



Centre for
Human Rights and
Restorative Justice

REFERENCES TO WOMEN

Indonesia Truth Commission

Abstract

Notes on discussions of women, as well as a list of coding themes and references to women in the Indonesia Truth Commission.

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Researcher Notes

Report details:

- published in 2008
- pdf has 191 pages
- no chapter or section on women
- according to NVivo's text search, the word women (using stems) is referenced 61 times, representing 0.18% coverage
- after deleting references from the bibliography, notes or headers, there are **34 broad references** to women in the content of the report
- women are usually discussed in terms of the violence they experienced

Women are referenced in the report in the following ways:

- military and police need specialized training in the protection of women and children and the prevention of sexual exploration and violence against them
- discussions of violent crimes and gender-based violence (e.g., torture, rape, and displacement)
- imprisoned women forced to wash and cook for militia
- systematic rape in detention camps
- women were separated from their families and communities
- attacks on the wives of suspected supporters of independence
- violence not spontaneous but organized and cooperative at all levels (e.g., civil, police and military)
- women and children vulnerable during times of conflict

Links to Data Visualization

This section contains links to all data visualization for the Indonesia report.

Word Frequency

- [word frequency cloud](#)
- [excel sheet of word frequency cloud findings](#)

Word Trees

- [history](#)
- [women](#)
- [children](#)
- [youth](#)
- [forgive](#)
- [victim](#)
- [truth](#)
- [reconciliation](#)
- [land](#)

*NVivo software can only edit word trees by changing the central search term and branch sizes. Word trees includes references from bibliography, headers, and notes that cannot be edited out using NVivo software. Researchers will need to manually remove unsightly branches using editing software (e.g., paint, photoshop, etc.)

Coding Women for the Indonesia Report

The following chart breakdowns the child nodes used for coding women references based on themes and discussions surrounding women in the Indonesia report.

Women	References or discussions of women
Detention	References or discussions of detention, prisoners or prisons
Displacement	References or discussions of displacement
Human rights	References or discussions of human rights, civil rights or human rights violations
Violence	References or discussions of violence

References to Women

This section contains all references to women from the Indonesia report.

<Files\\Truth Commission Reports\\Asia\\Indonesia-TimorLeste.CTF_Report-FULL> - § 34 references coded [1.37% Coverage]

Reference 1 - 0.08% Coverage

• The Commission's Report identifies weak judicial institutions, the lack of an effective commitment to the rule of law, and the lack of accountability in military and security forces, as factors that contributed to the violence of 1999. On the basis of its reflections on these conclusions and the underlying events, the Commission recommended a series of urgent institutional reform including: (1) A human rights training program focused specifically on the role of security forces and intelligence organizations in situations of political conflict, mass demonstrations and civil unrest and emphasizing the obligation of the military and intelligence forces to remain neutral in political controversies and elections, to refrain from using state resources in support of political parties or their goals, and to operate solely within the limits of the law and under the direction of civilian leadership. (2) A human rights training program focused specifically on the role of particular civil institutions in planning for and working to prevent situations of civil and political conflict through mediation, peaceful method of conflict resolution, and the inculcation of a culture of understanding and toleration of political difference, and of the right of citizens to express their differences without fear or intimidation within all levels of the civilian government. (3) The promotion of institutional reforms that enhance the authority and effectiveness of institutions or agencies charged with the investigation and prosecution of human rights violations alleged to have been perpetrated by members of the armed forces, police or other security agencies. (4) Specialized training programs for military, police, and civilian officials to promote the protection of women and children and the prevention of sexual exploitation and violence in all forms against women, and other vulnerable populations.

Reference 2 - 0.02% Coverage

KPP HAM was mandated to complete the following tasks:⁸ • Gathering facts, data and information on gross human rights violations committed in East Timor after January 1999 until the issuance of the decree of the People's Consultative Assembly that legalized the result of the Popular Consultation, by focusing on gross human rights violations such as genocide, massacre, torture, enforced displacement, crimes against women and children and scorched earth policy.

Reference 3 - 0.04% Coverage

These limitations made themselves felt in the investigation of some of the specific offenses which the Commission was mandated to cover, including extermination, torture, forced displacement, persecution, murder, and scorched earth policy, and gender-based crimes. It would have been impossible for even a much larger investigative body with much greater resources in such a short time to fully investigate all of these crimes individually and inquire as well into institutional and individual responsibility for their perpetration. The result was that not all the elements of each of these crimes were subjected to complete investigation and analysis. For example, in regard to gender-based crimes, KPP HAM was assisted by the Indonesian National Commission for the Prevention of Violence Against Women (Komnas Perempuan).

Reference 4 - 0.04% Coverage

g. The attack on the Dili Diocese on 4 - 5 September 1999 h. The attack on the residence of Archbishop Belo on 6 September 1999 i. Arson of residences in Maliana on 4 September 1999 j. The attack on the Suai Church on 6 September 1999 k. The murder in Polres Maliana on 8 September 1999 l. The murder of Sander Thoenes on 21 September 1999 m. The murder of clergy in Lospalos on 25 September 1999 n. Gender based violence¹⁵ consisting of : - On 16 September 1999 in Ainaro two women were brought to West Timor and forced to live together with a Commander of Mahidi in NTT.

- 30 women were rumored to be detained in refugees in the area of Raihenek (Kobalima Sub-district, Belu District NTT) and were subjected to sexual violence by militias.
- On June 6, 1999 23 women were detained by BMP militias near Gugleur, Maubara Sub District, Liquiça District and the victims were forced to cook and wash for the militias and were subjected to sexual violence.

Reference 5 - 0.02% Coverage

While the documentation for a few of these cases is less substantial than others (for example the 30 women who were reported to have been detained in Raihenek) for many of the others KPP HAM possessed substantial amounts of evidence uncovered in its investigation. In terms of the quantitative dimension necessary to establish the element of a “widespread” attack this number of cases, if proven at trial, would be sufficient to support a finding that this element was fulfilled.

Reference 6 - 0.05% Coverage

The CAVR Report documents rape in connection with targeting of women related to pro-independence supporters. However, the references to victims’ or witnesses’ statements are often so abbreviated that they often do not provide sufficient information about the incident. Because the Document Review was not granted access to the original statements it was impossible to ascertain if those statements contained details not included in the summary references, for example about the targeting of the victims or the participation of elements of TNI, Polri, or Kopassus. The accounts of gender-based violence reflect a horrific degree of suffering on the part of the victims and reflect the relation of sexual violence to other forms of coercion in the context of political and armed conflict. However, the nature of the CAVR process results in a report where the broad conclusions about the responsibility for sexual violence are based upon the statements of victims, without the verification that an extensive and systematic investigative check on their accuracy would produce.

Reference 7 - 0.08% Coverage

When the SCU was conducting its investigation of the murders that occurred during the attack on the church at Suai it became apparent that a significant amount of sexual violence occurred in the aftermath of the attack. As a result of this, and of the wide scope of the Suai investigation itself, investigators pursued the issue of sexual violence and uncovered a great deal of evidence. Numerous statements of victims in the SCU investigations of Suai provide testimony pointing to a pattern in the perpetration of sexual violence. After the attack women taken from the church, separated from the general population, taken to certain collection centers and detained there, separated from their male relatives. One of the detention centers was the Suai Kodim, the others were a school building and a camp at Betun where other women had already been detained after being taken during sweeping operations. The detention at the Kodim is significant, as is the fact that many of the women reported seeing Herman Sedyono, the Bupati, at the church. They testified that he saw the women being detained and taken away in his presence. Some testified specifically that he ordered that they be taken to the Kodim. Other women who were not in the church but had been detained during sweeping operations in or around Suai were also brought to the Kodim or other detention centers. Afterwards they were forcibly taken to West Timor. Many of these women reported sexual assaults that occurred in the detention centers or in West Timor. Because of the separation from family and community they were particularly vulnerable to assault throughout this process of detention and transfer. Many of them believed that they were being targeted for sexual violence because of the perception that all of the individuals seeking refuge in the church were independence supporters.

