



A-N-T-I

Aliansi Nasional Timor-Leste ba Tribunál Internasionál (*THE TIMOR-LESTE NATIONAL ALLIANCE FOR AN INTERNATIONAL TRIBUNAL*)

Tel: 77289241 or 77179655 / 77402231

e-mail: lanarra.del@gmail.com, atino@laohamutuk.org ka moniz@jsmp.minihub.org

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During the 24 years of Indonesian occupation, there was a practice of forcibly removing children, after seizing them from their family by force. These children were used by the military as TBOs (Tenaga Bantuan Operasi, Operations Assistants). This practice was carried out through kidnapping and hiding, but at times it was done with authorisation from the families. Whether done openly or secretly, in the end this practice of forcibly removing children became formal and systematic enough to involve the military authorities, religious institutions and government authorities. The International Committee of the Red Cross recorded more than 4000 cases of disappeared persons between 1970 and the end of 1980. More than one hundred of these were children under the age of eighteen. Likewise, according to the evidence Mario Carrascalão gave to CAVR Timor-Leste, "over the ten years between 1982 and 1992 that he was Governor of Timor-Leste, 20-30 children were reported missing to him each year. However, it is difficult to know the total number because the details of the missing children weren't properly recorded. Some children were able to study and given the opportunity to communicate with their family, but many more lost communication and because of this they still don't know their whereabouts."

[1] Facts

There are two main references for identifying concrete details, the report of the Commission for Reception, Truth and Reconciliation (known by its Portuguese acronym, CAVR) and the report of the Commission for Truth and Friendship (CTF). These two sources

concluded that there are numerous cases of forcibly disappeared children whose situation remains uncertain. The specific details from the reports of CAVR and CTF are as follows:

Findings of the CAVR Report:

7.8.4.1 The number of children sent to Indonesia

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

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

[357] As well as the overall figures, the number of unresolved cases is also difficult to determine as different agencies use different criteria in deciding whether to keep a case open. A workshop organised by UNHCR, held in Dili in May 2003, identified 770 outstanding cases from the entire period of the occupation. According to UNHCR, as of 29 February 2004, there were still 221 children in Indonesia separated from parents in Timor-Leste, down from 600 in June 2003. At the closure of UNHCR's reunification programme on 31 December 2004, there were still 107 cases pending; 72 children remain in Indonesia (Java and Sulawesi) and 27 children whose locations are unknown. However, the UNHCR's mandate is limited to 1999 separations, does not include cases where both parents and children are in Indonesia and considers any case closed once the child turns 18. The number of children removed who have not yet returned is therefore certainly much higher."¹

11.2 Separated children

Many East Timorese children were separated from their families during the Indonesian occupation of Timor-Leste, including some 4,500 in 1999. Many in the pre-1999 category are now adults and include some who are looking for their families but may not know where they come from. Most of those who became separated from their families during the violence of 1999 have either been reunited with their families or have continued to stay with caretakers. Responsibility for this category rests with the Governments of Indonesia and Timor-Leste following the signing in December 2004 of a "Memorandum of Understanding Concerning Cooperation to Protect the Rights of Separated and Refugee Children", facilitated by UNHCR.²

¹ CAVR Report, Chapter 7.8: Violations of the Rights of the Child, p. 78.

² CAVR Report, Part 11: Recommendations, p. 34-35.

CTF Report Findings:

Although the CTF made no quantitative findings, it did find that gross human rights violations were committed and that Indonesia bore institutional responsibility for the commission of these crimes, both by pro-Autonomy militia and Indonesian military forces (TNI):

"Statistics concerning the exact numbers of violations are subject to dispute, and much further research would be required in order to obtain precise and reliable quantification. However, the CTF process shows conclusively that every district, and even every sub-district, experienced multiple human rights violations. For example, the SCU opened over 1400 murder investigations. Evidence also revealed that tens of thousands of people were forcibly transferred, or deported, and a majority of public buildings and private homes in East Timor were destroyed."³

[2] Efforts by Indonesia and Timor-Leste

Many families continue to cry for and demand the return of their relatives that disappeared during the conflict. In response to these concerns, there have been a number of initiatives.

