-laws, the head of [the neighbourhood] started saying to me: “It doesn't matter, just accept him. Nobody will scorn you for ‘marrying’ him. It is not because you want to. We all know that you are being forced. If you won't have him, we'll all die. Better you sell your soul to save our skins.” I replied: “You can say that, but what's to happen when the situation begins to normalise? My parents will come and ask you about me. What will you say?” They replied: “If they ask us we'll be ready with an answer because in a situation like this we're stuck.”*

*After the boiled water was ready, they all busied themselves tending to my body. One put a compress on my face, another on my arms and on my legs until I started feeling better and the swelling went down. When they finished, they all went home except PS301. He stayed and from that day on we lived like husband and wife for a year. After that he returned to his country. I became pregnant but after three months and 15 days I miscarried.*

In 1991, fresh combat troops arrived in Lalerek Mutin. One day, while MI was in the rice field with a friend, a member of the new troops, Private Second Class PS302, followed her and when he arrived at the field he fired a shot in her direction. MI and her friend became scared and ran home. Once again, the people around MI encouraged her to give herself to an Indonesian soldier.

*On the way home, my friends said: "Just give yourself to him; if not, you'll die." Then, because I was ashamed, I said: "OK, I'll cut myself in two. The bottom part I'll give to him, but the top part will be for my country, for Timor." They said to me: "Don't be afraid. Don't run away. Maybe you have to suffer [like this] because your husband was killed, but you are still alive. Never mind. Our lives are all the same." [PS302] started following and walking with me...to my house...I accepted that maybe this was my fate. We lived as man and wife and I had a child.*

In 1993, once again MI was forced to live with a soldier, PS302 from Battalion 408.

*I had a daughter from our relationship...[When the child] was only a few months old PS302 [Indonesian] left. After that I lived with my two children. Fortunately there was my sister-in-law from the family of my first husband. [She] was willing to look after the children when I was working in the rice field.*

*Later on, Yonif 514, 527 and Linud 100 were deployed to Lalerek Mutin. I was suspected of being a bihu [an informer] because I was an "ABRI wife". The people were saying I was not a good woman because I had lived with three men. Sometimes I felt angry...If [I heard them] talk about me I would curse them saying: "If you say I am a collaborator it is not because my husband was killed because he was a thief. He was not killed because he harassed someone else's wife. If you want to call somebody a collaborator, say it to someone else. All you see is me as the wife of ABRI, but you do not know what I think." After that they didn't gossip about me again.<sup>189</sup>*

249. Despite the reduction in reported cases of sexual slavery during the "consolidation" of Indonesia's occupation, between 1985 and 1998, the following statements illustrate that domestic sexual slavery still occurred among the security forces throughout the territory.

250. In 1987, in the village of Matohei (Uatu-Lari, Viqueque), NI was threatened with a knife to accept the sexual advances of a member of Special Forces Command Chandrasa-7 by the name of PS304. Because two of her family members were still in the forest, NI entered a situation of domestic sexual slavery. She had a child from this relationship.<sup>190</sup>

251. In 1988, OI from Aicurus (Remexio, Aileu) was visited by a Babinsa, PS305 [Indonesian], who arrived in full uniform and was armed with a gun. PS305 asked OI's mother for her daughter and immediately dragged OI into the bedroom to rape her. Their relationship continued for 10 months until the officer finished his tour of duty. OI had a child from the relationship.<sup>191</sup>

252. In 1993, PS306 [Indonesian], a member of Battalion 122 went to the house of PI in Sananain (Laclubar, Manatuto). The soldier raped her and from that day they lived together. PI became pregnant and PS306 abandoned her.<sup>192</sup>

253. QI from Lauana (Letefoho, Ermera) entered into a situation of sexual slavery after a militiaman, PS307, threatened her parents with a knife in November 1998. As QI's brother was a member of a clandestine organisation, QI had to protect him. When she was two months pregnant PS307 beat her and she miscarried.<sup>193</sup>

## Sexual slavery by members of Falintil

254. One case reported to the Commission of sexual slavery which took place during the period of Indonesian occupation involved Falintil members as perpetrators. On 26 October 1996, RI and her sister, SI, respectively 14 and 13 years old, were threatened with guns and grenades by a member of the clandestine movement – PS308 - and two members of Falintil - PS309 and PS310 in Manusea (Hatulia, Ermera). After the threats, RI was raped by PS309 and SI was raped by PS310. The situation continued for several months until both girls became pregnant and the two men disappeared.<sup>194</sup>

## Sexual slavery and the Popular Consultation (1999)

255. Incidents of sexual slavery in 1999 should not be seen in isolation from the cases of rape described in the previous sections. The Commission received strong evidence that points to a situation of lawlessness that not only allowed rape to occur periodically, but also allowed perpetrators to rape a woman repeatedly for months at a time. Victims had no way to stop the crimes, nor a way to demand justice.

256. TI1, a woman from the village of Mabo (Hatulia, Ermera), described how a village head and a Strategic Reserve Command (Rajawali) soldier went to her house and threatened her with weapons, accusing her because her daughter had married a member of Falintil.<sup>195</sup> TI1 was forced to look for her children who had fled into the forest. Her daughter, TI, and niece, UI, went to pay Rp1million (about US\$100) to the ABRI to “save their lives.”<sup>196</sup> However, TI and UI were captured and taken to the strategic reserve command post where they were made to cook for one month. One night Sergeant PS311 [Indonesian], pointing a gun at TI, forced his way into her room and raped her. A soldier known as PS312 did the same to UI. This case was reported to the local police headquarters in Ermera, but police took no action. TI stated:

*On 22 May 1999, around 12.00 noon, Second Sergeant PS311 from BTT [Territorial Combat Battalion] 144 came for me and my niece UI because he had received information that some members of Falintil often ate and stayed at our house. After he took us to his BTT post, Second Sergeant PS313 dragged me into a room. He stripped me naked while threatening me with a gun. If I did not have sex with him [he said] he would kill me, so I had to submit to save my life. He raped me...while my niece UI was taken by ABRI Private First Class PS312 [East Timorese], a member of Koramil 1637. They made us wash their clothes, iron and cook like servants. At night they sent us home. They threatened they would hurt our parents: “You must not say anything, if you dare to talk, they’ll die.” On 25 May 1999...PS313 [again] pulled me by the arm into his room where he took my clothes off and raped me...then on 27 June it happened again...but I refused and Second Sergeant PS313 slapped me and kicked me till I fell. He pulled me up by the hand and I stood with my niece UI. They took us to the BTT 144 post to work for them as servants and to take care of their sexual needs. We served them from 25 May to 27 June 1999.<sup>197</sup>*

257. Long before the massacre at Suai Church, the Laksaur militia perpetrated acts of sexual terror, including sexual slavery. On 25 April 1999, the Laksaur militia turned VI’s house in Fatumean (Covalima) into a militia post. Her husband was forced to flee into the forest while VI,

who was left behind, was forced into a situation of sexual slavery. She was repeatedly raped by PS314 [East Timorese militia], and when PS314 was away, PS315 and PS316, other militia members also raped her. As a result VI became pregnant and her husband later separated from her when he heard about her condition.<sup>198</sup>

258. Another Laksaur militia member, PS208, who was named a perpetrator of sexual violence in the Suai Church Massacre following the ballot, was also actively involved in sexual violence prior to the vote. On 6 June 1999, PS208 broke into the house of WI in the village of Salele (Tilomar, Covalima) by breaking the door. He threatened to kill her and her father and then forced WI to have repeated sexual intercourse with him. As a result she became pregnant, but after two months was able to run away to safety.<sup>199</sup>



## Rape and sexual slavery by Halilintar militia in Atabae, Bobonaro<sup>\*</sup>

As early as 1998, Halilintar and Armui (*Aku rela mati untuk Indonesia*, I'm willing to die for Indonesia) militia groups instituted a widespread campaign of terror in the sub-district of Atabae, Bobonaro. From the 13 testimonies reporting cases of rape and sexual slavery perpetrated by these groups, the Commission is convinced that rape was an integral part of the pattern of violence. An offender repeatedly named by victims as PS318 as the deputy commander of Halilintar. It is believed he was killed in a skirmish with Interfet in October 1999.<sup>200</sup> Another repeat offender was Halilintar commander Paulo Gonçalves. His name also appeared in the indictment filed by the General Prosecutor in the Special Panels Court in Dili for crimes against humanity (torture, rape and persecution).<sup>201</sup>

Halilintar began these acts of terror in the sub-district of Atabae in 1998. A Halilintar militia named PS320 entered XI's house in Bolo on 5 May 1998. PS320 put his knife on the table, forced XI into the bedroom and raped her. XI described the slave-like sexual practice in this way: "The perpetrator made me his mistress and every night at about 9.00 he would come and sleep in my house and we lived together this way until 25 October 1999."<sup>202</sup> Also in the village of Bolo, YI was raped in her own bedroom by a militia called PS322. She was unable to refuse him and the rapes continued from 1998 until 26 October 1999. At that time PS322 wife reported the situation to the Halilintar commander, PS319. As a result of the report YI was beaten by PS319, who shouted: "A woman like this should be shot in the legs, stripped naked and made to walk from Aidabaslala to Coilima, Atabae." YI was supposed to pay a fine to the family of PS322 and his wife as required by their traditional custom in cases of adultery. However, this did not happen because the security situation worsened and most villagers fled for safety.<sup>203</sup>

Commander PS319 threatened ZI, from the aldeia of Aidabaslala, Hataz Village with a weapon and raped her in her own home in February 1999. ZI remained in a situation of sexual slavery until August 1999.<sup>204</sup> Sexual slavery also occurred in the cases of two other women, AJ and BJ. After AJ's husband, a member of the Koramil in Atabae, was arrested on suspicion of participating in the clandestine movement, AJ was raped by PS323, a member of the militia. PS318 aided this rape by threatening AJ with a weapon.<sup>205</sup>

When BJ's house was ransacked by Halilintar militia on 2 February 1999, her father was beaten as he tried to intervene. He was taken to the Maliana hospital for treatment. While her father was hospitalised, PS318 came to BJ's house, raped her and forced her into a situation of sexual slavery until she gave birth to a child.<sup>206</sup>

CJ was raped when the militia organised an oath of allegiance ceremony to Halilintar in the aldeia of Kaitapo, Aidabaleten Village, prior to the ballot. Threatened with death, CJ was coerced into making an oath of allegiance to Halilintar. As CJ recalls, commander PS318 "ordered Halilintar militia PS324 to call me. At first I refused, but because I was [threatened] I submitted..." CJ was raped "for three hours" before PS318 left her alone.<sup>207</sup>

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<sup>\*</sup> Halilintar (Thunderbolt) was a pro-integration paramilitary group first established in the late 1970s or early 1980s by João Tavares, a descendent of East Timorese royalty in Bobonaro. Originally a member of the UDT political party, Tavares was among those first courted by Indonesians and became a commander of the Partisans. His Partisan troops were what formed Halilintar. Tavares became the district administrator of Bobonaro District in the late 1970s. Halilintar was disbanded in 1983. Halilintar was resurrected in 1994 as a militia group at the time that the clandestine movement was gaining strength in Bobonaro. At this time Tavares also formed several other militia groups, including Armui, under the command of the Halilintar militia. [See Part 4: The Regime of Occupation].

Manuel Pereira testified about a series of violations committed by Halilintar militia that he experienced and witnessed. In March 1999 Manuel was attacked at his home in Sorohati, Hataz (Atabae, Bobonaro) by members of Halilintar militia, including Commander PS319, PS318 and PS323. He was brought to the village office in Hataz, which functioned as the local militia headquarters. After three months in detention at the militia headquarters, he escaped a murder attempt. During this time he also witnessed PS318 force a woman named DJ to have sexual relations with him. Out of fear, this woman took PS318 as her "husband", but one that was forced upon her.<sup>208</sup>

EJ, whose husband had fled to the forest, was detained in the village office at Aidabaslala, Hataz for one night:

*Commander PS319 threatened me. I kept quiet and prayed silently. He pointed a knife at me and ordered me to take off the sarong I was wearing. I refused and he threatened to kill me. I was scared, so I had to obey him. PS319 immediately raped me.*<sup>209</sup>

FJ, from the sub-village of Loumeta (Ermera), told of being repeatedly raped both before and after the Popular Consultation. On 17 April 1999 FJ was abducted, together with two friends, by the militia and taken to the house of PS327 which "served as the headquarters where the militia men committed their crimes". She was detained and tortured there for two days and raped by commander PS319. Following the ballot FJ continued to be subjected to sexual violence:

*The militia treated those of us who were raped as their mistresses. Every time they needed us for [sexual] intercourse we were taken to the house of PS327. I was raped six times. The first time was on 4 September 1999 at the BMP post [where] I was raped by PS327. The second time I was raped at the house of militia PS407 in Madapau. The third rape was in PS 408's house; the fourth rape was at PS327's militia post; the fifth rape was in PS 409's house; and the sixth time I was raped in the village office in Hataz.*<sup>210</sup>

Halilintar militia first ransacked the house of GJ in the village of Saburapo on 14 April 1999. Two days later they returned to her house to take her away:

*Three unknown militia dragged me by the arm and took me into a neighbour's house. The three stood guard outside while a militia named PS328 came into the house, put down the handmade rifle and the knife he was holding, and unfastened his pants. He pulled me towards him. I tried to fight back, but he hit me on the head with a G-3 [an automatic rifle] and I fell on the floor. Then he raped me at about 10.00 in the evening.*<sup>211</sup>

After this rape, GJ fled to Maliana, but PS328 followed her and managed to rape her several more times, including in a refugee camp in West Timor after the Popular Consultation. During one of the rape incidents, PS328 was accompanied by PS318 who stood guard outside the house while PS328 committed the crime.<sup>212</sup>

The Halilintar militia increased its violent attacks immediately after the Popular Consultation. HJ from the village of Biadila (Cailaco, Bobonaro) was abducted from her house on 2 September 1999. Militia members PS318 and PS329, acting on instructions from Commander PS319, tied her with a rope, took her outside and threw her on the ground where she was raped by PS328.<sup>213</sup>

PS6 was also involved in the rape of IJ, also from the aldeia of Aidabaslala, after the forced disappearance of her husband. On 18 September 1999, IJ's husband was taken from his house by members of the Armui militia. About a week later PS318 and other militia members came to her house and told her that her husband had been killed.

*When I heard what he said, I immediately started crying. PS330 from the Halilintar team pulled me by the hand and kissed me. I tried to bite him on his leg. He said: "Today I will sleep in this woman's house. If she does not agree, I will shoot her dead." He went into the room, while I was [outside] crying. My sister-in-law came out and said it was better if I "serviced" him. Hearing these words, PS330 made a coughing sound inside the room. In the end I entered the room. He stood up and, while hugging and kissing me, threw me on the mattress where he raped me twice in the same night...[Nine days later] at about 8.00pm, PS330, wearing shorts and shoes and with a G-3, was standing at the window. He called me - I was asleep at the time - and said, "Do not lock the door. If you do, you know the consequences." Later, he came into the house and raped me again.<sup>214</sup>*

PS318 and PS319 were jointly involved in a case of repeated rape. Six months after KJ's house was burned down in March 1999, KJ was captured by Halilintar militia on 13 September 1999. She was blindfolded, beaten and raped by Commander PS319. On 29 September she was beaten, threatened and raped again, this time by Deputy Commander PS318. She stated that on the following day "at midnight, militia PS319 beat, slapped and kicked [me], tied my hands behind my back, blindfolded me with a black cloth and then raped me on the main road close to the Halilintar post."<sup>215</sup>

In October 1999, the Halilintar militia group was still operational, although Interfet troops had already entered Dili. One night in October, around midnight, PS318, with PS331, PS332 and other unknown militia, smashed their way into the house of LJ. She was forcibly abducted and taken to the Halilintar post to be interrogated about the whereabouts of her husband who had already fled to the mountains. After being detained for over one hour she was raped by PS318.<sup>216</sup>

259. Following the announcement of the result of the Popular Consultation, the ensuing widespread violence and mass displacement of the population provided opportunities for rape. In a situation of chaos and lawlessness, rape offenders had an immense opportunity to gain access to victims and create conditions of sexual slavery and slave-like conditions.