Reference 8 - 0.04% Coverage

off the women. If they liked them they would take them with them. On 9 September she said she was raped by a militia who took her to a room where a policeman stood outside the door during the rape. After he raped her he threw 10,000Rp at her. On 12 September she testified that she and the other women were taken to the Kodim and told they would be taken to West Timor. At the Kodim a militia member gave her to a policeman who took her to his house and raped her. His rifle was next to them while he raped her. She was taken to West Timor on 15 September 1999. AA testified that,

“Militia came to us in the middle of the night and withdrew the blankets from our faces and looked at us. If they liked a women the just pulled her away into another room ... I told the policeman that I was three months pregnant. He didn’t care... we were taken at the same time and raped in different rooms.”

Reference 9 - 0.01% Coverage

Witness DD described the entire process of how the TNI surrounded the church and after the attack forced people to go to the Kodim. She testified that after a few days many of the women were then forcibly removed to West Timor:

Reference 10 - 0.02% Coverage

Witness EE described the forced displacement and the accompanying sexual violence. She was not detained at the church, but captured by the militia in Suai under the command of [redacted]. After being forced into a camp in Betun she described how women were raped night after night by the militiamen, usually at the same time each night. It is also clear that she believed she was targeted for political affiliation:

Reference 11 - 0.01% Coverage

She also describes how, once they reached the women’s detention camp in Betun, rapes occurred every night:

Reference 12 - 0.02% Coverage

- Between April and October 1999 the TNI and KMP militia in Lolotoe carried out acts of violence against civilians considered to be pro-independence or linked to pro-independence supporters. These attacks included illegal arrest and detention, arson, murder, torture, and persecution. Further, “many acts were directed in particular against women whose husbands were presumed to be Falintil ... or supporters of independence.”

Reference 13 - 0.07% Coverage

He reiterated these points at some length. In evaluating these findings it appears that there was evidence before the court which supported its specific findings as to the allegations of criminal conduct in Lolotoe. This evidence was furnished by the guilty plea, specific admissions, and statements of the accused. These support the accusations of illegal arrest and detention specifically targeted against civilians believed to support pro-independence. They also support findings of beatings and torture similarly targeted against pro-independence supporters. In addition to these specific conclusions there is also evidence which supports the findings that the criminal conduct did not consist of random, isolated acts but rather constituted gross human rights violations and crimes against humanity. The findings indicate a multiplicity of attacks against the civilian population of Lolotoe. Further, these attacks followed a pattern: KMP groups, under the command of Jhoni França or José Cardoso obtained information about independence supporters and their families. They used these lists and information in operations directed against unarmed civilians, including women and children, because they were suspected of pro-independence activities. The operations followed a similar pattern: Villages were entered by organized groups of KMP, specific individuals were detained and were then taken to Koramil in Lolotoe for interrogation. The men were subjected to repeated beatings. CNRT members were typically beaten in public places. Some of the victims were subjected to torture. All of

Reference 14 - 0.02% Coverage

acts of violence against civilians considered to be pro-independence or linked to pro-independence supporters. These attacks included illegal arrest and detention, arson, murder, torture, and persecution. Further, “many acts were directed in particular against women whose husbands were presumed to be Falintil ... or supporters of independence.” (para 94)

Reference 15 - 0.06% Coverage

operations and higher levels of military command. The focus in the evidence presented is entirely on the local operational level. But at that level the evidence is consistent and undisputed by defense or prosecution. The evidence before the Court was clearly sufficient to support the findings indicated above. Those findings, and the evidence that

supports them, indicate both that gross human rights violations in the form of crimes against humanity occurred, and that there is a reasonable basis for the attribution of institutional responsibility. That institutional responsibility, from the perspective of that evidence is shared. The evidence, including the admissions of the key authority figures, indicates the close cooperation of the TNI, KMP militia, and the Village Chief in the organization and perpetration of a long series of crimes committed over a substantial period of time and following a pattern. These operations targeted both pro-independence supporters and their families - particularly the women in their families. In terms of direct perpetration, furnishing material aid with the knowledge of what it would be used for (aiding and abetting), and a failure to prevent crimes that they knew were occurring, persons of authority in military and civilian institutions failed to control the militias and also took an active part in

Reference 16 - 0.02% Coverage

- Mariana da Cunha and Victims B and C testified about the meeting at Zoilpo on 21 May 1999 where the Accused spoke to the civilian population and read the names of these women from a list and then ordered them to be detained. (para 311) On August 30, 1999 the Accused held a meeting at Raimea where he warned the population that he knew the names of independence supporters and threatened them. (citing specific witness testimony)

Reference 17 - 0.07% Coverage

It was undisputed that crimes against humanity occurred in Lolotoe in 1999. The admissions of the Accused and the prosecution and defense testimony all concur that there was a campaign by the KMP militia to intimidate the civilian population by attacking pro-independence supporters and their families. Illegal detention, beatings, torture, and murder were all used to carry out this purpose. The acts were not random but were clearly well organized. All of the testimony, both of defense and prosecution supports this. Villages were selected and particular individuals were targeted because of their activities or those of their families. Women relatives of independence supporters were a particular target. The use of lists of names and the selective targeting of individuals rather than random violence indicates organization. The attacks also follow a common pattern, as do the detentions. The duration of time over which the attacks were carried out, the multiplicity of victims and incidents, the organized nature of the attacks, the careful selection of victims, and the targeting of independence supporters all establish that this was a widespread and systematic attack against a civilian population. In other words, the findings of the SPSC that crimes against humanity occurred in these three cases is clearly supported by the evidence. The fact that the defendants in two of the three cases pleaded guilty and admitted all of the essentials necessary to establish crimes against humanity strengthens this case. Even though José Cardoso did not plead guilty, he did not dispute the facts which support the finding of crimes against humanity.

Reference 18 - 0.01% Coverage

account in two clear ways: • Selecting and separating victims for murder from a larger group, including the separating of the men from the women and children.

Reference 19 - 0.01% Coverage

account in two clear ways: • Selecting and separating victims for murder from a larger group, including the separating of the men from the women and children.

Reference 20 - 0.13% Coverage

Numerous statements of victims in the SCU investigations of Suai provide testimony that points to a pattern of sexual violence connected to illegal detentions and forcible transfers. After the attack on the church, many women were taken from the church by militia and/or TNI, separated from the general population, taken to certain collection centers and detained there, separated from their male relatives. One of the detention centers was the Suai Kodim, the others were a school building and a camp at Betun where other women had already been detained after being taken during sweeping operations involving attacks on their villages aimed at pro-independence supporters. Their detention at the Kodim is significant, as is the fact that many of the women reported seeing Herman Sedyono, the Bupati, at the church. As will be seen, many testified that he saw the women being detained and taken away in his presence. Some testified specifically that he ordered that they be taken to the Kodim. Other women who were not in

the church but had been detained during sweeping operations in or around Suai were also brought to the Kodim. Afterwards they were forcibly taken to West Timor. Many of these women reported sexual assaults that occurred in the detention centers or in West Timor. Because of the separation from family and community they were particularly vulnerable to assault throughout this process of detention and transfer. Many of them believed that they were being targeted for sexual violence because of the perception that all of the individuals seeking refuge in the church were independence supporters.