Date	Government Initiative	Result or Recommendation	Analysis of Impact
1975 to Sept. 1999	Indonesia invaded and occupied Timor-Leste for 24 years.		The Indonesian Military committed numerous violations and crimes against humanity, which resulted in the unlawful killing or disappearance of at least 18,600 people and the death of thousands more by starvation.
October 1999 to 2000	Timor-Leste released itself from the Indonesian occupation		
Sept. 1999 to January 2000	Indonesian National Human Rights Commission (Komnas HAM) established the Commission for Human Rights Violations in East Timor (KPP-HAM), which investigated and delivered a report on the human rights violations that occurred during 1999 in Timor-Leste.	KPP-HAM recommended to the Government of Indonesia to: <ul style="list-style-type: none"> • Establish a Human Rights Court. • Provide rehabilitation and compensation to victims and their families. • Facilitate and erase all restrictions and pressure that will hamper the return of refugees who want to return home 	Indonesia did establish an Ad-hoc Human Rights Tribunal but it was little more than superficial political action because the process entirely failed in its judgment of the principal perpetrators. The UN Secretary-General also criticised the process as a failure and completely lacking in impartiality. Moreover, although the Government of Indonesia has talked about certain initiatives to search for missing persons, the Government has never even mentioned the issue of reparations. Such obvious omission, clearly demonstrates that Indonesia does not consider reparations to be their responsibility.

³ Final Report of the Commission on Truth and Friendship (CTF) Indonesia-Timor-Leste, page 209.

2001 – 2005	The Timor-Leste Government established the Commission on Reception, Truth and Reconciliation (CAVR)	<ul style="list-style-type: none"> • 4.2.7 - East Timorese children who were taken to Indonesia and remain separated from their parents and families are given the opportunity for family contact and reunion, including the option of freely returning to Timor-Leste, in keeping with Articles 9 and 10 of the CRC.⁴ • 11.2.1. The implementation of the 2004 MOU between the Governments of Timor-Leste and the Indonesia be monitored by NGOs in both countries to ensure that the rights of separated children, particularly any whose cases have not been resolved and those in the custody of caregivers, are protected – including their right to unhindered access to identify and nationality procedures. • 11.2.2. The Governments of Timor-Leste and Indonesia ensure that regular and free communication is maintained between the child and parents while the child remains with the caretaker or with an institution and that separated children are able to make informed decisions about their future free of intimidation or fear. • 11.2.3. Assistance be provided, particularly for those in remote, poor areas, so that parents and adult separated children can trace each other, communicate and meet.⁵ 	<p>From Indonesia there is no effort to realise these recommendations. This then means it is exceptionally difficult to push the perpetrators to collaborate and provide information to families about their children who were disappeared or forcibly taken by the Indonesian military.</p> <p>The CAVR process gave courage and hope to the families of victims that they would find again their missing children. They were given an expectation that they would actually be able to find their children but five years had already passed then and we are now more than 10 years beyond the conflict, and there has yet to be even an indication that these hopes will be fulfilled. This expectation has now given way to further frustration and many continue to live in difficult, vulnerable and miserable conditions.</p>
2005 – 2008	The Governments of Indonesia and Timor-Leste established the Commission on Truth and Friendship (CTF)	<ul style="list-style-type: none"> • Recommendation for a Commission for Disappeared Persons: The Commission recommends that the governments of Indonesia and Timor-Leste work together to acquire information/form a commission about disappeared people and cooperate to gather data and provide information. This 	<p>The reality is that between 2008, when the report was released, and February 2014, no Commission has been established to search for children who disappeared during the conflict. Worse than this, the Indonesian Government has shown no interest, commitment or goodwill to encourage or accelerate the process of establishing this Commission on Disappeared Persons.</p>

⁴ CAVR Report, Part 11: Recommendations, p. 14.

⁵ CAVR Report, Part 11: Recommendations, p. 35.

		<p>Commission shall also be tasked to identify the whereabouts of all Timor Leste children who were separated from their parents and to notify their families.</p> <ul style="list-style-type: none"> • CTF also recommended the continuation of programs previously undertaken to ensure protection of displaced children’s rights, primarily for those whose cases are unresolved and those still in the hands of their Indonesian wardens, including the rights of those children to freely access identification and citizenship procedures. • Priority must be given to education and scholarship programs for these children who were victims of the violence. 	<p>Aside from this, both the Governments of Indonesia and Timor-Leste have a responsibility to gather data and information for families of the victims, but in reality the families have never received any formal information from authorities of either Timor-Leste or especially Indonesia.</p> <p>The CTF mechanism was never designed to provide a solution that would resolve the demands of the victims; it was more a way for the Governments of Indonesia and Timor-Leste to waste the people's money in order to demonstrate to the international community that they are committed to resolving the issue of disappearances, thereby hiding from their actual responsibilities.</p>
July 2009	Timor-Leste submitted a short proposal to Indonesia regarding the establishment of a working group specifically on the issue of disappearances.		The Indonesian Government is simply refusing to make a plan to establish a commission on disappearances.
2009 – 2010 2011 – 2012 2013 – 2014	The Timor-Leste Ombudsman for Human Rights and Justice (PDHJ – <i>Portuguese acronym</i>) and Indonesia equivalent body, Komnas HAM, established an agreement between them to work towards building a commission on disappearances. They have extended this agreement twice.	From the Timor-Leste side, recently the PDHJ began distributing forms to Village Chiefs so they could identify all the families who are missing relatives.	<p>Since this agreement was established, there has been little positive impact from victims' families, particularly with regards the right of those families to know whether their missing relatives are alive or dead.</p> <p>Though, through this agreement PDHJ and Komnas HAM took on responsibility for identifying places where missing children are now living and to inform families of victims, in reality to date this has never been carried out in any capacity.</p> <p>Essentially, the officers of the PDHJ and Komnas HAM receive money from donors and the government to travel abroad and essentially enjoy these benefits at the expense of others' suffering.</p>
October 2011	The Indonesian President issued Decree No. 72/2011 on the Action Plan for the Implementation of the recommendations of the CTF, and a		The Presidential Decree is very important because it is served as a legal instrument to demand the Government of Indonesia and Timor-Leste to prepare plan and real action to implement the