260. In Aileu, a 17 year-old girl from the village of Selo Kraik (Aileu Vila, Aileu) was forced into a situation of sexual slavery during the period following the announcement of the ballot result. MJ recalled how the AHI militia terrorised everyone: "[They] said we had to evacuate [our homes] quickly because a hundred Indonesian fighter planes [were on their way to] burn all the houses [in the village]". MJ and her family left for the town of Aileu intending to go to Atambua in West Timor. While in Aileu, MJ was raped for the first time.

*PS333, a militiaman and member of Kodim 1632 in Aileu threatened my mother so he could take me away. She was scared of the threats and gave in. The man took me to stay at his house in Aileu Town for one week. On 12 September he came into my room at about 8.00pm and forced me to have sexual intercourse. I submitted because I saw that he was wearing a uniform and had an F19- rifle. I allowed him to rape me to save my family.<sup>217</sup>*

261. MJ was repeatedly raped and forced to go to Dili with PS333's family. Eventually the wife of PS333 found out what had happened and threw MJ out of the house. MJ was moved to Kupang, West Timor where she eventually found her family.

262. NJ and her family hid in their house in Cassa (Ainaro, Ainaro) after casting their votes in the Popular Consultation. A member of the Mahidi militia, PS334, entered NJ's house with a rifle. To protect her two younger sisters, who were still virgins, NJ submitted to having sexual intercourse with PS334. This situation continued for some weeks until eventually NJ encouraged her family to flee to Betun, West Timor where PS334 found her again. Having heard that NJ was

pregnant, PS334 took her to a community health centre (*puskesmas*) in Betun for an injection with the intention to make her abort. PS334 was unsuccessful and NJ was still pregnant when she left West Timor to return to Ainaro.<sup>218</sup>

263. As demonstrated by the case studies above of sexual violence by Halilintar militia and during the Suai Church Massacre, victims of sexual slavery in Bobonaro and Covalima were often forcibly displaced to West Timor in late September 1999 by the same men who abducted them. Other cases of sexual slavery that continued in West Timor were also reported to the Commission. After the violence in Gleno, Ermera, the Integration Red Blood militia member implicated in the murder of ZE above, known as PS177, continued his violent rampage. He threatened the family of OJ1 and eventually took OJ1's niece, OJ. PS177 threatened to kill OJ for being a member of the Student Council if she did not agree to follow him to Atambua, West Timor. PS177 essentially kidnapped OJ as property to serve him sexually in Atambua.<sup>219</sup>

264. In the case of PJ from the village of Metagou (Bazartete, Liquiça), PS336, a Besi Merah Putih militia member arrived at her house on 4 September 1999 with a homemade weapon and a knife. He demanded that PJ become his "wife". Two other militia members appeared at the house and continued to threaten PJ and her family. Out of fear, PJ was forced to do his bidding. He made her wash his clothes. A few days later PJ and her family were ordered to go to Atambua where PS336 asserted his ownership of PJ by raping her on a regular basis for four months. In February 2000, PJ escaped from PS336 and returned to Liquiça.<sup>220</sup>

265. On 12 April 1999, Falintil forces launched an attack in the sub-district of Cailaco, Bobonaro in which some Indonesian soldiers and pro-integration militia were killed. The Indonesian military and local militia retaliated by targeting the civilian population in Cailaco. This included house burning, arbitrary detention, torture, and the public execution of seven men. Rape and sexual slavery also occurred in the context of these acts of violence.<sup>221</sup> Soldiers from the Cailaco Koramil, who were also known to be militia members, raped at least four women. Two of the four victims were forced to West Timor as refugees where they became victims of sexual slavery while in the refugee camp. One of the victims recounted:

*On 12 April 1999, after my two brothers were killed by militia from Cailaco, I had to protect the other members of my family from threats by PS337 [East Timorese], a member of TNI. I was forced to surrender myself to be used [sexually]. I left my village after this incident. When the results of the referendum were announced, PS337 came looking for me and forced me and my family to go to Hakesak [West Timor]. While in the refugee camp, he forced me to have sexual intercourse and I became his mistress.*<sup>222</sup>

266. There is little documentation regarding sexual violence in the refugee camps in West Timor from September 1999 to January 2000. However, results of research by the NGO group the West Timor Humanitarian Team (Tim Kemanusiaan Timor Barat, TKTB) from February through mid-May 2000 indicate notable levels of violence against women in the camps, mostly by East Timorese members of the Indonesian army and militia members who effectively had control of the camps.<sup>223</sup> Of the 15 cases of reported polygamy, at least nine of them are suggestive of sexual slavery where a man has forcibly taken and claimed ownership of a second (or third) "wife". Most of these nine cases seem to have been initiated during the ballot-related violence in Timor-Leste rather than in the refugee camps.

## 7.7.4 Other forms of sexual violence

267. The Commission has found that other forms of sexual violence, in particular sexual torture in detention, public sexual humiliation and sexual harassment were widely used by the Indonesian security forces during the occupation. Sexual torture was an effective way to break prisoners during interrogation and to instill fear among the wider population. Sexual torture is a specific type of torture carried out by sexual means, or by targeting the victim's sexuality (see Chapter 7.4: Detention, Torture and Ill-Treatment for a definition of torture).

268. Torture, including sexual torture, in armed conflict, is a violation of the International Law of Armed Conflict, a grave breach of the Geneva Conventions and a violation of the Laws and Customs of War. Torture may also be a crime against humanity

269. Many of the cases described in the previous sections on rape and sexual slavery also depicted other forms of sexual violence such as sexual torture. Public sexual humiliation was used as a way to exert power and domination over the civilian population. Sexual harassment was also a feature in some kidnappings perpetrated by the military. It is also a prominent form of sexual violence that is described in testimonies by women who were forced to attend parties organised by the military and its auxiliary groups. At these parties they were forced to dance with armed men and submit to sexual harassment by them.

270. More male victims reported that they experienced these forms of sexual violence, particularly sexual torture, in detention.

**Insert Graph 94210900**

### Other forms of sexual violence in the context of inter-party conflict

271. The only incidence of sexual violence other than rape or sexual slavery from this period reported to the Commission was the sexual torture of a woman by members of Fretilin 1977. VF1's father and uncle were members of UDT who later escaped from a Fretilin detention centre and sought protection with the Indonesian military. VF1 and other family members were branded as traitors by Fretilin. They were consequently detained and tortured by Fretilin members in Lacio, Manatuto, in May 1977. VF1 gave a moving testimony about the torture experienced by her cousin, WF, and by her aunt.

*They started to interrogate, beat and burn WF's body with a red-hot iron, which they heated on a fire. They forced my cousin to say that she knew where UDT and ABRI's arms and guns were. Because she said she had not seen them...they beat her until she gave a false confession...The same with my aunt; they beat, kicked her, and burnt her with a hot iron all over her body, including her genitals. Then they took her hands and feet and tied them together, she was hung upside down - head on the bottom and feet on top - for one whole day.<sup>224</sup>*

### Other forms of sexual violence during the Indonesian occupation (1975-99)

#### **Sexual torture and humiliation in detention**

272. The Commission found evidence that the Indonesian forces practiced torture, cruel treatment and humiliation of a sexual nature on male and female detainees alike. This sexual

violence was used effectively to obtain information from detainees and to make them comply with the interrogator. Methods of this type of sexual violence reported to the Commission include:

- stripping detainees naked during interrogation;
- burning and electrocuting breasts and genitalia;
- forcing detainees to perform sexual acts on each other; and
- photographing detainees in humiliating poses, including while naked.

273. The following examples of sexual torture, cruel treatment and humiliation do not include rape although in certain circumstances rape too is a form of torture as explained above.

274. Stripping detainees naked and placing them in a situation of total vulnerability was a way to break their spirit. Beginning with her arrest at the end of 1975, RJ, an aunt of Fretilin leader RJ1, was detained and released at least 20 times in Baucau. She was suspected of being a member of Fretilin, a leader of the Popular Organisation of Timorese Women (Organização Popular Mulheres Timor, OPMT)<sup>7</sup> and a communist. According to her statement, each time a group of people surrendered or was captured, ABRI interrogators would summon RJ to interrogate her about those newly arrested. During her many interrogations, the military asked her to confess about her involvement in Fretilin and Fretilin dance parties, where everyone allegedly danced in the nude. She tried in vain to say that this never took place. She told the Commission about her interrogation one night at the Flamboyant Hotel.

*Then at about midnight ABRI came to the house...“You are wanted by the Kodim commander.” I went out and saw about 10 armed men ready outside. [After being taken for interrogation] they asked, “Where is the G-3? Where are the two grenades? Where are the guns?” Actually I had a gun but I lied. [I said] that there was no gun, that I was a woman and did not know how to use one.*

*I saw a syringe needle on the small table. I had never seen one so big, 5 or 10 cc. I suspected that [the] needle was used for injecting animals but they had prepared it for me...They slammed me down on the bed then straightened my arm and with that needle started searching for a vein to inject me. When the injection was done I immediately fell to the floor and I could hear them laughing. They picked me up and threw me on a small cot used by ABRI soldiers. At the time I lost consciousness of what they were doing to me. I just knew that I had cramps in my arms and legs and that I was almost dead. Then they saw that my eyes did not move. Someone took another five pills and stuffed them in my mouth.*

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<sup>7</sup> OPMT played an active role in the Resistance by providing political education in the villages as well as provisions and medicine for Falintil fighters.

*After feeding me the medicine, they started taking off my clothes, one item at a time. First they took off my long pants and laughed. Then they took off my blouse and threw it away. Again they laughed. They laughed again when they took off my bra. They took off my underpants last and there I was, lying naked like a small child. Tears were streaming down my face, but I could not talk, I could not move. I thought maybe they wanted to rape me and that is why they left me lying naked on the bed. But God is great. When I was...on the bed an ABRI member called PS338 [Indonesian] from the Umi<sup>7</sup> unit came in and interrogated me while I was naked. He was carrying an SKS gun that he pointed at my throat, saying, "If you refuse to talk I'll kill you." I wanted to talk but my mouth, my arms, my legs were in spasms...But I could hear and understand everything. I was trembling like a chicken as a result of the drug they injected into me. I felt very sick. When I wanted to open my eyes wider, I heard a military commander come in and order his men to return my clothes to me...I felt them move my legs and they laughed because I was naked. They ogled me until about 4.00am and only then [did they return my clothes]. They did not return my watch and my gold chain.<sup>225</sup>*

275. RJ was detained for four days then released. She started cooking for ABRI events and eventually was no longer a target for interrogations.

276. Sometimes detainees were not stripped naked, but by being placed in a compromising situation against local cultural norms, it was tantamount to sexual violence. SJ and her husband were detained in July 1976 for their role as messengers (*estafeta*) between Falintil guerrillas in the mountains and their supporters in Baucau. SJ was held in the detention centre called House Five (Rumah Lima) for one week, then moved to the Flamboyan Hotel for two weeks. There, male and female detainees were tied facing each other in a position that simulated sexual intercourse:

*I was not tortured there but what made me almost go crazy was that ABRI tied us up [in couples] - man and woman facing one another. We were only released when we went to the bathroom, ate, and were interrogated. Other than those times, we were tied in couples with a different person each time. I could only resign myself [to the situation]...[T]hat act went against Timorese norms and culture, [and was] especially [cruel to me] since I was a married woman.<sup>226</sup>*

277. More often than not, sexual humiliation and torture involved nudity and direct attacks on reproductive organs. After a Falintil attack on an ABRI truck in the village of Guruca (Quelicai, Baucau) in July 1977, TJ and members of her family were detained by ABRI soldiers and marines. TJ's husband and father were tied, then beaten and kicked until morning at the post of Marine Troop 9 (Pasukan Marinir 9, Pasmar 9). They were then taken to the sub-district of Laga where four other detainees joined them. At the "marine post" in Laga (a school building), TJ was stripped naked, interrogated and sexually tortured:

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<sup>7</sup> Umi was a radio callsign used by a fourth unit (Nanggala 4) of the Special Warfare Command (Komando Pasukan Sandi Yudha). [See Ken Conboy, *Kopassus: Inside Indonesia's Special Forces*, Equinox Publishing, Jakarta and Singapore, 2003, p. 218].

*When we arrived, TNI [i.e. ABRI] soldiers started to interrogate and electrocute me. They told me to take off my clothes and with a gas lighter burned my vagina. Everyday during this week the TNI [ABRI] made me take off my clothes and tortured me.<sup>227</sup>*

278. On 26 April 1981, UJ1 was arrested by two members of the Hansip under the command of the sub-district military officer in Quelicai, Baucau. UJ1 was detained along with five female members of his family - UJ, VJ, UJ2, UJ3 and WJ - and a few others. When they arrived at the Koramil, UJ1's hands were tied behind his back and he was beaten and kicked. UJ and VJ were taken to a separate room where two soldiers stripped them naked then beat them with a stick and crushed their toes under the leg of a chair. They also interrogated UJ2 and UJ3. They stripped naked WJ and made her sit in a drum filled with water. Later on, they burned parts of her body, including her breasts, with a cigarette.<sup>228</sup>

279. In Dili, XJ described how he took part in a Falintil assault on 10 July 1981, later to be known as the Marabia attack (see Part 3: The History of the Conflict). He was captured and released the following day, but then re-arrested on 12 July. He was brought to the sub-regional military command (Korem) officer's mess where he was beaten and tortured. XJ worked as a driver for a local priest; his interrogators asked him about the involvement of the Church in supporting the pro-independence movement:

*On 29 July [1981] the military took me outside again. They took off my trousers and underpants and again placed me in a tank, this time together with another Timorese [man] who was not known to me. I didn't know why he had been put in the tank with me. They bound us and then tied our penises together. After that they began beating the other man, thus pulling on the rope that bound our penises together, causing me pain. I had to sit next to the other man waiting for him to regain consciousness as we remained tied to each other. After this we were again tied together at 9.00am. During the hot part of the day we were taken and placed on a rock in the sandy part of the Kodim headquarters where we were left for almost an hour before being returned inside the building.<sup>229</sup>*

280. The following day XJ was moved to the Balide Prison in Dili where he was detained in an isolation cell for about 10 days. On 3 September 1981 he was put on a boat to Ataúro.

281. YJ, from the village of Fuat (Iliomar, Lautém), told the Commission about the sexual torture he experienced in 1982:



*In September 1982, I was captured by Indonesian Battalion 320 because they suspected I was taking food and information to Fretilin in the forest. They took me to the Komaril Iliomar 03 Post to be interrogated by Commander PS339 [Indonesian] and a translator named PS390 [East Timorese]. After that, they took me to a place [aldeia] called Paitomar, [Iliomar I Village, Iliomar Sub-district, Lautém]. When we arrived, they stripped me naked, told me to lie on the ground and placed a big rock on my stomach. Then I was beaten with a gun in the back. After that I was hung from a tree. [They] forced a woman, who was also suspected [of being pro-independence] to hold my penis, shake it around, suck on it and play with it. They also burned my body with fire..<sup>230</sup>*

282. ZJ from Cairui, Laleia (Manatuto) was captured in 1982 by members of Hansip known as PS341 and PS342. The Hansip took him on foot to the Laleia Koramil. He was interrogated there by PS338, also a Hansip member, and tortured by PS341 and PS338. They stripped him naked, beat and kicked him until he almost lost consciousness. They tied a stone to his penis. This torture continued from 7.00am until 4.00pm. Feliciano was detained at the Koramil for one year.<sup>231</sup>

283. Female detainees often experienced sexual humiliation. Because O1's husband was a guerrilla fighter in the forest, ABRI soldiers, including one known to the victim as Ps344 [East Timorese], went to O1's house in Ainaro in 1982. The soldiers killed her brother and then beat, stripped naked and raped her sister-in-law, O. After the rape, O and O1 were taken to the Kodim in Ainaro where an intelligence officer interrogated them.