Witness AA described her experience of being raped during detention. She stated that she was raped by both militia and police. She stated that she was in the church at Suai during the attack and was afterwards brought to the school detention center SMP 2. While detained there she said the militias would come at night and if they liked a woman they would take her with them. On 9 September she testified that she was raped by a militia who took her to a room where a policeman stood outside the door during the rape. After he raped her he threw Rp. 10,000 at her. On 12 September she and the other women were taken to the Kodim and told they would be taken to West Timor. At the Kodim a militaman gave her to a policeman who took her to his house and raped her. His rifle was next to them while he raped her. He gave her Rp. 10,000 afterwards. She was taken to West Timor on 15 September. AA testified that,

“Militia came to us in the middle of the night and withdrew the blankets from our faces and looked at us. If they liked a woman they just pulled her away into another room... I told the policeman that I was three months pregnant. He didn’t care... we were taken at the same time and raped in different rooms.”

Reference 21 - 0.04% Coverage

In BB’s experience the political motivation of the attack is directly alleged by her in a clear and credible way that is corroborated by other testimony about militia operations in this area. Her relation to a male supporter of independence is a recurrent pattern that connects many of the acts of violence against women in Suai as well as in other parts of East Timor during this period. The fact that the perpetrator took her to the Kodim is also a common pattern and reflects the close relationship between militia and TNI at the local level. The Kodim often served as a place where militia brought civilians whom they had illegally detained for mistreatment.

Another victim (CC) describes her experience in the detention center and explains how the prior detention of the men in her village as suspected independence supporters made the women vulnerable to assault:

Reference 22 - 0.01% Coverage

Witness DD describes the entire process of how the TNI and militia surrounded the church where she had taken refuge, and how after the attack they forced people to go to the Kodim. She testified that after a few days many of the women were then forcibly removed to West Timor:

Reference 23 - 0.02% Coverage

Witness XX also describes the forced displacement and the accompanying sexual violence. She was not detained at the church, but captured by the militia in Suai under the command of [redacted]. After being forced into a camp in Betun she described how women were raped night after night by the militiamen, usually at the same time each night. It is also clear that she believed she was targeted for political affiliation:

Reference 24 - 0.03% Coverage

The testimony of DD and EE reflects the involvement of the TNI in various phases of the attacks carried about by the militia against civilians. EE’s statements show how the violence was not limited to women detained at the church, but encompassed women who had been directly detained after attacks on their villages. In other words, the pattern of attack, detention, sexual violence, and forcible transfer and deportation was aimed at a part of the civilian population as a whole and not just those seeking refuge in the church. That part of the civilian population that was targeted in the attack were those perceived as connected in some way, directly or indirectly, to proindependence.

Reference 25 - 0.01% Coverage

She also describes how, once they reached the women’s detention camp Betun, rapes occurred every night:

Reference 26 - 0.08% Coverage

Another case also involves the aftermath of the Suai church attack.¹⁰³ The files for this case include three important witness statements. They indicate (as do other statements in other case files reviewed above) the way in which the women were separated from the men after the attack on the church and were taken to the Kodim. This particular case involves a victim, II, the [redacted] of KK, who was claimed as a “prize” by one of the militia members after the attack. Witness NN testifies in detail as to this as she was present. She explains how the victim was taken to the Kodim and how the perpetrator forcibly took her away, put a necklace around her neck, and stated that she was now his “wife.” She was later taken to West Timor. At the time of the completion of the investigation in March 2005, the investigator states that she and her assailant are still in West Timor and that she is still being kept there against her will. Witness KK testifies in great detail about the events leading up to the attack, the attack itself, and the aftermath. She names various TNI and militia members who were involved, including the local TNI commander, Lt. X, who she claims took a leading role in the attack itself. Her child was killed in the attack. She testifies about how they were taken to the Kodim by TNI in Kijangs after the attack and how on the night of 7 September she saw several women being raped, including her [redacted].¹⁰⁴ She names two of the perpetrators (corroborating other testimony in other cases that identifies them as involved in rapes at the Kodim. One of them was a [redacted] commander). She stated that the rapes she saw were perpetrated by militia and that the TNI saw what was happening but did nothing. She states that she complained to the TNI the next day and did not see rapes after that.¹⁰⁵

Reference 27 - 0.05% Coverage

Witness SCB was also taken along with the others to West Timor and was raped there in the camp. After the men of her village in Suai had fled to the mountains, Laksaur militia rounded up the women and took them to West Timor. SCC was her relative and was beaten when she was apprehended by Laksaur militia. She was forcibly taken to a camp in Betun, along with her relative, SCB. At the warehouse in Betun a militia came and asked for SCB. He raped her in the presence of SCC.

SCD reported that her village was attacked by Laksaur militia in April 1999 and they burned many houses. She fled to the jungle. In June she sought refuge in the Suai church. On 1 September she left the church to go to her relative’s place but militia told her to go back because people who went to the jungle “would be killed.” After the attack, on 6 September she was forcibly rounded up with the other women and taken to the Kodim. She was beaten that night and saw how militia took girls out of the sleeping quarters at night. She was transported to West Timor and was raped in the refugee camp there by militia members. On the occasion she was raped, she saw another woman being raped at the same time close by.

Reference 28 - 0.04% Coverage

Witness SCP testified to the cooperation of TNI and militia personnel. Her testimony was very specific and she identified members of both militia and TNI as having raped her. She said eight militia came to her house. Two of them wore TNI uniforms and were carrying rifles. [Redacted] and [redacted] told her she had to go to the school building in [redacted]. She went there with [redacted], who was also ordered to go there. At the school there were many TNI members, from the Koramil who threatened them. There were seven women altogether, and the TNI told the women to sleep in the class rooms. TNI told them they would have to pay Rp. 400,000 to be taken to West Timor. The night before they left, SCP and [redacted] were told to sleep in separate rooms from the others. Militia and TNI members raped them that night.

Reference 29 - 0.09% Coverage

Witness SCW testified that her house had been burned by militia so she took refuge in the church at Suai. She tried to flee during the attack but was caught and was beaten by a militia member. Another militia interrupted and said “Don’t kill her because the Chief of the District ordered women to be taken to Kodim.” On the way to the Kodim they passed Herman Sedyono and the militia said to him, “We took these from the church” and Herman allegedly said “take them to the Kodim.” At the Kodim all were women. They were made to cook at the Kodim. On 14 September they were taken to West Timor by TNI. The TNI just left them on the road where there were many militia. On 15 or 16 September at night, the militias came to them and said, “If you don’t give us a girl, tonight we will kill you all.” There were three militia members. Then they took SCW in a car. They stopped the car on the road,

and she was dragged to the jungle and was raped by one, then brought to a house and then was raped by another [redacted] who forcibly gave her his necklace, thereby claiming her as his “wife.” The next morning she got someone to take her to Polsek by motorbike, so she was able to escape from [redacted], who was pursuing her. She was protected by the police and the police arranged for her to be brought back to West Timor by UNHCR on October 13, 1999.