	Working Group Monitoring Implementation of the Plan of Action was established.		recommendations of the Commission of Truth and Friendship. Yet, up to now, no further information on the progress of this working group and action plan is available.
Early April 2013	The regular Senior Official Meeting (SOM) between the Indonesian and Timorese Ministers of Foreign Affairs took place in Bali, Indonesia.	At this particular meeting, the two States agreed to develop a Terms of Reference (TOR) with the intention of establishing a task force to establish a commission to implement the recommendations of CTF, particularly with regards the issue of disappearances.	Civil society, together with families of the victims, consider this initiative to be just one more example which demonstrates that neither Indonesia nor Timor-Leste have any real will to respond to the concerns of the victims, they only want to avoid their responsibilities. Another problem is that civil society doesn't have access to this meeting and it is difficult to get information from these discussions.

According to information which ANTI has received from our partners, Kontras (Indonesian NGO) and ICTJ-RI (International Centre for Transitional Justice Indonesia), the Indonesian Government has a commitment to address the issue of disappeared persons but it is the Timorese who have made no efforts. Similarly, ANTI notes that when the Indonesian Ambassador spoke at an ANTI event in Dili on 28 August 2013, he said Indonesia had been making efforts but that it was the Government of Timor-Leste that has no political will. However, this statement directly contradicts ANTI's observations. Specifically, in 2009, Timor-Leste tried to request the assistance of the Government of Indonesia in locating the remains of former Timorese President, Nicolao Lobato, but we have yet to receive any clear response from Indonesia.

Moreover, ANTI notes that there have been efforts by the Government of Timor-Leste to put the issue of disappearances (particularly regarding missing children) on the agenda but the Government of Indonesia does not have political will, instead they give priority to their 'assets' in Timor-Leste and avoid the issue of disappearances becoming an agenda priority at the Senior Official Meeting.

For this reason the Timorese community (particularly civil society) has made its own efforts to look for disappeared children and has been successful on several occasions. However, this has been without any support from the Indonesian Government.

[3] Efforts by Civil Society and Victims' Families

From the perspective of civil society and the families of the victims, the efforts by both Governments are just to prove to the international community, that Timor-Leste and Indonesia have genuine commitment and political will to find and implement a solution for the issue of disappeared children. The reality demonstrates something quite different. More than a decade has passed and both States have yet to demonstrate any serious inclination to look for those children that disappeared during the conflict. Therefore, civil society has taken it upon themselves to, with support from families of the victims, search for the missing. To date, we have successfully reunified a number of

Timorese children, who were missing after being separated from their family during the occupation. Below we have included some concrete examples.

1. The case of VdC

VdC was born in Viqueque, Timor-Leste on 10 May 1974. Between his transfer to Indonesia in 1986 and his reunification at the end of 2009, he never met with his blood family or visited his village in Viqueque. While he was in Java, Indonesia, his adopted family enabled him to study until he completed university.

Since before Timorese Independence, VdC knew he was Timorese. This knowledge gave him the courage to search himself for ways to visit Timor-Leste. In 2008, VdC travelled to Timor-Leste with the intention of visiting his home village to locate his Aunt and older brother, whom he had heard still lived there. Unfortunately, due to limited time, it was difficult for him to fulfil this hope. This is because after he arrived in Dili, he heard from contacts in Timor-Leste that his home village, having not heard any news about him for many years, had already held a traditional ceremony to release his spirit and erected a grave in his name. Therefore, VdC had to return to Jakarta to raise enough funds to enable him to return to Timor-Leste to attend a traditional ritual that would enable him to return to his family. In 2010, with support of activist friends in both Indonesia and Timor-Leste, VdC was able to return to Timor and attend the traditional ceremony.