*After that O and I were rounded up and taken to the intelligence office in Ainaro, where we were detained with other women victims...We were held one month in the intelligence office and could not leave the place. If one of us was menstruating she had to wash her clothes in water and put them on again, although still damp. While in detention we were interrogated by PS344. He always had a knife that he used to jab [us] around the mouth and in the lower belly. One day O and I were separated from the other detainees and kept inside a toilet for two days and two nights.<sup>232</sup>*

284. In 1983, AK was detained in Hatu Udo (Ainaro) under suspicion of having contact with Falintil. He managed to escape, but was recaptured in Mau-ulo, Ainaro by about 50 soldiers from Battalion 744. After soldiers detained him for two days at the 744 headquarters, they took him to see the district military commander of Ainaro who confirmed that AK was the person they were looking for. AK was then detained at the military headquarters in Ainaro. AK told the Commission:

*When I arrived there a soldier named PS345 began torturing me. I was kicked, beaten, slapped...then he told me to strip. I was naked. [While I was] naked, PS345 attached wires to different parts of my body: my hair, ears, neck, all my fingers and toes, and genitals...PS229 [Indonesian] turned on the electricity and I was electrocuted many, many times. This torture made me powerless. They started at 8.00am and continued until 1.00pm. I was detained in Ainaro for one month and one week. They also captured two middle-aged women who wore traditional clothes, who were from Zumalai [Covalima]. They were interrogated by PS229 and forced to undress. While they were naked, I was forced to place the wires on their bodies. Then PS229 [Indonesian] and PS345 turned on the electricity and electrocuted them. After they were tortured, they were kept as "mistresses" by PS229 and the other soldiers.<sup>233</sup>*

285. In Mehara (Tutuala, Lautém), the Indonesian military retaliated strongly against the women left behind by their sons and husbands who joined Falintil en masse in August 1983. BK, her friend, P, and her young son were detained. BK described how sexual violence was used to torture her:

*On 9 August 1983, members of the Wanra, Hansip, the village head and the whole male population fled to the forest. Two months later soldiers from Linud 100 [Airborne Battalion from Sumatra] ordered all women whose husbands had fled to the forest to gather [to receive] directions from ABRI personnel. When this was over, the soldiers allowed most of the women to return home, but P and I had to remain there for interrogation...[We] were taken to the ABRI Linud 100 post. We arrived at 6.00pm and were detained in separate rooms. They immediately started interrogating me and my friend, P. They asked, "Why did your husbands flee to the forest?" We replied, "We don't know why they fled to the forest." "Why don't you know? They are your husbands, aren't they? Are you communists? Members of the GPK?" Then they started beating and stripping us...from 6.00pm until 1.00am. They hit us with wooden sticks, they kicked, stripped and threatened us with weapons, ordering us to confess. We did not confess to anything because we did not know anything. That night, Kasi I [army intelligence officer] started to interrogate me while pulling out my pubic hairs one at a time, so that I hurt and when I could no longer bear the pain I would confess to anything I knew. But because I knew nothing I remained silent, although I was in great pain. As I did not confess they became increasingly angry and beat me until blood was coming out of my nose and mouth. Then at 1.00am they stopped torturing me. After that they told me and my friend P to eat, but I refused. My whole body was in pain as they had pricked me with the thorns of a tree, something like the areca [sugar] palm, and I was bleeding from it.<sup>234</sup>*

286. Although she was released after that night, BK was detained once again by Battalion 641 and held in a traditional house in Mehara for six months.

287. Unlike many of the women from the aldeia of Maluro, Lore (Lospalos, Lautém) who experienced sexual slavery during the military's large-scale operations in that area as describe above, CK managed to escape rape. She did, however, experience torture and sexual harassment:

*On 11 October 1983 I was captured by ABRI 744 troops and Hansip. I was handed over to the troops carrying out field operations who at the time were on duty at the edge of the forest. For a week I was interrogated every night. If I did not give the right answer I would be beaten. They beat and kicked me in the thighs then they sat on a chair on top of my foot. During the interrogation they touched me and pinched me, but they did not rape me. After that they just left me there. For over a month, while I was there, I was not interrogated or harassed.<sup>235</sup>*

### Testimony of DK, Mehara, Tutuala (Lautém)

DK gave testimony regarding her husband's disappearance and how she was a victim of sexual violence:

*My husband was a primary school teacher in the aldeia of Poros [Mehara Tutuala, Lautém]] and a leader of a clandestine organisation called Loriku Assuwain in Poros,. In 1983 a group of the Hansip from Poros ran to the forest to join Falintil. After several weeks the commander of the army taskforce [Komandan Satgas] of Tutuala forced my husband to join the "fence of legs" operation for one month in search of those Hansip who had fled.*

*On 13 November 1983 those members of Hansip who had returned from the forest to work again with TNI [sic] 641 in Poros came to the house to arrest my husband. Several days later, they came again to the house, this time with soldiers from Battalion 641, to look for documents on clandestine activities. They did not find any because I had hidden them. I was forced to go to Military Post 641 in Laluna Lopo, Poros to give a statement. That evening I took my child, who at that time was three months old, and headed for military post [Battalion] 641.*

*There I was interrogated. The commander of Post 641 asked, "Do you know about your husband's clandestine involvement? Have you met with Fretilin?" I answered "no" to all these questions. Then they prepared three places to sleep - one for me, one for my child and one for another woman who was pregnant at the time. In the middle of the night the military commander began to embrace me. He started kissing me, pressing his lips on mine and told me to hold his private parts. Then he touched my private parts and said, "My private parts are just like your husband's private parts. Why do you resist me?" I answered that I was not called to this place to do this, that if he wanted to ask something about my husband's involvement, to please go ahead and ask. After hearing my response, the commander released his embrace. This happened for two nights, but never to the point of intercourse.*

*However, it was different with my friend who was pregnant. One of the soldiers began to push and beat her stomach to kill the child in her womb, saying that the child she was carrying was the result of her relationship with her husband who had left for the forest. The child survived, but has a disfigured face. On the third night we were sent home. When I arrived home my husband said to me, "My wife, I will go and face the soldiers at post 641. I believe I won't return. I have only one child. May this child replace me. It may well be that after I am gone you will be made the prostitute of Military Battalion 641. But be good in your heart and be patient. This is happening because of the political conflict, for us to free ourselves from the oppressor. Should we go and not return, look for our trails because the time will come when all the people will ask about us. May you be our witness because we are working for the liberation of our nation." After saying this, my husband was taken to Military Post 641 in Lalua Lopo.*

*After my husband was taken to the military post, he and several of his friends were sent to Kodim 1629 in Lospalos. To this day, my husband and two of his friends have not returned. A third friend was released and lives in Poros, Mehara.*

*My three-month-old baby died after getting sick with malaria during our two nights at military post 641.<sup>236</sup>*

288. On 14 October 1991, EK was arrested under suspicion of stealing secret documents from the sub-regional military office (Korem) where she had been working as an administrative assistant for 10 years. Initially she was detained and tortured at the office of the Intelligence Platoon Commander (Komandan Peleton Intelejen, Danton Intel). Although she was never raped, the threat of rape, sexual harassment and humiliation were part of the strategy intended to terrorise her and to break her resistance during interrogation. In addition to threats of sexual violence, EK was also humiliated. During the first three days of her interrogation, she was not

allowed to bathe or change her clothes, despite the fact that she was menstruating. She told the Commission:

*An Intel [intelligence agent] with the rank of captain from Nusra Bakti [of Dili] - I forget his name - interrogated me from half past two to six o'clock in the morning. At the time he brought a snake that he kept inside a sack. When I was not talking much and only replied that I did not know, he tried to undo the buttons of my blouse...[the captain pointed the gun at my forehead and I passed out]When I regained consciousness the snake that had been in the sack, was winding itself around my body...but it did not bite me [maybe] because I kept praying in my heart. Then the snake moved down and slithered back towards his owner. When it got back on the body of its owner, the snake shat on him and slithered back into the sack...After the interrogation, the Intel from Korem did not do anything brutal to me, but those from Nusra Bakti always sexually harassed me. They would put their feet inside my skirt, trying to take it off, but I never let them,<sup>237</sup>*

289. After receiving a visit from the International Red Cross, EK was secretly moved to the West Dili Police Station (Polsekwil Dili Barat). According to EK, the chief of police was a kind man who hid the keys to her cell so that others could not enter it at night. Every night, soldiers and intelligence officers would taunt her from outside her cell. She continued:

*A soldier from [Battalion] 744 who had become an Intel, usually called PS347 [East Timorese], said, "Come on, let's open the door. We'll burst in and attack her inside." After saying that, they tried to kick in the door. Then they looked for the key inside a box. They found a key and tried to open my cell's door, but it did not open. They said, "Today we cannot eat your flesh, but tomorrow we'll be back."<sup>238</sup>*

290. The threats continued every night. Soldiers threatened her with a gun, called her names using sexually explicit language, and even beat up a young man who was detained in the cell next to EK, which increased her fear. Eventually, an East Timorese police officer smuggled a letter from EK to her family. The following day staff from the International Red Cross came and successfully transferred her to the Becora Prison. Her situation was a little improved there, although she was still harassed regularly by intelligence officers from Nusra Bakti. In January 1992, EK, her uncle and brother-in-law were tried and sentenced to six years imprisonment. She was released in 1997.

291. Torture that employed sexual violence and the threat of it, for those in detention, was practiced not only by the Indonesian military, but also by the Indonesian police. In October 1996, after an Indonesian trader, believed by Falintil to be an intelligence officer, was killed, FK, GK, HK, IK and two other men were arrested by the police in Ermera. The six men were taken to police headquarters in Gleno Sub-district (Ermera). Police officers forced the men to strip naked. They then beat them on the head and body and forcefully pulled on their penises. IK's genitals were beaten until they were swollen. The police also applied electric shocks all over the men's bodies. HK was fed a live lizard and made to hang on a cross naked. His penis was rubbed with the sap of a flower which was an irritant. GK1 and JK, the parents of GK, were also arrested. JK was interrogated and was stripped to nearly naked by a police officer. She was made to give Rp900,000 and a goat, chicken and corn to the police. In the end, the six men were tried and sentenced to 10 years in prison. They fled from prison in 1999.<sup>239</sup>

## Photographing of detainees

292. Photographs of naked, tortured, and murdered men's and women's bodies is yet another form of sexual violence that intends to degrade its victims and instill terror in those who view them. The Commission examined photographs that depict women's naked, bruised and bloodied bodies, but whose faces are covered. Also visible in the photographs are the legs and feet of individuals dressed in fatigues and army boots. These pictures were first obtained and disseminated in Timor-Leste in November 1997 by ETISC (East Timor International Support Centre), an Australian-based organisation that supported self-determination for Timor-Leste. ETISC obtained about 40 photographs that explicitly show tortured bodies of possibly five women. Testimonies received by the Commission indicate that photographing the bodies of male and female victims of torture and rape was a practice of Indonesian security forces.\*

293. The following cases provide evidence of detainees who were photographed. They indicate how torture and humiliation that target sexuality are often closely related to acts of rape or sexual slavery.

294. In 1977, an ABRI translator, PS348 [East Timorese], took KK from her home. She was initially taken to the Koramil and later moved to a detention centre in Dili known as Sang Tai Hoo in Colmera. KK told the Commission about her experience of being stripped naked, tortured and then being photographed. She was also raped each day, and eventually made the difficult choice to enter a relationship with an ABRI officer:

*During the interrogation I was tortured...I was beaten with a belt [to force me] to confess that I was in contact with Falintil and had received a letter from a member of Falintil. But I did not confess. On the second day, 30 January 1977, I was interrogated again by intel in Sang Tai Hoo in the daytime...During the interrogation they stripped me naked and burned my body with cigarette butts, electrocuted me while I was naked, and then they photographed me. I was raped by the TNI [sic]. They always said that if I slept with them, I could go home. Because I refused, they kicked me. I was kept in Sang Tai Hoo for 25 days.*

*On 14 February 1977 I was transferred again to the Balide Prison...In the communal cell I met two of my friends, LK and MK. Not even a week later we were transferred again, but before that they took us to a room in Balide Prison and...raped us until the morning...On that morning we were separated again. The two of them went to Sang Tai Hoo and I remained in Balide. [While there] I met some Timorese women who had just surrendered but whose names I did not know. The TNI [sic] made us bathe outside in the nude and when we finished they moved me again into the common cell.<sup>240</sup>*

295. KK was detained until 1980 when she agreed to a sexual relationship with a Lieutenant-Colonel named PS349 [Indonesian]. She gave birth to a child from this relationship.

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\* The Commission holds copies of these photographs in its Archive. The Commission has decided not to re-publish these photographs in this Report or other publications, in respect for the dignity of the victims].

296. In 1982, NK was 14 years old when he was captured by Indonesian soldiers during military operations after the Mauchiga (Hatu Builico, Ainaro) uprising (see Mauchiga case study above). After two weeks of hiding in a cave on Mount Kablaki, NK, along with his father and older brother, were discovered and captured. NK recalled that a photograph taken of him played a role in his public humiliation and cruel treatment:

*After I was [captured], I was immediately made a TBO and moved to the Zipur [combat engineers] post. After I had been with them for about two days, I started seeing genitalia and ears hanging on a pine tree at the post. I was on guard duty at the post with them at night. They took turns so they could sleep. Only I could not sleep. I had to sing and shout till morning. Approximately a week or so later they took me again to the Koramil post. I was tied to the flagpole at about 8.00am. After that they took my clothes off till I stood naked, then they gave me a pair of their underpants to wear when I was tied up. I was released from the flagpole and made to carry an empty box to the Zipur post. On the way I was told to shout to the people there, "Don't follow Falintil's arse! If you follow Falintil you will all be like me!" When I arrived at the Zipur post they took my picture. I asked for my clothes before they photographed me but they refused. They only gave them back to me in the afternoon.<sup>241</sup>*

297. In 1983, hundreds of men from villages around Lospalos joined Falintil in the forest. Due to this exodus, the wives of men who had left the village were made to sleep at the military post every night for one year. PK from Porlamanu, Mehara (Lospalos, Lautém) was questioned by soldiers from Airborne Battalion 100 and Battalion 641 because her husband had also fled to join the guerrillas. PK told the Commission:

*They bound my hands tightly with my belt, then they put money on the table and said, "If you give us the name of the commander in the clandestine [organisation] you can take this money." I replied, "I don't know, I only know my husband." After that they tied my neck close to the wall and stripped me naked. Then they burned my whole body with cigarette butts...[They] ordered me to count my pubic hair and took a picture of me while I was naked.<sup>242</sup>*

298. Pretending that she needed to go to the toilet, PK was able to run from her captors and seek assistance from Battalion 623. She was released the same night.