Witness SCY testified that she was taken from Suai and on 7 September brought to Betun. She testified that she and the other women wound up in the government refugee center where militias also lived. They were not allowed to leave the camp. In the camp she was raped by four men on different occasions. The first set of incidents of rape occurred from January to February 2000 by a TNI named [redacted] who came to her room and said “your husband is Anti Integration so we can use you freely.” She was raped over the next months by three other men, one of whom wore a TNI uniform and another who was [redacted] commander [redacted]. She returned to East Timor in January 2001. Physical force and threats were used against her on all these occasions. She testified,

Reference 30 - 0.06% Coverage

After the attack on the church there was a further concentration of individuals in detention centers, along with others who had already been detained. Sweeping operations were conducted prior to the attack on the church and afterwards and civilians detained during these operations were also brought to the centers. Men suspected of pro-independence sympathies or activities in some cases were mistreated, in other cases tortured. Women were separated from the men and were detained against their will in centers where they were subjected to abuse, mistreatment, and systematic rape. The individuals from these centers were then moved, in many cases explicitly, in other cases implicitly, against their will to West Timor. While some individuals may have voluntarily gone to West Timor, many others testified that they were forced to do so. In other cases their decision to “voluntarily” leave was because their home, or farm, or village had been destroyed or because the insecure environment made them feel that their survival depended on leaving. In such cases, as the international criminal tribunals have repeatedly held, there is no opportunity for a genuine voluntary choice and such transfers of persons may qualify as deportation as a gross human rights violation.

Reference 31 - 0.06% Coverage

This pattern of coordinated activity required planning, a high-degree of organization, and considerable logistical support. The witnesses’ testimony makes clear that TNI and Police personnel were involved in virtually every phase. Sometimes this involvement took the form of direct co-perpetration, for example in attacks on villages or acts of sexual violence. In other cases the involvement took other forms, such as standing guard outside the door while women were raped by militia. The Indonesian authorities provided the detention facilities, including public and military facilities. The civilian authority was also involved, as many witnesses described the Suai Bupati as playing a key role in the detention process after the attack on the church. The forms of participation varied, but the overall pattern was one of support and cooperation produced by the same long-established close institutional connections described above between Indonesian institutions and Timorese proautonomy groups at the operational level. The strong evidence of these patterns of institutional organization and cooperation make clear that violence such as that occurring at Suai was not random, not spontaneous, and not simply the product of retaliatory dynamics. Rather, this evidence supports findings of sustained and coordinated institutional activity at a level sufficient to justify findings of institutional responsibility for the crimes described above.

Reference 32 - 0.02% Coverage

In the Fact Finding process, the Commission received various testimonies that strongly indicated victims were deliberately and systematically selected for attack. For example, in the “Passabe Case”, the Commission heard evidence that showed perpetrators systematically targeted victims in two clear ways: • Selecting and separating victims for murder from a larger group, including the separating of the men from the women and children.

Reference 33 - 0.03% Coverage

- The Commission’s findings and conclusions demonstrate the particular vulnerability of women and children in periods of conflict and civil unrest. The Commission therefore recommends specialized training programs for military, police, and civilian officials to promote the protection of women and children and the prevention of sexual

exploitation and violence in all forms against women, and other vulnerable populations. The Commission further recommends the development of specialized investigative and enforcement mechanisms within the police and Attorney General's Office for gender crimes committed in the context of conflict, civil unrest or political disturbance.

Reference 34 - 0.04% Coverage

Unresolved border and security issues represent an ongoing impediment to achieving peace and friendship between the two nations and to addressing the needs of those individuals whose lives have been adversely affected by the violence in 1999. Preventing future occurrences of violence and promoting friendship between the two nations requires effective resolution of these issues. Effective and efficient border management respecting human rights and applicable legal regulations can also help to improve the social, cultural and economic life of the communities on both sides of the borders. Border security is related to residual issues still lingering along the length of the border zone, such as black marketeering, illegal transactions, smuggling, illegal border crossers, women and children trafficking and shooting incidents against civilians. The Commission therefore recommends:

Child Node References to Women

The following section contains references to women from the Indonesia report organized by the child nodes outlined in Coding Women for the Indonesia Report. Some references appear under several subheadings since they contained discussions of multiple themes.

Detention

References or discussions of detention, prisoners or prisons

<Files\\Truth Commission Reports\\Asia\\Indonesia-TimorLeste.CTF_Report-FULL> - § 13 references coded
[0.66% Coverage]

Reference 1 - 0.04% Coverage

g. The attack on the Dili Diocese on 4 - 5 September 1999 h. The attack on the residence of Archbishop Belo on 6 September 1999 i. Arson of residences in Maliana on 4 September 1999 j. The attack on the Suai Church on 6 September 1999 k. The murder in Polres Maliana on 8 September 1999 l. The murder of Sander Thoenes on 21 September 1999 m. The murder of clergy in Lospalos on 25 September 1999 n. Gender based violence¹⁵ consisting of : - On 16 September 1999 in Ainaro two women were brought to West Timor and forced to live together with a Commander of Mahidi in NTT.
- 30 women were rumored to be detained in refugees in the area of Raihenek (Kobalima Sub-district, Belu District NTT) and were subjected to sexual violence by militias.
- On June 6, 1999 23 women were detained by BMP militias near Gugleur, Maubara Sub District, Liquiça District and the victims were forced to cook and wash for the militias and were subjected to sexual violence.

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While the documentation for a few of these cases is less substantial than others (for example the 30 women who were reported to have been detained in Raihenek) for many of the others KPP HAM possessed substantial amounts of evidence uncovered in its investigation. In terms of the quantitative dimension necessary to establish the element of a “widespread” attack this number of cases, if proven at trial, would be sufficient to support a finding that this element was fulfilled.

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When the SCU was conducting its investigation of the murders that occurred during the attack on the church at Suai it became apparent that a significant amount of sexual violence occurred in the aftermath of the attack. As a result of this, and of the wide scope of the Suai investigation itself, investigators pursued the issue of sexual violence and uncovered a great deal of evidence. Numerous statements of victims in the SCU investigations of Suai provide testimony pointing to a pattern in the perpetration of sexual violence. After the attack women taken from the church, separated from the general population, taken to certain collection centers and detained there, separated from their male relatives. One of the detention centers was the Suai Kodim, the others were a school building and a camp at Betun where other women had already been detained after being taken during sweeping operations. The detention at the Kodim is significant, as is the fact that many of the women reported seeing Herman Sedyono, the Bupati, at the church. They testified that he saw the women being detained and taken away in his presence. Some testified specifically that he ordered that they be taken to the Kodim. Other women who were not in the church but had been detained during sweeping operations in or around Suai were also brought to the Kodim or other detention centers. Afterwards they were forcibly taken to West Timor. Many of these women reported sexual assaults that occurred in the detention centers or in West Timor. Because of the separation from family and community they were particularly vulnerable to assault throughout this process of detention and transfer. Many of them believed that they were being targeted for sexual violence because of the perception that all of the individuals seeking refuge in the church were independence supporters.

Reference 4 - 0.01% Coverage

She also describes how, once they reached the women's detention camp in Betun, rapes occurred every night:

Reference 5 - 0.07% Coverage

He reiterated these points at some length. In evaluating these findings it appears that there was evidence before the court which supported its specific findings as to the allegations of criminal conduct in Lolotoe. This evidence was furnished by the guilty plea, specific admissions, and statements of the accused. These support the accusations of illegal arrest and detention specifically targeted against civilians believed to support pro-independence. They also support findings of beatings and torture similarly targeted against pro-independence supporters. In addition to these specific conclusions there is also evidence which supports the findings that the criminal conduct did not consist of random, isolated acts but rather constituted gross human rights violations and crimes against humanity. The findings indicate a multiplicity of attacks against the civilian population of Lolotoe. Further, these attacks followed a pattern: KMP groups, under the command of Jhoni França or José Cardoso obtained information about independence supporters and their families. They used these lists and information in operations directed against unarmed civilians, including women and children, because they were suspected of pro-independence activities. The operations followed a similar pattern: Villages were entered by organized groups of KMP, specific individuals were detained and were then taken to Koramil in Lolotoe for interrogation. The men were subjected to repeated beatings. CNRT members were typically beaten in public places. Some of the victims were subjected to torture. All of