Now reunified, VdC still maintains his Indonesian passport and citizenship. If he were to become a citizen of Timor-Leste, he would be automatically required to relinquish his Indonesian passport. However, because he has lived in Indonesia for such a long time, he works in Indonesia, he's familiar with Indonesian culture and he doesn't speak our local language, Tetum, he prefers to maintain his life in Jakarta. For this reason, he cannot become a Timorese citizen.

Key challenges throughout the process:

- Resources – VdC had to use his own money and small but generous contributions from friends. However, because this was limited, the traditional ritual was continually delayed until he was able to raise sufficient funds to cover his travel from Jakarta to Dili, within Dili and everything else he needed to facilitate the process.
- Collaboration between the teams in Timor-Leste and Indonesia was not regular or frequent, because those who gave help or solidarity also had other work demands.

2. The case of AB

AB was born in Maliana, Timor-Leste on 23 February 1987. His father was an Indonesian from South Sulawesi, who worked as a driver, and his mother was a Timorese housewife. During the occupation, AB lived with his family in Beco, Suai, in an Indonesian military-established transmigration community. However, because of frequent domestic violence against his mother, his parents separated in 1995. AB and his sisters remained with their mother, who then worked as a farmer in Beco-Maukola.

AB's disappearance: according to AB's cousin, in May 1999, a family friend walked from Maukola to Maliana to inform them that AB had boarded a truck and left a week before. He had started asking around for information because friends in Suai had said that AB had been on a truck going through Atambua in Indonesia to Maliana. For this reason, he travelled to Maliana to find out if AB had in fact arrived in Maliana or not. After this, they had no further information about AB for 14 years. At that time, his family had also started searching but, because of the increasing intensity of the situation and the movement of militia, they found nothing.

Efforts by the family to return AB to Timor-Leste: in 2000-01, the family started searching for his whereabouts again through various means. They contacted the International Committee of the Red Cross (ICRC) in Timor-Leste, religious institutions and other individuals. They wrote letters, held special cultural rituals and ceremonies in their traditional house in Bobonaro district (where Maliana town is located), and finally found him through Facebook on 23 May 2013. For the next week they communicated via the internet and phone. On 30 May 2013, AB was reunited with his family in Batugada. He was reunited without any assistance whatsoever from either Indonesian or Timorese state institutions. The reunification was entirely at the initiative of the family themselves. Today, AB lives with his family in Timor-Leste.

Key challenges throughout the process:

- The family didn't know AB's identity because his name had changed.
- Agencies, particularly the Catholic religious institutions and individuals failed to provide any information back to the family, after they had received information from the families.

Challenges confronted by civil society and victims' families

- Building communication between families and the children who have lived in Indonesia.
- An enormous challenge has been the fact that the Government of Indonesia has had no will or commitment to prioritise the issue of disappeared children.
- The principal perpetrators who bear the greatest responsibility for the crimes against humanity that were committed in Timor-Leste still have considerable influence over decision-makers in Indonesia.
- Many of the children, perhaps the majority, have changed their names which makes it difficult for families to obtain or give information to confirm the identity of their children.
- Money and time – it is difficult for civil society organisations to obtain funding to facilitate this process and families themselves rarely have enough money. Without funding, organisations struggle to dedicate enough time to this process to genuinely facilitate more reunifications.

[4] Recommendations for the Committee on the Rights of the Child

We request that the Committee on the Rights of the Child in Geneva demand Indonesia implement the recommendation of the CTF to establish a Commission on Disappeared Persons.

We also request that the Committee ask the International Community, particularly the United States of America, Australia, France, the United Kingdom, Portugal and Japan to help collaborate with the two Governments to accelerate the process of searching for those children who remain separated from their families or whose whereabouts are still unknown.

We request that the Committee demand that the Government of Indonesia give special status to the children from Timor-Leste, who currently live in Indonesia, so as to simplify and expedite their access to the specific documents they need to enable them to freely travel between Indonesia and Timor-Leste as much as they wish.

Finally, we ask the Committee to demand that the State of Indonesia accept a genuine and formal accountability process for the principal perpetrators, who are responsible for these enforced disappearances, because their impact continues today, which means that these crimes against humanity continue still.

Dili, 1 March 2014

A handwritten signature in blue ink that reads "Sisto". The signature is stylized, with a large "S" and "isto" written below it. A horizontal line is drawn underneath the word "Sisto".

Sisto Dos Santos
ANTI Coordinator