299. QK1 told of an interrogation session with two of his friends. His friends were stripped naked and ordered to stand on one leg with both arms stretched up above their heads for a photograph:

*In 1994, a unit of Nanggala [Special Warfare Command] soldiers stripped naked two of my friends, QK and RK, and made them sit on a table, then electrocuted them on their genitals. The following day, the same [thing happened]. They started again to beat us and told us to strip down to our underpants. We stood on one leg with both our arms stretched above our heads then they took pictures of us. After the photograph [was taken] we were allowed to get dressed again.<sup>243</sup>*

300. SK gave further corroboration regarding the army's practice of photographing detainees:

*In 1996 I received a letter saying I had to pick up a journalist in Baraut and that I was to cooperate [with her]. I went and we met. I took all [my] documents and gave them to the journalist. Because we [didn't feel free] to talk much in that place, we decided to return...to Becora [Cristo Rei/Dili Oriental, Dili]...I took a taxi to Fatuhada [Dom Aleixo/Dili Ocidental, Dili]. After I got into the taxi I noticed another taxi, an Argo, following me. In the Argo taxi were four fat men wearing dark glasses and black jackets. My heart started pounding. After we got on the road, going into Delta [an area of Dili] at about 5.00pm, two men got into the taxi with me. They were also wearing black jackets, dark glasses and [their faces were] covered with "ninja" masks. I was scared. In the taxi, the two started pushing against my legs, and I couldn't do anything. They started tying me up and blindfolded me with a cloth. Then they took off all my clothes. I did not have a stitch on. They took me to a house in Tacitolu. Before raping me, they burned me all over my body with cigarette butts and drugged me. They held a handkerchief - probably already soaked with a narcotic drug - over my mouth and nose so that when I was raped I would be unconscious. I did not know how many of them there were, but certainly more than five. When they finished raping me, they threw me out around Kasait [Liquiça], near the beach. When I regained consciousness I realised that I was naked. My whole body, including my breasts, was covered in blood and injuries. Several months later an SGI [joint intelligence unit] member from Ambon told Juli, an Ambonese who worked in the Prosecutor's office, that he had seen photographs of me in the nude. Juli passed the information on to me.*

*On 20 May 2002, on Timor-Leste's independence day, I saw the pictures of myself naked at an exhibition. I know the shape of my body and I have a mole on my breast so it was easy to recognise [myself in] the photograph.<sup>244</sup>*

### **Public sexual humiliation**

301. Public displays of nudity were a form of cruel and degrading treatment effectively used by the occupying force to subjugate both detainees and the general public that was forced to witness these events. After the mass arrests in response to the Mauchiga uprising in 1982, three women were detained at the Koramil in the village of Lesuata (Turisca, Manufahi). One night they were taken outside, stripped naked, and made to climb a pine tree. DH told the Commission:



*Our house in Hatuquero was burned down and TNI [sic] forced us to run to the Koramil in Lesuati. There I met EH and FH. On that night ABRI soldiers took us to Mantutu. My two friends and I were made to strip completely naked and then were made to climb a large, tall pine tree. They made us go up and down the tree several times, all the while burning our bodies with sticks they had put in the fire. They also doused us with cold water they had already prepared in a bucket. They brought electric torches to shine on our genitals from below while laughing as we were climbing the tree. FH could not climb because she found the pain from the burns and her grazed skin unbearable, so that she kept slipping down because she could not climb the tree. But the TNI [sic] made her climb all the way to the top.<sup>245</sup>*

302. On 30 January 1983 Battalion 745, under the command of a man known as Pak PS350 [Indonesian], detained TK from Souro (Lospalos, Lautém) with six men and four women as they returned home from their gardens. As they were marched to the military post, one of the men successfully escaped despite the fact that ABRI opened fire on him. The escape of the one detainees angered the soldiers, who then separated the men from women. The men were taken somewhere and have never been seen since. TK told the Commission about what happened to the five remaining women:

*We five women were made to strip and stand naked while they shaved our heads. Then they burned our clothes in front of us...*

*Then we were made to go on foot to the 745 barracks in Lospalos. As we walked through the village of Home the ABRI soldiers made all the people come out of their houses and look at us walking naked...They remained silent and some bowed their heads as we passed before them. Others cried to see what the soldiers were doing to us, but they did not say anything because they were afraid of being killed. We were very ashamed but said nothing and did what they wanted because we were afraid we would die. We remained at the 745 barracks one night only.<sup>246</sup>*

303. The following day, the head of the village, Ventura, came to ask ABRI to release the women. Eventually, the women were given sacks to put over their naked bodies and allowed to go to the house of the head of the village. One of the women, UK, told the Commission that she was raped during the overnight stay at the Battalion 745 barracks:

*During the night we spent at the 745 barracks in Lospalos, an ABRI soldier raped me in front of four other friends. I felt very ashamed and shocked. At the time I was still stressed about the fate of my husband...who had been captured with us in Souro. I did not know whether he was still alive or whether he had been killed by ABRI. I felt I was betraying my husband. All my friends knew that I was raped that night, but they could do nothing to defend me because all our lives were in ABRI's hands.<sup>247</sup>*

304. A year later in 1984, also in the village of Souro (Lospalos, Lautém), WK1 and her family members were detained by soldiers from Territorial Combat Battalion (BTT) 315 under suspicion of involvement in clandestine activities. They were brought to the BTT 315 post in the aldeia of Karalata, Souro (Lospalos Lautém), where they were held and interrogated for one week. One day, WK and XK were stripped naked from the waist up and made to stand under the sun for the whole day.<sup>248</sup>

305. In Mehara (Tutuala, Lautém) in 1985, YK was arrested by a member of the Wanra forces named PS351, under orders from a local commander known as PS392. PS351 took YK to a water tank, doused her with water and molested her. He then took her to the command post, where she was beaten along with other detainees there. After they beat her, they placed her in a detention cell with two other women named Q and R. They stripped the three women naked and put them in a water tank overnight. YK told the Commission about her public sexual humiliation:

*At the command post they put me in a detention cell with two other women, Q and R. The three of us were put in a mossy water tank and in the morning they returned our clothes for us to wear. The following day I was taken out of the cell without clothes, just wearing training pants. In front of many people, a member of Tim Alfa,<sup>†</sup> PS352, tore the pants off me and said to his friends, "Who wants to have sex with YK?" But nobody came forward.<sup>249</sup>*

306. She was then given her clothes to put back on and taken back to the post. She was released three days later.

307. Sexual humiliation did not always occur in public. On 26 April 1999 AL was captured at her home in the village of Purogoa (Cailaco, Bobonaro) by members of the Halilintar militia, including a man named PS410, and police. AL told the Commission:

*On 26 April 1999, PS410, along with members of Halilintar militia, and the police, took me from my house about 10.00am. I didn't know their names except for PS410 and PS353. They dragged me into the street and hit me with a large piece of cassava...PS410 and PS353...took a red-white flag [the Indonesian flag] and covered my face with it so the people wouldn't know me...They didn't take it off until we reached the aldeia of Biadoi, Meligo [Cailaco, Bobonaro]. Then they shoved me into a car. When we arrived at PS410's office in Cailaco Town [the Halilintar militia post], PS353 kicked me [and] PS410 stripped me down to my underpants and bra. After that, at about 12.00pm PS410 made me sign a statement that said I would not be involved in any illegal organisation. After this I was taken home.<sup>250</sup>*

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<sup>†</sup> The original statement refers simply to a command post. This could be a Civilian Defence post or a post of the militia group Tim Alfa (Tim is Indonesian for "Team", used here in the Indonesian as it was the common name for this group).

<sup>†</sup> "Team Alfa had been set up by Kopassus [Special Forces Command] in the mid-1980s, to infiltrate the clandestine movement and to assist in combat operations. That institutional tie remained in 1999" [Geoffrey Robinson, *East Timor 1999 – Crimes against Humanity*, Report commissioned by the United Nations Office of the High Commissioner for Human Rights (OHCHR), July 2003, Submission to CAVR, April 2004, p. 165].

## Sexual harassment

308. Sexual harassment is commonly defined as unsolicited sexual attention that takes place within the context of an unequal power relationship. Sexual harassment is said to take place when the person possessing the dominant power uses this advantage to conduct unwanted sexual advances, whether verbal or physical, towards the less powerful person. As already seen above, in the context of armed conflict in Timor-Leste, armed or powerful men made use of their power over the civilian population to engage in all forms of sexual violence, including sexual harassment.\*

309. On 26 March 1996, the house of BL, in the village of Lisabat (Hatulia, Ermera), was raided by Army Strategy and Reserve Command (Rajawali) 401 Team. She and her husband were harbouring a Falintil assistant commander named BL2 who was then captured. The soldiers tied her husband, BL1, and BL2 with a rope, beat and kicked them, while forcing them to parade around the house. They hit BL with a gun, stripped her naked and molested her. They also stripped naked BL's mother-in-law, CL, and interrogated her:

*Rajawali came in and captured me in the kitchen. They held my hands tightly while interrogating me about whether I hid Falintil members or took food to them in the forest. They tortured me, hit me, slapped me, dragged me around and battered me in the head with gun. After that there was a Rajawali who hugged me and held my breasts. Then they began to strip me and feel my entire body with the excuse that I was hiding weapons. After that, Rajawali began to hold my mother-in-law and strip her as part of their interrogation of her. Some of the Rajawali beat her. The Rajawali also beat my husband until he was black and blue, while I was just left standing there naked like a doll.<sup>251</sup>*

310. Many women suffered from cruel and degrading treatment through sexual harassment they experienced at "dance parties" in 1999. At the height of militia activity in 1999, militia groups across Timor-Leste organised dance parties and then forced women from the surrounding villages to attend them. One such party took place in the village of Lourba (Bobonaro, Bobonaro). DL described the incident to the Commission:

*On 4 May 1999, the DMP [Dadurus Merah Putih] militia conducted an operation in our village...They made us slaughter cows, pigs, goats and chickens and give [the meat] to them. At the time the commanders were PS354 and PS355 and their membership was about 300 men. During the day we had to cook for them and in the night we had to serve them...keep them company and dance with them...*

*During the dance they started doing all sort of things like poking fingers into sensitive areas [of the body] and touching our bodies as if we were their wives. But what could I say? If I resisted I would die. At that time I was with [three other women].<sup>252</sup>*

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\* Sexual harassment is often discussed in the context of employee-employer or student-teacher relationships.

311. The militia used sexual harassment, as they did other forms of sexual violence, in their campaign of terror to generate fear among the general population. The Commission received statements from women who were forcibly taken by groups of militia, often during the night, and subjected to sexual harassment.

312. In the middle of the night, sometime before the Popular Consultation in 1999, EL and S were forcibly taken from their home in the village of Lacro (Atsabe, Ermera) by five militia men from the militia group, Pancasila, under the orders of the village head, PS356. When they arrived at the village head's house they were forced to dance with officers from the Joint Intelligence Force (SJI) until morning. Because they feared for their lives, EL and S danced with these men who touched their breasts and molested them while dancing. In September 1999, the two women were again detained by members of the same militia group and again brought to the village head's house. This time they were immersed in a tank of water with a black snake which later bit them.<sup>253</sup>

313. On 7 May 1999, the Mahidi militia raided the house of FL from the sub-district of Zumalai (Covalima) in search of her husband who had already fled to the forest. FL told the Commission:

*Between 7 and 9 May 1999, they came and surrounded our house. They searched the whole house looking for a Fretilin flag, documents and for my husband. Because they did not find anything they vented their frustration on me and my one-year-old child. They threw my child in the vehicle and hit me around the head and abused me verbally before throwing me inside the vehicle too. They said, "Let's have some sport first," and continued to hit me. They took us to the Mahidi post and put us into a cell. I was interrogated by the village head named PS360 [female, East Timorese]. I was hit because I did not answer her questions. When they finished hitting me, they gave me food - rice without vegetables. After I ate, they hit me again and forced me to drink urine. I don't know whose urine. I was in a cell with four other women: Lucilia, Domingas, Monica and Lucia. The cell was in the house of a police officer called PS358 [East Timorese].*

*After that a militiawoman called PS359 [female] came to my cell and burned my mouth with a cigarette while threatening, "If her husband is not here, better just kill the wife." PS357 asked me, "Where did you hide the Fretilin flag?" I still did not answer the question, so she left the cell and told five men to go into my cell, saying, "Play with her, it's free." But they did not do anything to me. Of the five militiamen, only PS361 tried to rape me. But I refused and said, "You'd better kill me." Then the 743 TNI company commander [Danki] came back and said, "Let's be together, you often kiss Falintil." I gave him a rude reply and he hit me across the mouth until it swelled up. After making a statement that we would remain under [the control of] Mahidi and Merah Putih, we were released on the order of PS357."<sup>254</sup>*

314. GL was taken from her village of Cová (Balibo, Bobonaro) by Firmi Merah Putih militia, along with two other women, to their command post. Using the excuse that they were examining their breasts for "magical" implants, they stripped them naked.

*On 7 May 1999, Firmi militia PS362 and Commander PS363 captured me together with HL and IL at Railuli, Village of Cova, Bobonaro. The three of us were taken to the Firmi militia post in Balibo. When we arrived they interrogated us and then put us in a room and told us to take off our clothes to see what kind of "medicine" we had implanted in our breasts. As they found nothing, after the examination we were told to back home.*<sup>255</sup>

### 7.7.5 The impact of sexual violations on victims

315. 25 years of conflict had a profound impact on its victims, regardless of gender and age. All families in Timor-Leste have been touched in some way by violence. However, although men and women share a common thread of being victims of the conflict, it is important to point out the differences experienced by male and female victims of human rights violations. There are three ways in which the experience of women victims was different:

- women were the predominant victims of sexual violence and therefore suffered the specific social, cultural, mental and physical consequences of that violence
- women who suffered non-sexual human rights violations had different barriers to their recovery due to the different reproductive functions, as well as the different roles and status assigned to men and women, and
- women as primary caregivers of the family also suffered when male members of their families experienced gross human rights violations as they had to fulfil all the responsibilities of providing protection, livelihood and caring for children and other dependents in the absence of their spouses.

316. During the period of conflict in Timor-Leste, sexual violence had a profound impact on its victims and on the general community. Although most acts of sexual violence took place behind closed doors, knowledge of these acts spread through the community very quickly. Long after the incident itself, sexual violence continues to affect the lives of survivors in their physical and mental well-being and in their social status.

#### Reproductive health

317. During ABRI's retaliation towards residents of Mauchiga (Hatu Builico, Ainaro) following the failed Falintil uprising in 1982, IH was among the many Mauchiga women who suffered sexual violence. IH was a teenage victim of repeated rape at the Mantutu military post close to Lesuati before she was moved to Dare and then to Nunu Mogue. She was often "chased" by Indonesian soldiers. One Hansip member followed her all the way to Nunu Mogue and raped her there.<sup>256</sup>

*Every night I was followed by [members of] ABRI and Hansip because at the time I was about 14 years old. Before I was raped I was tortured in different ways. [They] hit me with weapons, they burnt me, threw water at me and undressed me. They took me out in the middle of the long grass and there, the unthinkable happened. On the first night a corporal from 744 named PS364 [East Timorese] raped me. On the second night, I was raped by PS365 [East Timorese], also a corporal from 744. On the third night I was raped by PS366 [East Timorese], a corporal from 744. After [the first incident] my body was covered in blood, I had never had sexual intercourse before. There was a Hansip who was not satisfied. He followed me to Nunu Mogue [Hatu Bullico, Ainaro]. He took me out at night and did it to me outside the house. Before the rape, he hit me on the head with his gun. After all that, I felt pain in my genitals - itching, difficulty in urinating - and also pain in my abdomen and around my hips.<sup>257</sup>*

318. During the period of conflict, women had limited access to reproductive health services. Although community health centres existed, Indonesian health services focused on providing primary and maternal health care and meeting family planning targets. They turned a blind-eye to reproductive and sexual health care.<sup>258</sup> Specific needs around reproductive health care, like tests and medical cures for sexually transmitted diseases or early detection of cancer or pre-cancerous cells in the reproductive system were not accessible to women. Women survivors of rape had nowhere to go for formal medical care.