Reference 6 - 0.02% Coverage

- Mariana da Cunha and Victims B and C testified about the meeting at Zoilpo on 21 May 1999 where the Accused spoke to the civilian population and read the names of these women from a list and then ordered them to be detained. (para 311) On August 30, 1999 the Accused held a meeting at Raimea where he warned the population that he knew the names of independence supporters and threatened them. (citing specific witness testimony)

Reference 7 - 0.07% Coverage

It was undisputed that crimes against humanity occurred in Lolotoe in 1999. The admissions of the Accused and the prosecution and defense testimony all concur that there was a campaign by the KMP militia to intimidate the civilian population by attacking pro-independence supporters and their families. Illegal detention, beatings, torture, and murder were all used to carry out this purpose. The acts were not random but were clearly well organized. All of the testimony, both of defense and prosecution supports this. Villages were selected and particular individuals were targeted because of their activities or those of their families. Women relatives of independence supporters were a particular target. The use of lists of names and the selective targeting of individuals rather than random violence indicates organization. The attacks also follow a common pattern, as do the detentions. The duration of time over which the attacks were carried out, the multiplicity of victims and incidents, the organized nature of the attacks, the careful selection of victims, and the targeting of independence supporters all establish that this was a widespread and systematic attack against a civilian population. In other words, the findings of the SPSC that crimes against humanity occurred in these three cases is clearly supported by the evidence. The fact that the defendants in two of the three cases pleaded guilty and admitted all of the essentials necessary to establish crimes against humanity strengthens this case. Even though José Cardoso did not plead guilty, he did not dispute the facts which support the finding of crimes against humanity.

Reference 8 - 0.12% Coverage

Numerous statements of victims in the SCU investigations of Suai provide testimony that points to a pattern of sexual violence connected to illegal detentions and forcible transfers. After the attack on the church, many women were taken from the church by militia and/or TNI, separated from the general population, taken to certain collection centers and detained there, separated from their male relatives. One of the detention centers was the Suai Kodim, the others were a school building and a camp at Betun where other women had already been detained after being taken during sweeping operations involving attacks on their villages aimed at pro-independence supporters. Their detention at the Kodim is significant, as is the fact that many of the women reported seeing Herman Sedyono, the Bupati, at the church. As will be seen, many testified that he saw the women being detained and taken away in his

presence. Some testified specifically that he ordered that they be taken to the Kodim. Other women who were not in the church but had been detained during sweeping operations in or around Suai were also brought to the Kodim. Afterwards they were forcibly taken to West Timor. Many of these women reported sexual assaults that occurred in the detention centers or in West Timor. Because of the separation from family and community they were particularly vulnerable to assault throughout this process of detention and transfer. Many of them believed that they were being targeted for sexual violence because of the perception that all of the individuals seeking refuge in the church were independence supporters.

Witness AA described her experience of being raped during detention. She stated that she was raped by both militia and police. She stated that she was in the church at Suai during the attack and was afterwards brought to the school detention center SMP 2. While detained there she said the militias would come at night and if they liked a woman they would take her with them. On 9 September she testified that she was raped by a militia who took her to a room where a policeman stood outside the door during the rape. After he raped her he threw Rp. 10,000 at her. On 12 September she and the other women were taken to the Kodim and told they would be taken to West Timor. At the Kodim a militaman gave her to a policeman who took her to his house and raped her. His rifle was next to them while he raped her. He gave her Rp. 10,000 afterwards. She was taken to West Timor on 15 September. AA testified that,

“Militia came to us in the middle of the night and withdrew the blankets from our faces and looked at us. If they liked a woman they just pulled her away into another room... I told the policeman that I was three months pregnant. He didn’t care... we were taken at the same time and raped in different rooms.”

Reference 9 - 0.04% Coverage

In BB’s experience the political motivation of the attack is directly alleged by her in a clear and credible way that is corroborated by other testimony about militia operations in this area. Her relation to a male supporter of independence is a recurrent pattern that connects many of the acts of violence against women in Suai as well as in other parts of East Timor during this period. The fact that the perpetrator took her to the Kodim is also a common pattern and reflects the close relationship between militia and TNI at the local level. The Kodim often served as a place where militia brought civilians whom they had illegally detained for mistreatment.

Another victim (CC) describes her experience in the detention center and explains how the prior detention of the men in her village as suspected independence supporters made the women vulnerable to assault:

Reference 10 - 0.03% Coverage

The testimony of DD and EE reflects the involvement of the TNI in various phases of the attacks carried about by the militia against civilians. EE’s statements show how the violence was not limited to women detained at the church, but encompassed women who had been directly detained after attacks on their villages. In other words, the pattern of attack, detention, sexual violence, and forcible transfer and deportation was aimed at a part of the civilian population as a whole and not just those seeking refuge in the church. That part of the civilian population that was targeted in the attack were those perceived as connected in some way, directly or indirectly, to proindependence.

Reference 11 - 0.01% Coverage

She also describes how, once they reached the women’s detention camp Betun, rapes occurred every night:

Reference 12 - 0.09% Coverage

Witness SCW testified that her house had been burned by militia so she took refuge in the church at Suai. She tried to flee during the attack but was caught and was beaten by a militia member. Another militia interrupted and said “Don’t kill her because the Chief of the District ordered women to be taken to Kodim.” On the way to the Kodim they passed Herman Sedyono and the militia said to him, “We took these from the church” and Herman allegedly said “take them to the Kodim.” At the Kodim all were women. They were made to cook at the Kodim. On 14 September they were taken to West Timor by TNI. The TNI just left them on the road where there were many militia. On 15 or 16 September at night, the militias came to them and said, “If you don’t give us a girl, tonight we will kill you all.” There were three militia members. Then they took SCW in a car. They stopped the car on the road, and she was dragged to the jungle and was raped by one, then brought to a house and then was raped by another [redacted] who forcibly gave her his necklace, thereby claiming her as his “wife.” The next morning she got

someone to take her to Polsek by motorbike, so she was able to escape from [redacted], who was pursuing her. She was protected by the police and the police arranged for her to be brought back to West Timor by UNHCR on October 13, 1999.

Witness SCY testified that she was taken from Suai and on 7 September brought to Betun. She testified that she and the other women wound up in the government refugee center where militias also lived. They were not allowed to leave the camp. In the camp she was raped by four men on different occasions. The first set of incidents of rape occurred from January to February 2000 by a TNI named [redacted] who came to her room and said “your husband is Anti Integration so we can use you freely.” She was raped over the next months by three other men, one of whom wore a TNI uniform and another who was [redacted] commander [redacted]. She returned to East Timor in January 2001. Physical force and threats were used against her on all these occasions. She testified,

Reference 13 - 0.06% Coverage

After the attack on the church there was a further concentration of individuals in detention centers, along with others who had already been detained. Sweeping operations were conducted prior to the attack on the church and afterwards and civilians detained during these operations were also brought to the centers. Men suspected of pro-independence sympathies or activities in some cases were mistreated, in other cases tortured. Women were separated from the men and were detained against their will in centers where they were subjected to abuse, mistreatment, and systematic rape. The individuals from these centers were then moved, in many cases explicitly, in other cases implicitly, against their will to West Timor. While some individuals may have voluntarily gone to West Timor, many others testified that they were forced to do so. In other cases their decision to “voluntarily” leave was because their home, or farm, or village had been destroyed or because the insecure environment made them feel that their survival depended on leaving. In such cases, as the international criminal tribunals have repeatedly held, there is no opportunity for a genuine voluntary choice and such transfers of persons may qualify as deportation as a gross human rights violation.

Displacement

References or discussions of displacement

<Files\\Truth Commission Reports\\Asia\\Indonesia-TimorLeste.CTF_.Report-FULL> - § 5 references coded
[0.11% Coverage]

Reference 1 - 0.01% Coverage

Witness DD described the entire process of how the TNI surrounded the church and after the attack forced people to go to the Kodim. She testified that after a few days many of the women were then forcibly removed to West Timor:

Reference 2 - 0.02% Coverage

Witness EE described the forced displacement and the accompanying sexual violence. She was not detained at the church, but captured by the militia in Suai under the command of [redacted]. After being forced into a camp in Betun she described how women were raped night after night by the militiamen, usually at the same time each night. It is also clear that she believed she was targeted for political affiliation:

Reference 3 - 0.01% Coverage

Witness DD describes the entire process of how the TNI and militia surrounded the church where she had taken refuge, and how after the attack they forced people to go to the Kodim. She testified that after a few days many of the women were then forcibly removed to West Timor:

Reference 4 - 0.02% Coverage

Witness XX also describes the forced displacement and the accompanying sexual violence. She was not detained at the church, but captured by the militia in Suai under the command of [redacted]. After being forced into a camp in Betun she described how women were raped night after night by the militiamen, usually at the same time each night. It is also clear that she believed she was targeted for political affiliation:

Reference 5 - 0.05% Coverage

Witness SCB was also taken along with the others to West Timor and was raped there in the camp. After the men of her village in Suai had fled to the mountains, Laksaur militia rounded up the women and took them to West Timor. SCC was her relative and was beaten when she was apprehended by Laksaur militia. She was forcibly taken to a camp in Betun, along with her relative, SCB. At the warehouse in Betun a militia came and asked for SCB. He raped her in the presence of SCC.

SCD reported that her village was attacked by Laksaur militia in April 1999 and they burned many houses. She fled to the jungle. In June she sought refuge in the Suai church. On 1 September she left the church to go to her relative's place but militia told her to go back because people who went to the jungle "would be killed." After the attack, on 6 September she was forcibly rounded up with the other women and taken to the Kodim. She was beaten that night and saw how militia took girls out of the sleeping quarters at night. She was transported to West Timor and was raped in the refugee camp there by militia members. On the occasion she was raped, she saw another woman being raped at the same time close by.

Human Rights

References or discussions of human rights, civil rights or human rights violations

<Files\\Truth Commission Reports\\Asia\\Indonesia-TimorLeste.CTF_.Report-FULL> - § 5 references coded
[0.29% Coverage]

Reference 1 - 0.08% Coverage

• The Commission's Report identifies weak judicial institutions, the lack of an effective commitment to the rule of law, and the lack of accountability in military and security forces, as factors that contributed to the violence of 1999. On the basis of its reflections on these conclusions and the underlying events, the Commission recommended a series of urgent institutional reform including: (1) A human rights training program focused specifically on the role of security forces and intelligence organizations in situations of political conflict, mass demonstrations and civil unrest and emphasizing the obligation of the military and intelligence forces to remain neutral in political controversies and elections, to refrain from using state resources in support of political parties or their goals, and to operate solely within the limits of the law and under the direction of civilian leadership. (2) A human rights training program focused specifically on the role of particular civil institutions in planning for and working to prevent situations of civil and political conflict through mediation, peaceful method of conflict resolution, and the inculcation of a culture of understanding and toleration of political difference, and of the right of citizens to express their differences without fear or intimidation within all levels of the civilian government. (3) The promotion of institutional reforms that enhance the authority and effectiveness of institutions or agencies charged with the investigation and prosecution of human rights violations alleged to have been perpetrated by members of the armed forces, police or other security agencies. (4) Specialized training programs for military, police, and civilian officials to promote the protection of women and children and the prevention of sexual exploitation and violence in all forms against women, and other vulnerable populations.

Reference 2 - 0.02% Coverage

KPP HAM was mandated to complete the following tasks:⁸ • Gathering facts, data and information on gross human rights violations committed in East Timor after January 1999 until the issuance of the decree of the People's Consultative Assembly that legalized the result of the Popular Consultation, by focusing on gross human rights violations such as genocide, massacre, torture, enforced displacement, crimes against women and children and scorched earth policy.

Reference 3 - 0.07% Coverage

He reiterated these points at some length. In evaluating these findings it appears that there was evidence before the court which supported its specific findings as to the allegations of criminal conduct in Lolotoe. This evidence was furnished by the guilty plea, specific admissions, and statements of the accused. These support the accusations of illegal arrest and detention specifically targeted against civilians believed to support pro-independence. They also support findings of beatings and torture similarly targeted against pro-independence supporters. In addition to these specific conclusions there is also evidence which supports the findings that the criminal conduct did not consist of random, isolated acts but rather constituted gross human rights violations and crimes against humanity. The findings indicate a multiplicity of attacks against the civilian population of Lolotoe. Further, these attacks followed a pattern: KMP groups, under the command of Jhoni França or José Cardoso obtained information about independence supporters and their families. They used these lists and information in operations directed against unarmed civilians, including women and children, because they were suspected of pro-independence activities. The operations followed a similar pattern: Villages were entered by organized groups of KMP, specific individuals were detained and were then taken to Koramil in Lolotoe for interrogation. The men were subjected to repeated beatings. CNRT members were typically beaten in public places. Some of the victims were subjected to torture. All of

Reference 4 - 0.06% Coverage

operations and higher levels of military command. The focus in the evidence presented is entirely on the local operational level. But at that level the evidence is consistent and undisputed by defense or prosecution. The evidence

before the Court was clearly sufficient to support the findings indicated above. Those findings, and the evidence that supports them, indicate both that gross human rights violations in the form of crimes against humanity occurred, and that there is a reasonable basis for the attribution of institutional responsibility. That institutional responsibility, from the perspective of that evidence is shared. The evidence, including the admissions of the key authority figures, indicates the close cooperation of the TNI, KMP militia, and the Village Chief in the organization and perpetration of a long series of crimes committed over a substantial period of time and following a pattern. These operations targeted both pro-independence supporters and their families - particularly the women in their families. In terms of direct perpetration, furnishing material aid with the knowledge of what it would be used for (aiding and abetting), and a failure to prevent crimes that they knew were occurring, persons of authority in military and civilian institutions failed to control the militias and also took an active part in

Reference 5 - 0.06% Coverage

After the attack on the church there was a further concentration of individuals in detention centers, along with others who had already been detained. Sweeping operations were conducted prior to the attack on the church and afterwards and civilians detained during these operations were also brought to the centers. Men suspected of pro-independence sympathies or activities in some cases were mistreated, in other cases tortured. Women were separated from the men and were detained against their will in centers where they were subjected to abuse, mistreatment, and systematic rape. The individuals from these centers were then moved, in many cases explicitly, in other cases implicitly, against their will to West Timor. While some individuals may have voluntarily gone to West Timor, many others testified that they were forced to do so. In other cases their decision to “voluntarily” leave was because their home, or farm, or village had been destroyed or because the insecure environment made them feel that their survival depended on leaving. In such cases, as the international criminal tribunals have repeatedly held, there is no opportunity for a genuine voluntary choice and such transfers of persons may qualify as deportation as a gross human rights violation.