319. In many cases, family members treated them with traditional medicine.

*When [my niece] got off from the motorcycle she could not walk because she had been raped. She arrived with injuries and blood on her genitals, I treated her...she drank [a concoction of] water and betel leaf [sirih], I washed her with sirih water and leaves that I had boiled.<sup>259</sup>*

320. Untreated, sexually transmitted diseases may cause a relatively quick death from severe pelvic infection or long-term reproductive health problems, including cancer and sterility. In a few of statements that the Commission collected, survivors of rape or their family members spoke of some kind of vague "female illness":

*They took her to the military post and raped her in turns. They continued to do this until 1980 when they [Linud 100] were demobilised and replaced by Battalion 643. They also took me to become a TBO at that post...I saw my sister being raped with my own eyes. When they left Fahinehan [Fatuberliu, Manufahi], she was released [and allowed] to go home...After being subjected to sexual violence for such a long time, she developed a uterine condition and died in 1994.<sup>260</sup>*

321. Women who experienced repeated rape and severe torture suffered from multiple health problems: reproductive, mental and physical. The fact that these crimes were unpunished, and could at any time be repeated, were added mental burdens to the survivors:

*We were held for 16 days in detention and every night my three friends and I were raped by four men...When they got tired, they forced some of the male detainees to rape us. Then I was tortured. They hit me with a thick piece of wood. They hit my hips and head. Because of this my hip broke, I continued to have headaches and could not walk...After 16 days, they released us. They had to carry me home to Uatu-Lari [Viqueque]. At home I was treated with traditional medicine, but it did not really help. The only thing that lessened the pain a little was putting ice on my hips. I was so traumatised, I continued to feel that there was someone spying on me, waiting to arrest me. I was so afraid, I finally ran to Dili.*

*[Eventually] I got married and had a son. After I gave birth I began to feel a lot of pain around my hip. I could not walk. I just had to lie down. I stayed in bed for three years. Now I am beginning to walk again. I want to tell so much more, but I have forgotten much, maybe because of the torture I experienced when I was detained.<sup>261</sup>*

322. Pregnant women were subject to sexual violence and other human rights violations. This had severe implications to their maternal health and to the survival of the foetus:

*The two [women] were raped for six hours, from morning to 4.00pm. [My wife] was six months pregnant at the time. They were able to runaway, but the TNI soldiers shot at them. JL was shot dead, and my wife was shot in her hip. She was able to escape to [the place] where I was...She had a miscarriage and not long after she also died.<sup>262</sup>*

### **Unsafe abortions**

323. For some victims of rape who became pregnant due to the rape, the feeling of shame, guilt and rage pushed them to desperate measures in order to terminate the pregnancy. In some cases, unsafe abortions had fatal results:

*After we came back from Ataúro, we were always monitored by ABRI intelligence. Our life was difficult. The worst thing was hearing the news, upon our return, that my sister, KL, had died. She became pregnant by ABRI when she was detained in the Korem [sub-regional military command headquarters] in Dili. When she heard that her husband was soon to [be released] and return to Laleia, Manatuto she tried to abort her pregnancy. She was afraid that she would be seen as an unfaithful wife. She died from the abortion.<sup>263</sup>*

324. In one case, a woman victim of domestic sexual slavery died due to illness which was possibly related to attempts to terminate the pregnancy by the soldier who raped her:

*In March 1979, my younger sister T was taken by a member of the Hansip named PS367 to the command post in Leohat [Soibada, Manatuto], under instruction from a Hansip member named PS368 who often beat up the local population. My sister told me that when she arrived there she was raped by a Nanggala named PS369 [Indonesian]. She was then forced to be his "wife" for six months. When he found out that T was pregnant, PS369 tried to terminate the pregnancy by continuously massaging her stomach with a balsam, until she became ill. When she was very sick, PS369 brought her to my uncle's house on 6 September 1979. Four days later I was made to go to the forest with Comand 122 as a TBO for one month. When I returned, T was already dead. My uncle said that she only lived for another six days.<sup>264</sup>*

325. The Commission also received evidence about cases where the perpetrator had attempted to force the victim to terminate that pregnancy. In some cases women were brought to local health clinics and given injections which were believed to be able to induce abortion:

*In Betun, West Timor I met again with him and he wanted to make me have sex with him again. I said, sorry, but I have now missed my period [as a consequence of rape by the same man]. He was surprised and brought me to a health centre where I received an injection. Three days later he came to ask me if I had gotten my period. I said no. From that day on he avoided me and never came back.<sup>265</sup>*

326. Unsafe abortions could lead to maternal death, long-term illness or disability affecting the mother. There could also be repercussions on the health of a baby who survived attempts of termination.

## Mental health

*Not one person cared about what happened to me. I was alone. After the [rape] incident my shoulder hurt and I also became sick from thinking about it so much I became stressed. Because of this clandestine work, I did not take care of my child, who died in August 1999 after the raising of the Falintil flag. Because of the violations I had a female disease - an attack of white blood. I became crazy and at the end I split up with my husband. Now I live alone with my four children.<sup>266</sup>*

327. For some women who experienced distress and trauma from sexual violence, the continued lack of security, the lack of mental health services to deal with the trauma, and their sense of rage, shame, isolation and guilt led to the development of long-term mental health illness. Some, whose family members provided support and care, were able to overcome their trauma without severe long-term consequences (see Part 10: *Acolhimento* and Victim Support).

328. Other women who experienced severe sexual violence were not able to recover from their trauma, despite support from their family:



*The soldiers, both Indonesian and Timorese, raped my sister in pairs. I could not keep track of how many because there were so many. This continued for four days. Until now U still suffers from the bad things they did to her. She is mentally unstable, has fainting spells and remains unmarried because she is unwell.*<sup>267</sup>

329. Again and again, the Commission heard of the long-term mental health consequences of rape:

*During the month that troops from Battalion 122 from Sumatra occupied the area, many women became victims of rape. They went to people's homes, took people and their belongings, chickens, eggs, and forced daughters and wives to comply with their sexual desires. A woman became mentally depressed and eventually went crazy because these troops violated her repeatedly.*<sup>268</sup>

330. During periods of escalating violence, those already coping with mental illness due to past violations would become vulnerable to recurring trauma.

331. In 1999, Fokupers<sup>\*</sup> reported a case of a woman who was a victim of sexual slavery in Viqueque. A school teacher during the Portuguese period, she was repeatedly taken as "wife" by at least five different military personnel, one after the other. When Fokupers staff first heard of the case, Dina, as she was referred to in the report to protect their client's identity, was mentally ill. Without any mental health care to treat her illness, Dina would walk around naked in her village until, in exasperation, her parents chained her to her bed.<sup>269</sup>

332. Access to mental health services during the 25-year period of conflict was very limited and remains a problem for survivors of sexual violence (see Part 10: *Acolhimento* and Victim Support; also Part 11: Recommendations).

### Spiral of victimisation

333. Women survivors of sexual violence often found themselves in a spiral of victimisation. Most victims of sexual violence were also victims of other human rights violations, such as illegal detention or forced displacement. In many cases, an incident of sexual violence led to further violations, both sexual and otherwise, by other perpetrators. Tragically, women who had suffered sexual violence also suffered by becoming further victimised by their community which, due to common misconceptions, sought to blame the women for breaking the tightly guarded sexual mores. Women who have internalised these mores fell prey to blaming themselves, despite recognising their lack of consent in the crime.

### Self-blame

334. In Timor-Leste, social perceptions around rape and sexual violence are heavily influenced by notions of honour. Thus, victims of sexual violence often felt guilty for failing to safeguard their honour and the honour of their family, and in some cases, their husband. In the following statement, a victim of rape expressed her feeling that she had betrayed her husband by "allowing" herself to be raped:

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<sup>\*</sup> Fokupers (Forum Komunikasi Perempuan, Women's Communication Forum) is a prominent East Timorese women's advocacy NGO based in Dili. It was established in 1997, and conducts an extensive programme of psycho-social support to women survivors of violence. Fokupers worked closely with the Commission on a number of elements of its programme of support to victims of human rights violations, especially women survivors.

*I was so ashamed and shaken. At the time I was so depressed when I thought about the fate of my husband who was arrested together with us in Souro [Lospalos, Lautém]. I did not know whether he lived or had been killed by ABRI. I felt that I had betrayed my husband.<sup>270</sup>*

335. Some victims of rape were driven to the point of having suicidal thoughts:

*I was in a situation that was very difficult. I feared that he would rape my little sister. So I sacrificed myself, although I tried to give him medical reasons why he shouldn't rape me. He raped me four times. I wanted to kill myself. [I tried] to escape but the militia continued to watch over me.<sup>271</sup>*

336. Women victims who were unmarried during the time of rape felt deeply ashamed about what happened to them. In some cases, this became an impediment for them in developing a relationship or seeking marriage:

*[After the rape, the Falintil soldier] threatened me to never tell my parents or anyone else; if [I did] he would come and kill me one night. Until now I do not want to get married, because he destroyed me like an animal. I am too embarrassed to get married. Better I just sit tight and work in my garden for my livelihood.<sup>272</sup>*

### **Blaming the victim**

337. Victims of sexual slavery experienced the most extreme forms of social isolation. The long-term nature of the violation often involved more subtle forms of coercion. The community perception of women who were subjected to sexual slavery, particularly domestic sexual slavery, was coloured by popular belief which did not distinguish between consensual and non-consensual extra-marital sexual relations:

*There are people [in Liquiça] who say I am a cheap woman, a whore [onte]. They say that I am an ABRI mistress. I tell them it is not something that I wanted, it is the war that made me like this. Yes, I was "married" to them. If I did not consent they would have killed my family and other women friends. I fought for our independence by surrendering myself on behalf of our land, Timor-Leste.<sup>273</sup>*

338. Not only the victims but also their immediate family members were subjugated to shame and ridicule:

*Many victims suffered greatly because some members of the community used to call them names and say that they were the mistress of ABRI. Others called them whores. According to our community, forced marriage with ABRI is a shame which cannot be talked about by anyone.<sup>274</sup>*

339. The strong community feelings against women who were subjected to sexual slavery were known to all, including young children. Many of those who had no choice but to comply with the wishes of armed men entered into sexual slavery with open eyes about public contempt. This also affected their life choices when they were able to escape their situation:

*I said I was still a [13-year-old] child, I still want to go to school...The village head asked, "Do you want ABRI to come and take you away to kill you? Don't you want to live?" [I said] marrying an ABRI is good and well, but according to our elders, a woman who becomes a soldier's mistress is called "puta" [a whore]. I did not want to be called a "feto puta"...After three months the Kodim commander was inaugurated as governor [sic] of Viqueque District and brought his Javanese wife back to Viqueque. From then on the Kodim commander stopped using me. When we were being picked up at night to go to the Kodim our school friends saw us and I was ashamed. In the end I did not go back to school.<sup>275</sup>*

340. Another woman recounts:

*For four months I had to go back and forth to their post, day and night. I was so ashamed. There was a lot of gossip about me having sex with all the soldiers at the post.<sup>276</sup>*

341. In some cases there was community complicity in supporting the sacrifice of one or a group of women to become an "army mistress" in exchange for collective security. Despite this, women subjected to domestic sexual slavery often faced ridicule and suspicion.

342. In some cases, the popular misconception of sexual slavery as consensual extra-marital relations resulted in added abuse from others toward the victims:

*For one month my family and I lived in Hakesak [Atambua, West Timor]. When we arrived at the camp, PS370 [East Timorese] continued to use me as his second wife. One day his wife came and called me names, perempuan lonte, [whore]. She threatened to kill me if I continued to have an intimate relationship with her husband. At that time, I was between a rock and a hard place. PS370 threatened to kill my family if I did not have sex with him, but then his wife came to the camp and also threatened me.<sup>277</sup>*

343. Domestic sexual slavery was a disgrace to the family. Women were often blamed for the shame they brought to the family, despite the fact that they were forced into the situation:

*He pushed the door and raped me with force. I cried as he raped me because I was so young then. I was only 15 years old. After that Danramil [Komandan Koramil, Koramil Commander PS371 [Indonesian] told me, "You have to marry me." When PS371 left the house my parents hit me until I bled. My parents said don't get married to a member of the military. But PS371 kept coming to my house. I became pregnant, but the baby died after birth. He was married to me for five years [1985-89] then he left me. He returned to Sumatera without a word to me or my parents.<sup>278</sup>*

### Loss of virginity, loss of marriage opportunities

344. Social norms about the value of virginity in Timor-Leste society, particularly in rural areas, has led some women survivors of rape to have difficulty getting married. Again, the lack of distinction between consensual and non-consensual sexual relations victimised the victim of rape:

*After the rape, my sister said, "This is the result of war." She brought me to Ermera to get medical treatment because of the wound on my sexual organ due to the force used during the rape by that soldier. I stayed there for two months. Because of the rape, I remain unmarried until now. I live with my father.<sup>279</sup>*

345. However, the Commission also heard testimonies from victims of rape and sexual slavery who were able to find happiness in marriage, despite what had happened to them.

### Survival and discrimination against children

346. Women who became pregnant and bore children from non-consensual sexual relationships faced multiple layers of discrimination. Women who were in a situation of sexual slavery were considered sexually "loose". Women who were raped were thought of as "used goods." Their children were often discriminated against, as they were seen as illegitimate children born out of wedlock. This branding of women and their children not only resulted in social isolation, but also often resulted in severe psychological problems within the family:

*There was one difficult case which was handled by Fokupers, but it was far too late. The victim had already been raped by a number of ABRI members. She had children from different fathers. The victim experienced discrimination and ridicule from her community. She was called names and isolated from her community. They called her "feto puta", or whore, who had sold herself to ABRI. The victim could not accept her own children, she could not look at their faces because of the pressure from her community.<sup>280</sup>*

347. In many cases where the biological father was an Indonesian soldier, mother and child (or children) were abandoned at the end of the soldier's tour of duty. The struggle for daily survival, without support from the community and extended family was extremely difficult, a situation that continues for many women today:

*After my child was born, PS303, an Indonesian soldier, left. I lived with my two children. When I had to work in the field I had to bring them both since no one was there to look after them. Luckily, [after a while] my sister-in-law agreed to look after them when I was in the rice fields.<sup>281</sup>*

348. These single mothers, without protection from the traditional male figure of husband or father, were vulnerable to sexual advances from other men. In the following statement, a woman already caring for a child born out of sexual slavery by an Indonesian Koramil commander is forced to accept the advances of an East Timorese soldier:

*After my child was 8 years old, a Timorese ABRI member named PS373 came to force me, threatening to kill my brother. This soldier promised to marry me, but after I gave birth to his child and he had a task in Buikarin [Bahalara Uain Village, Viqueque, Viqueque], he married someone else and no longer paid attention to me.<sup>282</sup>*

349. Some women, despite all odds, were able to meet their children's basic needs and put them through school:

*I was left by PS374 [Indonesian] with three children. They have now finished their education. This was only possible due to my hard work earning an income to put them through school.<sup>283</sup>*

350. Others were less fortunate and unable to provide their children with the education they needed to better their future:

*I have four children from Indonesian soldiers. One died, leaving me with three. Because we went to war for our independence, I accept what happened to me with open arms. Maybe in the future, the state will pay attention to us. If it does not, well, that doesn't matter. What I did for the struggle was to give myself up to Indonesian soldiers in order to save others. Maybe if there was no war I could have been a good woman. But it doesn't matter, as this [independence] is what we all wanted. This was the consequence of war...I ask for help to put my three children through school, so they can have a good future, like other children. Because of the war I was used like a horse by the Indonesian soldiers who took me in turns and made me bear so many children. But now I no longer have the strength to push my children towards a better future.<sup>284</sup>*

351. The Catholic Church played an important role during the years of conflict in Timor-Leste in providing shelter and protection for victims of human rights violations, including protection for victims of rape.<sup>\*</sup> Despite this, in some cases it failed to overcome its prejudices against women victims of sexual slavery and their children. Without understanding the non-consensual element in sexual slavery, Church officials sometimes misperceived sexual slavery as extra-marital sexual relations. For women victims, particularly those who bore children out of consecutive non-consensual relationships, their experiences of being slighted by the Church have had a deep impact upon their minds. Children who were denied Baptism were not only deprived of the normal lives their mothers so craved for them. The mothers also faced practical consequences, such as difficulties in school registration, which required a certificate of baptism:

*Family members from both my dead husband's side and my own relatives all supported me. This made my life acceptable. But the community around me called me names and avoided me. I still could survive this. But the Church did not support me and did not allow me to get my children baptised. It was only in 2000 when we were free that the Church allowed my children to baptised.<sup>285</sup>*

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<sup>\*</sup> For example, see the case of TC (above); see also HRVD Statement 03335 where the Church provided protection for women from repeated rape from security personnel.

352. In the following testimony, this victim of consecutive sexual slavery and her children were publicly shamed by the Church, resulting in a shunning from all communal religious activities for 16 years:

*I was not shunned by my family but by the community and the Church. When people called me names my father said, "Whatever the consequences she is our child. Her sins are also our sins, it is a burden, a cross, that we bear as her parents."*

*One day, my child and I were in a line in front of the altar to receive the Baptism sacrament. There were only two people before we got to the Priest, when we were pulled out by a church official...He said the Priest told him to do this. My child was not allowed to be baptised because he was born out of wedlock. My parents and I were not allowed to take communion, confess our sins, or to pray during the month of Holy Mary. From 1980 to 1996 our house never had a turn [to host] prayers. I had to wait until ABRI did not live among us anymore. Then I was allowed to participate in Church activities again, including taking Communion and going to Confession.<sup>286</sup>*

#### **Marital separation or reconciliation**

353. The reaction of husbands to the sexual violence committed against their wives was an important factor in the capacity for women to recover. The Commission has heard testimonies from women survivors of sexual slavery and rape whose husbands were unable to accept what had happened to them and subsequently left them:

*My husband sent a letter to me [in West Timor] in April 2001, twice, although I only was able to receive one. He told me that he was not dead yet and that he already heard that I had a child by [Laksaur Commander] PS314. In his letter, he urged me to come home with this child. The second letter fell to the hands of Kostrad on the border and was given to PS314. When PS314 was killed, his brother PS194 came for the funeral and threatened to take my child away...I stole away from the house to put my name on the UNHCR [repatriation] list. After being rejected three times, a friend of mine finally succeeded in putting my name down. I left without the knowledge of PS194. When I arrived home, my husband had already taken a new wife. When I approached him, he said he did not want to accept me as his wife. I know that I have this child from a Laksaur man but it was the situation that made this happen. If I did not follow their orders, I would have been killed.<sup>287</sup>*

354. On the other hand, the Commission has also received statements from survivors of sexual violence whose husbands were able to accept the fact that what took place was beyond their wives' control. These women survivors of rape and sexual slavery found acceptance from their husbands:

*On the boat [on the way to exile in Ataúro] I was re-united with my husband. After a few weeks, I told him what had happened to me. My husband still could accept me as his wife.<sup>288</sup>*

355. In the following statement, a woman who was repeatedly raped in detention for many months tells her husband about her experiences of sexual violations. Reconciliation does not come immediately. The issue is discussed in a meeting involving both sides of the family; a priest is asked to mediate between the two:

*Not long after I returned, my husband was released from Ataúro. Then both sides of our families came together to discuss all that had happened while I was detained by the Indonesian military. Once, my husband and I met with a priest. After a long discussion, finally the two of us returned to Mauchiga to start our own happy family.<sup>289</sup>*

356. In some cases, women and their children, born out of rape, were accepted by their husbands. In the following case, a woman, separated for about three years from her exiled husband, greeted her husband with her child:

*In 1985, when my husband returned from exile, I told him about [the sexual violations which I experienced including the fact that I had a child.] He said he continued to accept me as his wife. He said that it is not my desire, but it is a consequence of war.<sup>290</sup>*

357. The understanding and acceptance of the extended family was crucial, particularly during the period before the return of the husband:

*Not one person, not from my family or my husband's side, tried to defend me when I was treated that way. At the time...their lives were also threatened. No one from my family called me names. They supported me and said that this was not what I wanted, but it is the result of the situation. When I got pregnant [from rape] my husband was released from the prison in Lospalos. When he arrived home, he was not angry at me. He accepted the child that I was carrying as his own. When this child was being baptised, the priest did not say anything because he did not know it was not my husband's child. He baptised my child.<sup>291</sup>*

## 7.7.6 Findings

### Sexual violations by members of Fretilin and UDT

358. The Commission finds that:

1. Members of the Fretilin and UDT parties were involved in rape and sexual violence during the internal political conflict of 1974-76 and other times during the period of the Commission's mandate. However, the low number of cases reported to the Commission (two involving UDT and one involving Fretilin) indicates that these incidents were isolated and not systematic.

## Sexual violations by members of Falintil

359. The Commission finds that:

2. Members of Falintil were also involved in rape and sexual violence during the Indonesian occupation. In some cases, impunity was enjoyed because of the reluctance of communities to report Falintil activities to the authorities. However, the small number of cases reported to the Commission indicate that the incidents were isolated and not systematic.

## Rape and sexual torture by members of the Indonesian security forces

360. The Commission finds that during the period of the invasion and occupation of Timor-Leste:

3. Members of the Indonesian security forces and their auxiliaries were involved in widespread and systematic rape, sexual torture and acts of sexual violence (other than sexual slavery) directed mainly towards vulnerable East Timorese women.

361. The Commission bases this finding on the interviews and statements of hundreds of victims who courageously gave firsthand testimony of their personal experiences, as well as corroborating evidence contained in other witness statements and documents considered by the Commission. The evidence of the individual victims was judged to be particularly credible because of the negative personal impact and trauma associated with giving information of this nature to an official institution.

4. Institutional practices and formal or informal policy of the Indonesian security forces tolerated and encouraged the rape, sexual torture and sexual humiliation of East Timorese women by members of the Indonesian armed forces and the auxiliary groups under their command and control.

362. This finding is based on strong, widely corroborated evidence which demonstrates that:

- the violations were commonly committed in a wide range of military institutions; and
  - military commanders and civilian officials knew that soldiers under their command routinely used military premises and equipment for the purposes of raping and torturing women and took no steps to deter these activities or to punish those involved. On the contrary, the commanders and officials were in some cases themselves also perpetrators of sexual violence. At middle and senior levels, this included practices of providing young women who could be raped on demand by visiting guests and passing on the “license to rape”, or “ownership of”, young women to another officer at the end of a tour of duty.
5. Victims of sexual torture were usually women perceived by the security forces to have a connection to the pro-independence movement. Often these women were the targets of proxy violence. That is, because the woman’s husband or brother who was being sought by the military was absent, the woman would be raped and tortured as a means of indirectly attacking the absent target.

363. It was common for these women to be taken to military installations where they would be questioned about the activities of their absent husbands or family members and subjected to a range of obscene methods of torture. In other cases, the women were raped in their homes or other places during military operations.



6. The Commission finds that the following acts directed at East Timorese women took place inside official Indonesian military installations:
  - mutilation of women's sexual organs, including insertion of batteries into vaginas and burning nipples and genitals with cigarettes
  - use of electric shocks applied to the genitals, breasts and mouths
  - gang rape by members of the security forces
  - forcing of detainees to engage in sexual acts with each other, while watched and ridiculed by members of the security forces
  - rape of detainees following periods of prolonged sexual torture
  - rape of women who had their hands and feet handcuffed and who were blindfolded. In some cases women bound in this way were raped until they were unconscious
  - forceful plucking of pubic hairs in the presence of male soldiers
  - rape of pregnant women. The Commission received repeated evidence of this, including one account in which a woman was raped the day before she gave birth
  - forcing of victims to be nude, or to be sexually violated in front of strangers, friends and family members. In at least one case a woman was raped in front of her mother and later killed. More commonly, victims were raped and tortured in front of their children
  - women raped in the presence of fellow prisoners as a means of terrorising both the victims and the other prisoners
  - placing women in tanks of water for prolonged periods, including submerging their heads, before being raped
  - the use of a snake to instill terror during sexual torture
  - threats issued to women that their children would be killed or tortured if the women resisted or complained about being raped
  - repeated rape of women by a multitude of (unknown) members of the security forces. In some cases the women said they could not count the number of men who raped them. The Commission accepts that some victims were raped by various military officers every day during months of detention
  - forced oral sex
  - urinating into the mouth of victims
  - rape and sexual violence indiscriminately inflicted upon married women, unmarried women, and young teenagers still children by law
  - keeping lists of local women who could be routinely forced to come to the military post or headquarters so that soldiers could rape them. Lists were traded between military units. In some cases these women were commanded to appear at the military post every morning, in order to be raped by members of the security forces.
7. The degree of rape and other forms of sexual violence reflected the patterns and degree of military activity at the time. Sexual violations increased during periods of major military operations, and decreased when such operations were less frequent.
8. Women who had surrendered to the Indonesian security forces were particularly vulnerable to rape and sexual torture. In the early years of the conflict, 1975-78, a large proportion of victims of sexual violations had surrendered and were living in temporary shelters supplied by the Indonesian military, or had recently returned to their former homes following surrender.

9. Women who surrendered from the mountains, who were known to have links to the guerrilla forces or who were thought to know the location of guerrillas and their supporters, were made to assist the Indonesian military in searching for these groups. In some cases, women were subjected to torture and rape during their participation in these military operations. Women were also forcibly recruited into civilian defence groups and made to patrol around their villages. During these patrols, supervised by armed men, women were commonly raped and sexually harassed.
10. The mass arrests following civil uprisings in 1981-83 led to increases in the number of women who were raped by members of the security forces. This reinforces the finding that there was a connection between military operations and objectives and the scale of rape and other sexual violations committed by members of the security forces.

364. In some cases, large military operations were accompanied and followed by coordinated and large-scale rape and other violations targeting female members of communities involved in the military operations.

- Following the Falintil attack on the Dare Koramil and other ABRI posts in Dare and Mauchiga (Hatu Builico, Ainaro) in 1982, members of the Indonesian security forces separated women from other members of the community. They then proceeded to commit individual and gang rape, sexual torture and other forms of sexual violence against scores of these vulnerable women. These crimes continued over a period of several months and were perpetrated by military commanders, lower-ranking military personnel and members of HANSIP as perpetrators. The Commission finds the military commanders and civilian officials of Ainaro District during this period responsible and accountable for these massive violations of human rights.
  - Extreme sexual violence against local East Timorese women was also used to suppress the local population following the uprising in Kraras, Bibileo (Viqueque, Viqueque) in 1983. This included forcing women into sexual slavery.
  - Mass arrests during military operations resulted in the sexual abuse of women who had been detained. This the experience of women detained in Flamboyan Hotel in Bahu (Baucau Town, Baucau), the Koramil in Uatu-Lari sub-district (Viqueque), and in the Balide Prison (Comarca) in Dili, as well as in other detention centres.
11. The large-scale violence during 1999 led to a significant increase in the number of women who suffered rape. Those who were displaced within East Timor or who became refugees in West Timor were particularly targeted. Those incidents of sexual violence involved members of the militias, members of the TNI and in some cases members of both these groups acting together.

#### Impunity for perpetrators of rape and sexual torture

12. The practice of capturing, raping and torturing women was conducted openly, without fear of any form of sanction by senior military officers, civilian officials, junior ranking officers, police officers, teachers and members of the auxiliary groups such as Hansip and the militias. When victims of sexual violence or their family representatives complained to the legal authorities about what had taken place they were generally met with denial and aggression. In some cases family members who complained were beaten and otherwise punished.
13. There were no practical steps that could be taken by an East Timorese victim of rape or sexual violence to seek a legal remedy for such crimes. There was also no avenue through which they or family members acting on their behalf could seek official help to stop these violations from taking place or continuing. Victims were helpless and unable to escape the violations by members of the security forces.

14. Participation in, and acceptance of, such practices by military commanders and civilian officials, widespread knowledge that rape and sexual torture was officially condoned, use of military and official facilities for this purpose, and almost total impunity for offenders led to a situation where such practices could be undertaken by members of the security forces at will. This led to an increase in sexual violence in the years following the invasion and expanding participation by officers of lower rank and members of auxiliary forces, such as Hansip and the militias, operating under the control and protection of the security forces. In some cases members of Hansip or low-ranking local civilian officials would forcibly take women and pass them on to the military commanders in return for increased status and rewards.

365. Indonesian police officers were also involved in torturing and rape, but not to the same extent as the military. Police officers enjoyed the same general impunity in committing sexual violations, that extended to other members of the security forces.

366. There were also incidents in which male members of the Indonesian security forces raped (including having forced oral sex and other forms of sexual violation) East Timorese male prisoners and civilians. However, this type of violation occurred far less frequently than sexual violence against East Timorese women.

### Sexual slavery

15. Throughout the invasion and occupation there was a persistent practice of forcing East Timorese women to become, in effect, the sexual slaves of military officers. These activities were conducted openly, without fear of reprisal, inside military installations, at other official sites and inside the private homes of women who were targeted. In a significant number of similar cases, rapes and sexual assaults were repeatedly conducted inside victims' homes, despite the presence of parents, children and other family members of the victim.
16. As with rape, sexual slavery also increased dramatically during periods of major military operations, and decreased when such operations were less frequent. For example, 64% of sexual slavery cases reported to the Commission took place during the period of invasion and during periods of large-scale military operations.
17. It was common practice for members of the Indonesian security forces to keep East Timorese women in detention in military bases for reasons that were not related to a military objective. These women, who were sometimes detained for many months and sometimes years, were often raped on a daily basis or on demand by the officer who controlled them, and often also by other soldiers. In addition, they were forced to do unpaid domestic work.
18. The victims of this form of sexual slavery were not free to move about or travel, or to act independently in any way. It was not uncommon for the "ownership rights" over these women to be passed on from an officer who was finishing his tour of duty to his replacement or another officer. In some situations, women forced into these situations became pregnant and gave birth to children of several different officers during the years in which they were the victims of sexual slavery.
19. In general, Indonesian officers who were responsible for fathering these children through rape or sexual slavery accepted no responsibility to support them. Mothers of these children faced significant difficulties in providing for them. This was particularly problematic because former victims of rape and sexual slavery at the hands of the Indonesian military forces were often considered "soiled" and unsuitable for marriage by East Timorese men, and faced ongoing social stigma.
20. The methods used to force East Timorese women into situations of sexual slavery often involved torture by members of the security forces, threats of torture and killing of victims, their family members, or the targeting of their community.

## Impunity for perpetrators of sexual slavery

21. Members of the Indonesian security forces forced women into conditions of sexual slavery in military institutions or their homes openly, without fear of reprisal. The total impunity enjoyed by members of the security forces, their demonstrated capacity to kill and torture at will, and the systematic nature of these violations across the territory presented victims with no possibility of escape. The women who were targeted were forced to experience the repeated and horrific violation of their bodies and personal dignity, or be faced with an even greater harm to themselves, their family or community. In this impossible situation there was no hope of help from law enforcement officials, or any other source, and no reason to believe the situation would end in the foreseeable future.
22. The scope and nature of the violations which were being committed and the complete impunity enjoyed by all classes of perpetrators was well-known at all levels of the security forces and civil administration during the occupation. This impunity could not have continued without the knowledge and complicity of members of the Indonesian security forces, the police force, the highest levels of the civilian administration and members of the judiciary.

## Sexual violations as a tool of terror and degradation

23. In addition to rape, sexual torture and sexual slavery, a wide variety of other sexual violations were committed by members of the Indonesian security forces. Violations that were particularly degrading to victims or culturally repulsive were often kept in public view. This included instances of forcing prisoners to walk long distances through communities while naked, public rape and multiple instances of rape and torture in military posts carried out where other prisoners could hear the screams of the victims.
24. The scope and nature of the violations demonstrate that the intention was not only limited to the personal gratification of perpetrators or the direct impact on individual victims. The purpose was also to humiliate and dehumanise the East Timorese people. It was an attempt to destroy their will to resist, to reinforce the reality that they were utterly powerless and subject to the cruel and inhuman whims of those who controlled the situation with guns. Military officers repeatedly treated and spoke to East Timorese victims as if they were "less than human". These patterns helped to justify and spread these views among security personnel, leading to wider participation in sexual violations.
25. Rape, sexual slavery and sexual violence were tools used as part of the campaign designed to inflict a deep experience of terror, powerlessness and hopelessness upon pro-independence supporters. Sexual violation of East Timorese women, particularly those connected to members of Fretilin and Falintil, was intentionally carried out to destroy the self-esteem and spirit, not only of the victims, but of all who supported the movement for independence, with the aim of forcing them to accept the political goal of integration with Indonesia.

## Total number of victims of sexual violations

26. The Commission notes the inevitable conclusion that many victims of sexual violations did not come forward to report them to the Commission. Reasons for under-reporting include death of victims and witnesses (especially for earlier periods of the conflict), victims who may be outside Timor-Leste (especially in West Timor), the painful and very personal nature of the experiences, and the fear of social or family humiliation or rejection if their experiences are known publicly. These strong reasons for under-reporting and the fact that 853 cases of rape and sexual slavery, along with evidence from about another 200 interviews were recorded lead the Commission to the finding that the total number of sexual violations is likely to be several times higher than the number of cases reported. The Commission estimates that the number of women who were subjected to serious sexual violations by members of the Indonesian security forces numbers in the thousands, rather than hundreds.

## Impact on victims

27. Although victims of sexual violence cannot in any way be blamed or held responsible for the terrible violations that were forced upon them, they were often socially marginalised or mistreated by their own families, community members and the Catholic Church because of their experiences. Misperceptions on sexual violence continue to lead to the victimisation of women.

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<sup>1</sup> United Nations, *Contemporary Forms of Slavery: Systematic Rape, Sexual Slavery and Slavery-like Practices during Armed Conflict*, Final Report submitted by Gay J. McDougall, Special Rapporteur on Contemporary Forms of Slavery, New York: United Nations, 1998, E/CN.4/Sub.2/1998/13, pp. 7-8.

<sup>2</sup> CAVR, Women's Research Team, *Perempuan dan Konflik, April 1974 s/d Oktober 1999: Laporan Tim Penelitian Perempuan dan Konflik, FOKUPERS-CAVR [Women and Conflict: April 1974-October 1999: Report of the Research Team on Women and Conflict, FOKUPERS-CAVR]*, April 2004.

<sup>3</sup> *Prosecutor v Jean-Paul Akayesu*, ICTR Case No ICTR-96-4-T, Trial Chamber Judgment, 2 September 1998, paragraph 598; *Prosecutor v Zejnil Delalic*, ICTY Case No. IT-96-21, Trial Chamber Judgment, 16 November 1998, paragraph 479.

<sup>4</sup> *Prosecutor v Zejnil Delalic*, ICTY Case No IT-96-21, Trial Chamber Judgment, 16 November 1998, para 479. Followed by *Prosecutor v Dragoljub Kunarac, Radomir Kovac and Zoran Vukovic*, ICTY Case No. IT-96-23 and IT-96-23/1, Appeals Chamber Judgment, 12 June 2002, paras 127-133; *Prosecutor v Dragoljub Kunarac, Radomir Kovac and Zoran Vukovic*, ICTY Case No. IT-96-23 and IT-96-23/1, Appeals Chamber Judgment, 12 June 2002, paragraphs 127-128.

<sup>5</sup> *Prosecutor v Dragoljub Kunarac, Radomir Kovac and Zoran Vukovic*, ICTY Case No. IT-96-23 and IT-96-23/1, Trial Chamber Judgment, 22 February 2001, paragraph 460. This was upheld on appeal: *Prosecutor v Dragoljub Kunarac, Radomir Kovac and Zoran Vukovic*, ICTY Case No. IT-96-23 and IT-96-23/1, Appeals Chamber Judgment, 12 June 2002, paragraphs 127-133.

<sup>6</sup> AA, Statement Summary, prepared by CAVR from the Interview with AA, Dili, 23 April 2003, for the CAVR National Public Hearing on Women and Conflict, Dili, 28-29 April 2003.

<sup>7</sup> HRVD Statement 04309.

<sup>8</sup> HRVD Statement 04346.

<sup>9</sup> HRVD Statement 08160.

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<sup>10</sup>See also HRVD 03537 for reported cases of rape by members of Falintil other than the five cases described in this section.

<sup>11</sup> HRVD Statement 03184.

<sup>12</sup> HRVD Statement 03579.

<sup>13</sup> HRVD Statement 06400.

<sup>14</sup> HRVD Statement 06353.

<sup>15</sup> HRVD Statement 02571.

<sup>16</sup> HRVD Statement 01784.

<sup>17</sup> HRVD Statement 03574.

<sup>18</sup> HRVD Statements 04956; 04972.

<sup>19</sup> HRVD Statements 04083; 04085.

<sup>20</sup> HRVD Statement 05778.

<sup>21</sup> HRVD Statement 08370.

<sup>22</sup> HRVD Statement 06205.

<sup>23</sup> HRVD Statement 07463.

<sup>24</sup> HRVD Statement 07218.

<sup>25</sup> HRVD Statement 00163.

<sup>26</sup> HRVD Statement 07217.

<sup>27</sup> HRVD Statement 01671.

<sup>28</sup> CAVR interview with WA, Afaloicai (Uatu-Lari, Viqueque), 17 September 2003.

<sup>29</sup> HRVD Statement 07428; CAVR Interview with XA, Becora (Cristo Rei/Dili Oriental, Dili), 13 Februari 2003; Macadique (Uatu-Lari, Viqueque), 17 September 2003.

<sup>30</sup> CAVR interview with YA, Macadique (Uatu-Lari, Viqueque), 17 September 2003.

<sup>31</sup> CAVR interview with ZA, Macadique (Uatu-Lari, Viqueque), 17 September 2003.

<sup>32</sup> HRVD Statement 08067.

<sup>33</sup> CAVR Interview with BB, Rotutu (Same, Manufahi), 22 April 2003; HRVD Statement 04104.

<sup>34</sup> HRVD Statement 01613.

<sup>35</sup> HRVD Statement 05796.

<sup>36</sup> HRVD Statement 01370.

<sup>37</sup> HRVD Statement 05228.

<sup>38</sup> CAVR Interview with Dulce Vitor, Bairo Formosa (Nain Feto/Dili Oriental, Dili), 13 June 2004.

<sup>39</sup> HRVD Statement 05393.

<sup>40</sup> HRVD Statement 02698.

<sup>41</sup> HRVD Statement 08038.

<sup>42</sup> HRVD Statement 07193.

<sup>43</sup> HRVD Statement 07271.

<sup>44</sup> HRVD Statement 03189.

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- <sup>45</sup> HRVD Statement 01612.
- <sup>46</sup> CAVR Interview with RB, Poros, Mehara (Tutuala, Lautém), 28 October 2003.
- <sup>47</sup> CAVR Interview with SB1, Bahú (Baucau, Baucau), 27 May 2004.
- <sup>48</sup> CAVR Interview with TB, Lame Gua, Bahú (Baucau, Baucau) , 26 May 2004.
- <sup>49</sup> CAVR Interviews with UB1, Bahú (Baucau, Baucau), 11 June 2003; VB1 dan VB2, Bairro Alto, Bahú (Baucau, Baucau), 14 June 2003 .
- <sup>50</sup> CAVR Interview with VB1, Bairro Alto, Bahú (Baucau, Baucau), 14 June 2003.
- <sup>51</sup> CAVR Interview with Zeferino Armando Ximenes, Teulale, Tirilolo (Baucau, Baucau), 13 June 2003.
- <sup>52</sup> HRVD Statement 04932.
- <sup>53</sup> HRVD Statement 07209..
- <sup>54</sup> HRVD Statement 02721.
- <sup>55</sup> HRVD Statement 03335.
- <sup>56</sup> HRVD Statement 07747.
- <sup>57</sup> HRVD Statement 02693.
- <sup>58</sup> HRVD Statement 03767.
- <sup>59</sup> HRVD Statement 00774.
- <sup>60</sup> HRVD Statements 02516; 02527.
- <sup>61</sup> HRVD Statement 02426.
- <sup>62</sup> HRVD Statement 06679.
- <sup>63</sup> HRVD Statement 04482.
- <sup>64</sup> HRVD Statement 03681.
- <sup>65</sup> HRVD Statement 00649.
- <sup>66</sup> APIK (Asosiasi Perempuan Indonesia untuk Keadilan, Indonesian Women’s Association for Justice) et al, *Laporan Kasus Perkosaan atas Diri TC [Report of the Rape Case of TC]*, Submission to Komnas HAM [Nasional Commission for Human Rights in Indonesia], 22 January 1997.
- <sup>67</sup> CAVR Interview with Rui Pereira dos Santos, aldeia of Bedalan (Bebora), 20 de Maio Village (Dom Aleixo/Dili Ocidental, Dili), 24 October 2004.
- <sup>68</sup> HRVD Statement 07439.
- <sup>69</sup> CAVR Interview with Rui Pereira dos Santos, aldeia of Bedalan (Bebora), 20 de Maio Village (Dom Aleixo/Dili Ocidental, Dili), 24 October 2004.
- <sup>70</sup> HRVD Statement 05326.
- <sup>71</sup> HRVD Statement 06238.
- <sup>72</sup> HRVD Statement 06167.
- <sup>73</sup> HRVD Statement 06237.
- <sup>74</sup> Fokupers, Database (complete with typed statements) of gender-based violations of 1999, Submission to CAVR, 2004, HRVD Statement F9369.
- <sup>75</sup> HRVD Statement 03054.
- <sup>76</sup> HRVD Statement 01857.

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- <sup>77</sup> HRVD Statement 02541.
- <sup>78</sup> HRVD Statement 05837.
- <sup>79</sup> HRVD Statement 01658.
- <sup>80</sup> Mário Viegas Carrascalão, Written deposition on Women and Family Planning, Submission to CAVR, 28 April 2004.
- <sup>81</sup> See, HRVD Statement 04652.
- <sup>82</sup> HRVD Statement 06441.
- <sup>83</sup> The General Prosecutor of UNTAET, Indictment against João Franca da Silva alias Jhoni Franca et al., Case No. BO-06,1-99-SC (4a-2001).
- <sup>84</sup> Fokupers, 2004, HRVD Statements F9466; F9482; F9474.
- <sup>85</sup> HRVD Statement 06768.
- <sup>86</sup> CAVR Interview with FE, Lourba (Bobonaro, Bobonaro), 10 July 2003.
- <sup>87</sup> Fokupers, 2004, HRVD Statement F9463.
- <sup>88</sup> HRVD Statement 03631.
- <sup>89</sup> Fokupers, 2004, HRVD Statement F9483.
- <sup>90</sup> HRVD Statement 00297.
- <sup>91</sup> HRVD Statement 00248.
- <sup>92</sup> HRVD Statement 01204.
- <sup>93</sup> HRVD Statement 01964.
- <sup>94</sup> HRVD Statement 06296.
- <sup>95</sup> Fokupers, 2004, HRVD Statement F9290.
- <sup>96</sup> Fokupers, 2004, HRVD Statement F9291
- <sup>97</sup> Fokupers, 2004, HRVD Statements F9297; F9298.
- <sup>98</sup> Fokupers, 2004, HRVD Statement FF9382; 08980.
- <sup>99</sup> Fokupers, 2004, HRVD Statement F9383.
- <sup>100</sup> Ibid. .
- <sup>101</sup> Fokupers, 2004, HRVD Statement F9362.
- <sup>102</sup> Fokupers, 2004, HRVD Statement F9480.
- <sup>103</sup> HRVD Statement 06437.
- <sup>104</sup> HRVD Statement 02139.
- <sup>105</sup> HRVD Statement 06200.
- <sup>106</sup> ZE1, Statement Summary, prepared by CAVR from the Interview with ZE1, Ermera, 18 March 2003, for the CAVR National Public Hearing on Women and Conflict, Dili, 28-29 April 2003; HRVD Statement 02183.
- <sup>107</sup> CAVR Interview with Bosco da Costa, Malilait (Bobonaro, Bobonaro), 10 July 2003.
- <sup>108</sup> Fokupers, 2004, HRVD Statement F9452.
- <sup>109</sup> Fokupers, 2004, HRVD Statement F9453.



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- <sup>110</sup> Fokupers, 2004, HRVD Statement F9453; 05116.
- <sup>111</sup> HRVD Statement 08459.
- <sup>112</sup> Fokupers, 2004, HRVD Statement F9320; 01273.
- <sup>113</sup> Fokupers, 2004, HRVD Statement F9389.
- <sup>114</sup> Fokupers, 2004, HRVD Statement F9266.
- <sup>115</sup> HRVD Statement 08462.
- <sup>116</sup> Fokupers, 2004, HRVD Statement F9268.
- <sup>117</sup> Fokupers, 2004, HRVD Statement F9323.
- <sup>118</sup> Fokupers, 2004, HRVD Statement F9243.
- <sup>119</sup> Fokupers, 2004, HRVD Statement F9258; CAVR Interview with LF1, Kuluoan (Zumalai, Covalima), 12 April 2003.
- <sup>120</sup> HRVD Statement 03622.
- <sup>121</sup> HRVD Statement 02466.
- <sup>122</sup> HRVD Statement 02149.
- <sup>123</sup> PF, Statement Summary, prepared by CAVR from the Interview with PF, Nitibe, Lela Ufe (Hau Ufe, Oecussi), 3 April 2003, for the CAVR National Public Hearing on Women and Conflict, Dili, 28-29 April 2003; HRVD Statement 00362.
- <sup>124</sup> HRVD Statement 07421.
- <sup>125</sup> HRVD Statement 02110.
- <sup>126</sup> HRVD Statement 08473.
- <sup>127</sup> *Universal Declaration of Human Rights 1948* (entered into force 10 December 1948), article 4; *International Covenant on Civil and Political Rights*, opened for signatures 16 December 1966 (entered into force 23 March 1976) article 8; *Slavery Convention* (entered into force on 25 September 1926).
- <sup>128</sup> United Nations, *Contemporary Forms of Slavery: Systematic Rape, Sexual Slavery and Slavery-like Practices during Armed Conflict*, Final Report submitted by Gay J. McDougall, Special Rapporteur on Contemporary Forms of Slavery, New York: United Nations, 1998, E/CN.4/Sub.2/1998/13.
- <sup>129</sup> HRVD Statement 03201.
- <sup>130</sup> HRVD Statement 04943.
- <sup>131</sup> CAVR Interview with VF1, Umanaruk (Laclo, Manatuto), 20 March 2003.
- <sup>132</sup> See HRVD Statement 04741.
- <sup>133</sup> HRVD Statement 01022.
- <sup>134</sup> Ibid.
- <sup>135</sup> HRVD Statement 06239.
- <sup>136</sup> HRVD Statement 06159.
- <sup>137</sup> HRVD Statement 06205.
- <sup>138</sup> HRVD Statements 03474; 03492.
- <sup>139</sup> HRVD Statement 07179.
- <sup>140</sup> Ibid.

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- <sup>141</sup> Ibid
- <sup>142</sup> HR VD Statement 06479
- <sup>143</sup> HRVD Statements 03344; 03346.
- <sup>144</sup> CAVR Interview with HG, Chai (Tsai), Lore I (Lospalos, Lautém), 10 July 2003.
- <sup>145</sup> HRVD Statement 07725.
- <sup>146</sup> Ibid
- <sup>147</sup> HRVD Statement 01686.
- <sup>148</sup> HRVD Statements 03492; 03498; 04018; 04057.
- <sup>149</sup> HRVD Statement 00664.
- <sup>150</sup> HRVD Statement 06542.
- <sup>151</sup> HRVD Statement 02330.
- <sup>152</sup> HRVD Statement 01504.
- <sup>153</sup> HRVD Statement 06609.
- <sup>154</sup> Ibid.
- <sup>155</sup> CAVR Interview with HG, Chai (Tsai), Lore I (Lospalos, Lautém), 10 July 2003.
- <sup>156</sup> CAVR Interview with AH, Lore II (Lospalos, Lautém), 10 July 2003.
- <sup>157</sup> CAVR Interview with BH, Lore II (Lospalos, Lautém), 10 July 2003.
- <sup>158</sup> CAVR Interview with CH, Titilari, Lore I (Lospalos, Lautém), 10 July 2003.
- <sup>159</sup> CAVR Interview with IH, Mauchiga (Hatu Builico, Ainaro), 28 May 2003; HRVD Statement 07196.
- <sup>160</sup> CAVR Interview with JH, Mauchiga (Hatu Builico, Ainaro), 28 May 2003.
- <sup>161</sup> CAVR Interview with GH, Mauchiga (Hatu Builico, Ainaro), 30 May 2003.
- <sup>162</sup> CAVR Interview with AI, Mauchiga (Hatu Builico, Ainaro), 29 May 2003.
- <sup>163</sup> CAVR Interview with LH, Mauchiga (Hatu Builico, Ainaro), 29 May 2003.
- <sup>164</sup> CAVR Interviews with NH and MH, Mauchiga (Hatu Builico, Ainaro), 29 May 2003.
- <sup>165</sup> CAVR Interview with OH, Mauchiga (Hatu Builico, Ainaro), 30 May 2003.
- <sup>166</sup> CAVR Interview OH1, Dare (Hatu Builico, Ainaro), 1 June 2003.
- <sup>167</sup> CAVR Interview with QH, Mauchiga (Hatu Builico, Ainaro), 17 March 2003; HRVD Statement 07269.
- <sup>168</sup> CAVR Interview with RH, Mauchiga (Hatu Builico, Ainaro), 31 May 2003.
- <sup>169</sup> CAVR Interview with SH, Mauchiga (Hatu Builico, Ainaro), 28 May 2003.
- <sup>170</sup> CAVR Interview with TH, Mauchiga (Hatu Builico, Ainaro), 28 May 2003.
- <sup>171</sup> CAVR Interview with Albertina Martins, Mauchiga (Hatu Builico, Ainaro), 28 May 2003.
- <sup>172</sup> CAVR Interview with NK, Mauchiga (Hatu Builico, Ainaro), 28 May 2003.
- <sup>173</sup> CAVR Interview with UH, Mauchiga (Hatu Builico, Ainaro), 28 May 2003.
- <sup>174</sup> CAVR Interview with VH, Mauchiga (Hatu Builico, Ainaro), 28 May 2003.
- <sup>175</sup> CAVR Interview with WH, Mauchiga (Hatu Builico, Ainaro), 28 May 2003.
- <sup>176</sup> CAVR Interview with BI, Mauchiga (Hatu Builico, Ainaro), 28 May 2003.

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- <sup>177</sup> CAVR Interview with GH, Mauchiga (Hatu Bulico, Ainaro), 30 May 2003.
- <sup>178</sup> HRVD Statement 04910.
- <sup>179</sup> HRVD Statement 07234.
- <sup>180</sup> Abilio dos Santos, Village Secretary of Mauchiga, List of Victims [handwritten spreadsheet,] August 20 1982, Submission to CAVR, May 2003.
- <sup>181</sup> CAVR Interview with Adriana do Rego, Mauchiga (Hatu Bulico, Ainaro), 31 May 2003.
- <sup>182</sup> CAVR Interview with OH, Mauchiga (Hatu Bulico, Ainaro), 30 May 2003.
- <sup>183</sup> CAVR Interview with JI, Mauchiga (Hatu Bulico, Ainaro), 30 May 2003; HRVD Statement 07191.
- <sup>184</sup> CAVR interview with KI, Mauchiga (Hatu Bulico, Ainaro), 31 May 2003. HRVD Statement 07241
- <sup>185</sup> XH, Statement Summary, prepared by CAVR from the interview with XH, 17 March 2003, for the CAVR National Public Hearing on Women and Conflict, Dili, 28 April 2003.
- <sup>186</sup> HRVD Statement 05299.
- <sup>187</sup> HRVD Statement 03869.
- <sup>188</sup> HRVD Statement 05212.
- <sup>189</sup> MI, Statement Summary, prepared by CAVR from the interview with MI, Lalerek Mutin, Bibileo (Viqueque, Viqueque), 24 March 2003, for the CAVR National Public Hearing on Women and Conflict, Dili, 29 April 2003.
- <sup>190</sup> HRVD Statement 07440.
- <sup>191</sup> HRVD Statement 05746.
- <sup>192</sup> HRVD Statement 06567.
- <sup>193</sup> HRVD Statement 01733.
- <sup>194</sup> HRVD Statement 06204.
- <sup>195</sup> HRVD Statement 06381.
- <sup>196</sup> HRVD Statement 06380.
- <sup>197</sup> Fokupers, 2004, HRVD Statement F9315.
- <sup>198</sup> HRVD Statement 05125.
- <sup>199</sup> HRVD Statement 08470.
- <sup>200</sup> CAVR Interview with Adriano João, Dili, 21 September 2004.
- <sup>201</sup> The General Prosecutor of the Democratic Republic of East Timor, Indictment against Paulo Gonçalves et al., Case No. B0-84-99-SC (08-2002).
- <sup>202</sup> Fokupers, 2004, HRVD Statement F9497.
- <sup>203</sup> Fokupers, 2004, HRVD Statement F9400.
- <sup>204</sup> Fokupers, 2004, HRVD Statement F9433.
- <sup>205</sup> Fokupers, 2004, HRVD Statement F9280.
- <sup>206</sup> Fokupers, 2004, HRVD Statement F9478.
- <sup>207</sup> HRVD Statement 01854.
- <sup>208</sup> HRVD Statement 01860.
- <sup>209</sup> Fokupers, 2004, HRVD Statement F9401.

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- <sup>210</sup> Fokupers, 2004, HRVD Statement F9485.
- <sup>211</sup> Fokupers, 2004, HRVD Statement F9488.
- <sup>212</sup> Ibid.
- <sup>213</sup> HRVD Statement 05537.
- <sup>214</sup> Fokupers, 2004, HRVD Statement F9366.
- <sup>215</sup> Fokupers, 2004, HRVD Statement F9434; 01799.
- <sup>216</sup> Fokupers, 2004, HRVD Statement F9486; 01855.
- <sup>217</sup> Fokupers, 2004, HRVD Statement F9386.
- <sup>218</sup> Fokupers, 2004, HRVD Statement F9387.
- <sup>219</sup> HRVD Statement 08397.
- <sup>220</sup> HRVD Statement 00247.
- <sup>221</sup> Fokupers, 2004; HRVD Statements F9470; F9420; F9411; 99BOB016; 99BOB024.
- <sup>222</sup> Fokupers, 2004, HRVD Statement F9420.
- <sup>223</sup> Karen Campbell-Nelson, Yooke Adelina Damapolii, Leonard Simanjuntak and Ferderika Tadu Hungu, *Perempuan dibawa/bawah Laki-laki Yang Kalah: Kekerasan terhadap Perempuan Timor Timur dalam Kamp Pengungsian di Timor Barat [Women Carried by/Underneath Men Who Lost: Violence Against East Timorese Women in Refugee Camps in West Timor]*, JKPIIT and PIKUL, Kupang NTT, n.d., pp. 217-242.
- <sup>224</sup> VF1, Statement Summary, prepared by CAVR from the interview with VF1, Umanaruk (Laclo, Manatuto), 20 March 2003, for the CAVR National Public Hearing on Women and Conflict, Dili, 28-29 April 2003.
- <sup>225</sup> CAVR Interview with RJ, Bahú (Baucau, Baucau), 10 Juni 2003.
- <sup>226</sup> CAVR Interview with SJ, Bahú (Baucau, Baucau), 27 May 2004.
- <sup>227</sup> HRVD Statement 07792.
- <sup>228</sup> HRVD Statement 09776.
- <sup>229</sup> XJ, Statement Summary, prepared by CAVR from the Interview with XJ, Ataúro, Dili, 7 March 2002, for the CAVR National Public Hearing on Political Imprisonment, Dili, 17-18 February 2003.
- <sup>230</sup> HRVD Statement 03936.
- <sup>231</sup> HRVD Statement 05303.
- <sup>232</sup> HRVD Statement 03357.
- <sup>233</sup> HRVD Statement 03346.
- <sup>234</sup> CAVR Interview with BK, Mehara (Tutuala, Lautém), 31 October 2003.
- <sup>235</sup> CAVR Interview with CK, Lore I (Lospalos, Lautém), 10 July 2003.
- <sup>236</sup> DK, Statement Summary, prepared by CAVR from the interview with DK, Mehara (Tutuala, Lautém), February 2003, for the CAVR National Public Hearing on Political Imprisonment, Dili, 17-18 February 2003.
- <sup>237</sup> CAVR Interview with EK, Meti Aut (Nain Feto/Dili Oriental, Dili), 4 May 2004.
- <sup>238</sup> Ibid.
- <sup>239</sup> HRVD Statement 08342.

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- <sup>240</sup> KK, Statement Summary, prepared by CAVR from the interview with KK, Akadiru-Hun (Cristo Rei/Dili Oriental, Dili), 7 January 2003, for the CAVR National Public Hearing on Political Imprisonment, Dili, 17-18 February 2003.
- <sup>241</sup> CAVR Interview with NK, Mauchiga (Hatu Bulico, Ainaro), May 29 2003.
- <sup>242</sup> CAVR Interview with PK, Porlamanu, Mehara (Tutuala, Lautém), October 30 2003.
- <sup>243</sup> HRVD Statement 004735.
- <sup>244</sup> CAVR Interviews with SK, Villa Verde (Dom Aleixo/Dili Ocidental, Dili), 23 May 2003 and 15 July 2003.
- <sup>245</sup> CAVR Interview with DH, Mauchiga (Hatu Bulico, Ainaro), 28 May 2003.
- <sup>246</sup> CAVR Interview with TK, Souro (Lospalos, Lautém), 8 July 2003.
- <sup>247</sup> CAVR Interview with UK, Souro (Lospalos, Lautém), 8 July 2003.
- <sup>248</sup> HRVD Statement 008754.
- <sup>249</sup> HRVD Statement 01617.
- <sup>250</sup> HRVD Statement 004235.
- <sup>251</sup> HRVD Statement 06385.
- <sup>252</sup> CAVR Interview with DL, Lourba, (Bobonaro, Bobonaro), 10 July 2003.
- <sup>253</sup> HRVD Statement 004493.
- <sup>254</sup> Fokupers, 2004, HRVD Statement F9261.
- <sup>255</sup> HRVD Statement 06867.
- <sup>256</sup> CAVR Interview with IH, Mauchiga (Hatu Bulico, Ainaro), 28 May 2003.
- <sup>257</sup> Ibid.
- <sup>258</sup> Rosalia Sciortino, "The Challenge of Addressing Gender in Reproductive Health Programs: Examples from Indonesia," <http://www.hsph.harvard.edu/Organizations/healthnet/SAsia/suchana/0310/sciortino.html> at 31 March 2005.
- <sup>259</sup> Fokupers, 2004, HRVD Statement F9258.
- <sup>260</sup> HRVD Statements 03474; 03492.
- <sup>261</sup> CAVR Interview with XA, Dili, 13 February 2003.
- <sup>262</sup> HRVD Statement 03501.
- <sup>263</sup> CAVR Interview with KL1, Dili, 19 March 2003.
- <sup>264</sup> HRVD Statement 00678.
- <sup>265</sup> Fokupers, 2004, HRVD Statement F9387.
- <sup>266</sup> HRVD Statement 06400.
- <sup>267</sup> HRVD Statement 02516.
- <sup>268</sup> Manuel Carceres da Costa, testimony given to the CAVR National Public Hearing on Massacres, 19-21 November 2003.
- <sup>269</sup> Fokupers, *Six Monthly Report on the Situation of Violence Against Women in East Timor*, January-July 1999.
- <sup>270</sup> CAVR Interview with UK, Souro (Lospalos, Lautém), 8 July 2003.

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- <sup>271</sup> Fokupers, 2004, HRVD Statement F9487.
- <sup>272</sup> HRVD Statement 6353.
- <sup>273</sup> CAVR Interview with ML, Liquiça, 28 March 2003.
- <sup>274</sup> CAVR Interview with Luis Franco, Lalerek Mutin, Bibileo (Viqueque, Viqueque), 30 May 2003.
- <sup>275</sup> CAVR Interview with NL, Lalerek Mutin, Bibileo (Viqueque, Viqueque), 24 March 2003.
- <sup>276</sup> CAVR Interview with OL, Lifau (Laleia, Manatuto), 19 March 2003.
- <sup>277</sup> CAVR Interview with PL, (Cailaco, Bobonaro), 8 July 2003.
- <sup>278</sup> HRVD Statement 05299.
- <sup>279</sup> HRVD Statement 01023.
- <sup>280</sup> CAVR Interview with Judith da Conceicao and Maria Bareto, Farol, Motael (Dom Aleixo/Dili Occidental, Dili), 26 October 2004.
- <sup>281</sup> CAVR Interview with MI, Lalerek Mutin, Bibileo (Viqueque, Viqueque), 24 March 2003.
- <sup>282</sup> CAVR Interview with QL, Beobe (Viqueque, Viqueque), 31 May 2003.
- <sup>283</sup> CAVR Interview with ML, Liquiça, 28 March 2003.
- <sup>284</sup> CAVR Interview with AG, Afaloicai (Uatu-Lari, Viqueque), 18 September 2003.
- <sup>285</sup> CAVR Interview with HG, Chai (Tsai), Lore I (Lospalos, Lautém), 10 July 2003.
- <sup>286</sup> CAVR Interview with OL, Lifau (Laleia, Manatuto), 19 March 2003.
- <sup>287</sup> Fokupers, 2004, HRVD Statement F9268; 05125.
- <sup>288</sup> CAVR Interview with OH, Mauchiga (Hatu Builico, Ainaro), 30 May 2003.
- <sup>289</sup> CAVR Interview with XH, Mauchiga (Hatu Builico, Ainaro), 17 March 2003.
- <sup>290</sup> CAVR Interview with BI, Mauchiga (Hatu Builico, Ainaro), 30 May 2003.
- <sup>291</sup> CAVR Interview with AH, Lore II (Lospalos, Lautém), 10 July 2003.