Violence

References or discussions of violence

<Files\\Truth Commission Reports\\Asia\\Indonesia-TimorLeste.CTF_.Report-FULL> - § 24 references coded
[1.03% Coverage]

Reference 1 - 0.08% Coverage

• The Commission's Report identifies weak judicial institutions, the lack of an effective commitment to the rule of law, and the lack of accountability in military and security forces, as factors that contributed to the violence of 1999. On the basis of its reflections on these conclusions and the underlying events, the Commission recommended a series of urgent institutional reform including: (1) A human rights training program focused specifically on the role of security forces and intelligence organizations in situations of political conflict, mass demonstrations and civil unrest and emphasizing the obligation of the military and intelligence forces to remain neutral in political controversies and elections, to refrain from using state resources in support of political parties or their goals, and to operate solely within the limits of the law and under the direction of civilian leadership. (2) A human rights training program focused specifically on the role of particular civil institutions in planning for and working to prevent situations of civil and political conflict through mediation, peaceful method of conflict resolution, and the inculcation of a culture of understanding and toleration of political difference, and of the right of citizens to express their differences without fear or intimidation within all levels of the civilian government. (3) The promotion of institutional reforms that enhance the authority and effectiveness of institutions or agencies charged with the investigation and prosecution of human rights violations alleged to have been perpetrated by members of the armed forces, police or other security agencies. (4) Specialized training programs for military, police, and civilian officials to promote the protection of women and children and the prevention of sexual exploitation and violence in all forms against women, and other vulnerable populations.

Reference 2 - 0.02% Coverage

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Reference 3 - 0.04% Coverage

These limitations made themselves felt in the investigation of some of the specific offenses which the Commission was mandated to cover, including extermination, torture, forced displacement, persecution, murder, and scorched earth policy, and gender-based crimes. It would have been impossible for even a much larger investigative body with much greater resources in such a short time to fully investigate all of these crimes individually and inquire as well into institutional and individual responsibility for their perpetration. The result was that not all the elements of each of these crimes were subjected to complete investigation and analysis. For example, in regard to gender-based crimes, KPP HAM was assisted by the Indonesian National Commission for the Prevention of Violence Against Women (Komnas Perempuan).

Reference 4 - 0.04% Coverage

g. The attack on the Dili Diocese on 4 - 5 September 1999
h. The attack on the residence of Archbishop Belo on 6 September 1999
i. Arson of residences in Maliana on 4 September 1999
j. The attack on the Suai Church on 6 September 1999
k. The murder in Polres Maliana on 8 September 1999
l. The murder of Sander Thoenes on 21 September 1999
m. The murder of clergy in Lospalos on 25 September 1999
n. Gender based violence¹⁵ consisting of :
- On 16 September 1999 in Ainaro two women were brought to West Timor and forced to live together with a Commander of Mahidi in NTT.
- 30 women were rumored to be detained in refugees in the area of Raihenek (Kobalima Sub-district, Belu District NTT) and were subjected to sexual violence by militias.

- On June 6, 1999 23 women were detained by BMP militias near Gugleur, Maubara Sub District, Liquiça District and the victims were forced to cook and wash for the militias and were subjected to sexual violence.

Reference 5 - 0.05% Coverage

The CAVR Report documents rape in connection with targeting of women related to pro-independence supporters. However, the references to victims' or witnesses' statements are often so abbreviated that they often do not provide sufficient information about the incident. Because the Document Review was not granted access to the original statements it was impossible to ascertain if those statements contained details not included in the summary references, for example about the targeting of the victims or the participation of elements of TNI, Polri, or Kopassus. The accounts of gender-based violence reflect a horrific degree of suffering on the part of the victims and reflect the relation of sexual violence to other forms of coercion in the context of political and armed conflict. However, the nature of the CAVR process results in a report where the broad conclusions about the responsibility for sexual violence are based upon the statements of victims, without the verification that an extensive and systematic investigative check on their accuracy would produce.

Reference 6 - 0.08% Coverage

When the SCU was conducting its investigation of the murders that occurred during the attack on the church at Suai it became apparent that a significant amount of sexual violence occurred in the aftermath of the attack. As a result of this, and of the wide scope of the Suai investigation itself, investigators pursued the issue of sexual violence and uncovered a great deal of evidence. Numerous statements of victims in the SCU investigations of Suai provide testimony pointing to a pattern in the perpetration of sexual violence. After the attack women taken from the church, separated from the general population, taken to certain collection centers and detained there, separated from their male relatives. One of the detention centers was the Suai Kodim, the others were a school building and a camp at Betun where other women had already been detained after being taken during sweeping operations. The detention at the Kodim is significant, as is the fact that many of the women reported seeing Herman Sedyono, the Bupati, at the church. They testified that he saw the women being detained and taken away in his presence. Some testified specifically that he ordered that they be taken to the Kodim. Other women who were not in the church but had been detained during sweeping operations in or around Suai were also brought to the Kodim or other detention centers. Afterwards they were forcibly taken to West Timor. Many of these women reported sexual assaults that occurred in the detention centers or in West Timor. Because of the separation from family and community they were particularly vulnerable to assault throughout this process of detention and transfer. Many of them believed that they were being targeted for sexual violence because of the perception that all of the individuals seeking refuge in the church were independence supporters.

Reference 7 - 0.04% Coverage

off the women. If they liked them they would take them with them. On 9 September she said she was raped by a militia who took her to a room where a policeman stood outside the door during the rape. After he raped her he threw 10,000Rp at her. On 12 September she testified that she and the other women were taken to the Kodim and told they would be taken to West Timor. At the Kodim a militia member gave her to a policeman who took her to his house and raped her. His rifle was next to them while he raped her. She was taken to West Timor on 15 September 1999. AA testified that, "Militia came to us in the middle of the night and withdrew the blankets from our faces and looked at us. If they liked a women the just pulled her away into another room ... I told the policeman that I was three months pregnant. He didn't care... we were taken at the same time and raped in different rooms."

Reference 8 - 0.01% Coverage

She also describes how, once they reached the women's detention camp in Betun, rapes occurred every night:

Reference 9 - 0.02% Coverage

- Between April and October 1999 the TNI and KMP militia in Lolotoe carried out acts of violence against civilians considered to be pro-independence or linked to pro-independence supporters. These attacks included illegal arrest

and detention, arson, murder, torture, and persecution. Further, “many acts were directed in particular against women whose husbands were presumed to be Falintil ... or supporters of independence.”

Reference 10 - 0.02% Coverage

militia in Lolotoe carried out acts of violence against civilians considered to be pro-independence or linked to pro-independence supporters. These attacks included illegal arrest and detention, arson, murder, torture, and persecution. Further, “many acts were directed in particular against women whose husbands were presumed to be Falintil ... or supporters of independence.” (para 94)

- Sabino Leite, the Accused, was

Reference 11 - 0.01% Coverage

account in two clear ways: • Selecting and separating victims for murder from a larger group, including the separating of the men from the women and children.

Reference 12 - 0.01% Coverage

account in two clear ways: • Selecting and separating victims for murder from a larger group, including the separating of the men from the women and children.

Reference 13 - 0.12% Coverage

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Reference 14 - 0.02% Coverage

Witness XX also describes the forced displacement and the accompanying sexual violence. She was not detained at the church, but captured by the militia in Suai under the command of [redacted]. After being forced into a camp in

Betun she described how women were raped night after night by the militiamen, usually at the same time each night. It is also clear that she believed she was targeted for political affiliation:

Reference 15 - 0.03% Coverage

The testimony of DD and EE reflects the involvement of the TNI in various phases of the attacks carried about by the militia against civilians. EE's statements show how the violence was not limited to women detained at the church, but encompassed women who had been directly detained after attacks on their villages. In other words, the pattern of attack, detention, sexual violence, and forcible transfer and deportation was aimed at a part of the civilian population as a whole and not just those seeking refuge in the church. That part of the civilian population that was targeted in the attack were those perceived as connected in some way, directly or indirectly, to proindependence.

Reference 16 - 0.01% Coverage

She also describes how, once they reached the women's detention camp Betun, rapes occurred every night:

Reference 17 - 0.08% Coverage

Another case also involves the aftermath of the Suai church attack.¹⁰³ The files for this case include three important witness statements. They indicate (as do other statements in other case files reviewed above) the way in which the women were separated from the men after the attack on the church and were taken to the Kodim. This particular case involves a victim, II, the [redacted] of KK, who was claimed as a "prize" by one of the militia members after the attack. Witness NN testifies in detail as to this as she was present. She explains how the victim was taken to the Kodim and how the perpetrator forcibly took her away, put a necklace around her neck, and stated that she was now his "wife." She was later taken to West Timor. At the time of the completion of the investigation in March 2005, the investigator states that she and her assailant are still in West Timor and that she is still being kept there against her will. Witness KK testifies in great detail about the events leading up to the attack, the attack itself, and the aftermath. She names various TNI and militia members who were involved, including the local TNI commander, Lt. X, who she claims took a leading role in the attack itself. Her child was killed in the attack. She testifies about how they were taken to the Kodim by TNI in Kijangs after the attack and how on the night of 7 September she saw several women being raped, including her [redacted].¹⁰⁴ She names two of the perpetrators (corroborating other testimony in other cases that identifies them as involved in rapes at the Kodim. One of them was a [redacted] commander). She stated that the rapes she saw were perpetrated by militia and that the TNI saw what was happening but did nothing. She states that she complained to the TNI the next day and did not see rapes after that.¹⁰⁵

Reference 18 - 0.05% Coverage

Witness SCB was also taken along with the others to West Timor and was raped there in the camp. After the men of her village in Suai had fled to the mountains, Laksaur militia rounded up the women and took them to West Timor. SCC was her relative and was beaten when she was apprehended by Laksaur militia. She was forcibly taken to a camp in Betun, along with her relative, SCB. At the warehouse in Betun a militia came and asked for SCB. He raped her in the presence of SCC.

SCD reported that her village was attacked by Laksaur militia in April 1999 and they burned many houses. She fled to the jungle. In June she sought refuge in the Suai church. On 1 September she left the church to go to her relative's place but militia told her to go back because people who went to the jungle "would be killed." After the attack, on 6 September she was forcibly rounded up with the other women and taken to the Kodim. She was beaten that night and saw how militia took girls out of the sleeping quarters at night. She was transported to West Timor and was raped in the refugee camp there by militia members. On the occasion she was raped, she saw another woman being raped at the same time close by.

Reference 19 - 0.04% Coverage

Witness SCP testified to the cooperation of TNI and militia personnel. Her testimony was very specific and she identified members of both militia and TNI as having raped her. She said eight militia came to her house. Two of them wore TNI uniforms and were carrying rifles. [Redacted] and [redacted] told her she had to go to the school

building in [redacted]. She went there with [redacted], who was also ordered to go there. At the school there were many TNI members, from the Koramil who threatened them. There were seven women altogether, and the TNI told the women to sleep in the class rooms. TNI told them they would have to pay Rp. 400,000 to be taken to West Timor. The night before they left, SCP and [redacted] were told to sleep in separate rooms from the others. Militia and TNI members raped them that night.

Reference 20 - 0.09% Coverage

Witness SCW testified that her house had been burned by militia so she took refuge in the church at Suai. She tried to flee during the attack but was caught and was beaten by a militia member. Another militia interrupted and said "Don't kill her because the Chief of the District ordered women to be taken to Kodim." On the way to the Kodim they passed Herman Sedyono and the militia said to him, "We took these from the church" and Herman allegedly said "take them to the Kodim." At the Kodim all were women. They were made to cook at the Kodim. On 14 September they were taken to West Timor by TNI. The TNI just left them on the road where there were many militia. On 15 or 16 September at night, the militias came to them and said, "If you don't give us a girl, tonight we will kill you all." There were three militia members. Then they took SCW in a car. They stopped the car on the road, and she was dragged to the jungle and was raped by one, then brought to a house and then was raped by another [redacted] who forcibly gave her his necklace, thereby claiming her as his "wife." The next morning she got someone to take her to Polsek by motorbike, so she was able to escape from [redacted], who was pursuing her. She was protected by the police and the police arranged for her to be brought back to West Timor by UNHCR on October 13, 1999.

Witness SCY testified that she was taken from Suai and on 7 September brought to Betun. She testified that she and the other women wound up in the government refugee center where militias also lived. They were not allowed to leave the camp. In the camp she was raped by four men on different occasions. The first set of incidents of rape occurred from January to February 2000 by a TNI named [redacted] who came to her room and said "your husband is Anti Integration so we can use you freely." She was raped over the next months by three other men, one of whom wore a TNI uniform and another who was [redacted] commander [redacted]. She returned to East Timor in January 2001. Physical force and threats were used against her on all these occasions. She testified,

Reference 21 - 0.06% Coverage

After the attack on the church there was a further concentration of individuals in detention centers, along with others who had already been detained. Sweeping operations were conducted prior to the attack on the church and afterwards and civilians detained during these operations were also brought to the centers. Men suspected of pro-independence sympathies or activities in some cases were mistreated, in other cases tortured. Women were separated from the men and were detained against their will in centers where they were subjected to abuse, mistreatment, and systematic rape. The individuals from these centers were then moved, in many cases explicitly, in other cases implicitly, against their will to West Timor. While some individuals may have voluntarily gone to West Timor, many others testified that they were forced to do so. In other cases their decision to "voluntarily" leave was because their home, or farm, or village had been destroyed or because the insecure environment made them feel that their survival depended on leaving. In such cases, as the international criminal tribunals have repeatedly held, there is no opportunity for a genuine voluntary choice and such transfers of persons may qualify as deportation as a gross human rights violation.

Reference 22 - 0.07% Coverage

This pattern of coordinated activity required planning, a high-degree of organization, and considerable logistical support. The witnesses' testimony makes clear that TNI and Police personnel were involved in virtually every phase. Sometimes this involvement took the form of direct co-perpetration, for example in attacks on villages or acts of sexual violence. In other cases the involvement took other forms, such as standing guard outside the door while women were raped by militia. The Indonesian authorities provided the detention facilities, including public and military facilities. The civilian authority was also involved, as many witnesses described the Suai Bupati as playing a key role in the detention process after the attack on the church. The forms of participation varied, but the overall pattern was one of support and cooperation produced by the same long-established close institutional connections described above between Indonesian institutions and Timorese proautonomy groups at the operational level. The strong evidence of these patterns of institutional organization and cooperation make clear that violence such as that

occurring at Suai was not random, not spontaneous, and not simply the product of retaliatory dynamics. Rather, this evidence supports findings of sustained and coordinated institutional activity at a level sufficient to justify findings of institutional responsibility for the crimes described above.

Violations Committed by Pro-independence

Reference 23 - 0.02% Coverage

In the Fact Finding process, the Commission received various testimonies that strongly indicated victims were deliberately and systematically selected for attack. For example, in the “Passabe Case”, the Commission heard evidence that showed perpetrators systematically targeted victims in two clear ways: • Selecting and separating victims for murder from a larger group, including the separating of the men from the women and children.

Reference 24 - 0.04% Coverage

Unresolved border and security issues represent an ongoing impediment to achieving peace and friendship between the two nations and to addressing the needs of those individuals whose lives have been adversely affected by the violence in 1999. Preventing future occurrences of violence and promoting friendship between the two nations requires effective resolution of these issues. Effective and efficient border management respecting human rights and applicable legal regulations can also help to improve the social, cultural and economic life of the communities on both sides of the borders. Border security is related to residual issues still lingering along the length of the border zone, such as black marketeering, illegal transactions, smuggling, illegal border crossers, women and children trafficking and shooting incidents against civilians. The Commission therefore recommends: