

# CAVR UPDATE / October-November 2003

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The Commission for Reception, Truth and Reconciliation in Timor-Leste (CAVR – the Portuguese acronym) is a national, independent, statutory authority. The Commission is mandated to undertake truth-seeking, facilitate community reconciliation, report on its work and findings and make recommendations for further action. For further information, visit the CAVR website at [www.easttimor-reconciliation.org](http://www.easttimor-reconciliation.org)

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**'We should all give recognition to the Commission for Reception, Truth and Reconciliation because it will give us the opportunity and space to sit together and speak the truth and be reconciled. In humility we shall offer all our shortcomings and sins and ask for forgiveness from our political foes. We should embrace one another again and look forward to the future, to a new life and world especially for our next generations'.**

*Dom Carlos Felipe Ximenes Belo, SDB, Nobel Peace Laureate  
Christmas Message 2001*

This Update reports on CAVR's principal activities during October and November 2003, and particularly the three day hearing on massacres, 19-21 November. This was a busy implementation and planning period, including preparing for the close of district programs and activities.

In October, teams from four of the smaller districts were relocated to assist larger districts to complete their work: the Oecussi team moved to Bobonaro; Manufahe team moved to Manatuto; Aileu team moved to Dili; and the Liquica team moved to Baucau. This doubled capacity in the larger districts and enabled CAVR to work in two sub-districts simultaneously. This will enable CAVR to complete work in 63 out of 65 sub-districts by the end of December.

By the end of November, CAVR had achieved the following total outputs: 6700 statements taken; 1340 Community reconciliation applications received; 565 Community reconciliation hearings held; 202 Community Profile workshops completed; and 39 Sub-district victim hearings completed.

In addition to the public hearing on massacres, some other highlights from this period at the national office included the screening of the film *Tales of Crocodiles*, a public panel discussion on truth commissions led by Eduardo Gonzalez from Peru, and support to a public lecture at the University of Dili by visiting professor Geoff Robinson. See reports below. Also during this period, CAVR was involved in meetings with political leaders in preparation for the public hearing on the Timorese political conflict of 1974-1976, to be held 15-18 December and completed program design and a pilot project for the retrospective mortality survey. Two workshops were held with National Commissioners and senior staff for the development of final report plans and further work was done on planning the downsizing and restructuring of CAVR with the closure of district offices in March 2004 and a shift of focus to preparation of the final report.

## **1. Community Reconciliation (CRP)**

This was a busy period for CRP work. At the end of November, 1340 applications for hearings have been received, with 565 of these having been completed through hearings and reconciliation agreements. During the two months, 94 cases were completed in 12 hearings.

The CRP division has developed plans to finalise its processes when the CAVR closes district teams at the end of March 2004. December will be the last month for collecting new applications, with the final three months used for completing all hearings.

During the period under review some notable hearings were completed. In Hera, near Dili, a two-day hearing was held for 16 former members of the Aitarak militia group of 1999. Community members were very active in seeking full disclosure from the deponents about their activities. Local leaders made it clear that the community was prepared to accept the former militia members, but urged that it was necessary to speak

honestly of the past. The case highlights the need for processes that allow communities to work through the community-level violence that was so prevalent throughout 1999.

- *1 October.* Oesilo – Oecussi: 14 deponents, 10 victims  
Community Reconciliation Act: apologise, bound not to repeat. Deponents donated \$5 each plus to contribute to communal meal. Those 5 deponents involved in the theft of animals paid 5 goats and 1 pig to their victims. One who had stolen a motorbike made symbolic payment of antique Dutch coins and palm wine to the victim.
- *8 October.* Kairui – Manatuto: 1 deponent, 2 victims, community  
Community Reconciliation Act: Apologise, bound not to repeat.
- *13 October.* Ilomar – Los Palos: 3 deponents, 4 victims & community  
Community Reconciliation Act: community service – Church cleaning 1 day a week for three months. Apologise, bound not to repeat.
- *28 October.* Cristo Rei – Dili: 6 deponents, 1 victim, community  
Community Reconciliation Act: Apologise, bound not to repeat.
- *28 October.* Lolotoe – Bobonaro: 13 deponents, 11 victims & community  
Community Reconciliation Act: Apologise, bound not to repeat. Perform community service – cleaning of church land, 1 day a week for three months.
- *29 October.* Cristo Rei – Dili: 9 deponents, 1 victim, community  
Community Reconciliation Act: Apologise, bound not to repeat.
- *30 October.* Venilale – Baucau: 1 deponent, 2 victims & community  
Community Reconciliation Act: Apologise, bound not to repeat
- *6 November.* Manatuto – Laclubar: 3 deponents, 2 victims, community  
Community Reconciliation Act: Apologise, bound not to repeat
- *10 November.* Lolotoe – Bobonaro: 5 deponents, 5 victims & community  
Community Reconciliation Act: Apologise, bound not to repeat. Perform community service – cleaning of church land, 1 day a week for three months.
- *11 November.* Atsabe – Ermera: 11 deponents, 16 victims & community  
Community Reconciliation Act: Apologise, bound not to repeat. \* 2 deponents were referred back to the Serious Crimes Unit.
- *13 November.* Atsabe – Ermera: 13 deponents, 10 victims & community  
Community Reconciliation Act: Apologise, bound not to repeat.
- *26 November.* Laclubar – Manatuto: 11 deponents, 3 victims & community  
Community Reconciliation Act: Apologise, bound not to repeat.

#### **Christmas and New Year message from Aniceto Guterres Lopes, Chairperson CAVR**

2003 has been another big year for Timor-Leste, and a fundamental year for the CAVR in terms of delivering on its mandate. The people of Timor-Leste continue to rebuild lives, communities and the nation. Political and community leaders continue the difficult work of developing institutions, policies and programs for the work of developing our new nation. I believe that CAVR has been able to make an important contribution to this work during 2003.

Through the hard work of National and Regional Commissioners, and staff in all 13 districts and the national office, we have tried to reach out to communities across our nation and beyond. I especially want to thank our hard-working district teams for their efforts. I also want to thank communities across Timor-Leste for their whole-hearted participation in this national process. In villages across our land, we have seen the Timorese people grasp the opportunity to contribute to this work. We know that it is difficult and painful to examine the violence of our past. But the overwhelming eagerness of the Timorese people to come forward and tell their stories, to reach out in community reconciliation hearings to build new relationships, and to honour the pain and loss of those who have suffered terribly, gives us great hope that together we can support each other in a new spirit of unity and nation building.

Time after time this year, National Commissioners have felt humbled as victims of human rights violations have shared their stories with us and the nation. Each time we have also felt tremendously proud of the courage, resilience and depth of character of the Timorese people. At the close of 2003, the CAVR is near completion of its work in the communities. Before the end of 2004, we will have completed our final report and delivered it to the President of the RDTL and to the United Nations Secretary General.

It is true that at times the CAVR's work has opened up old wounds. However, we believe that with the spirit of mutual respect, acceptance and reconciliation shown by the people of Timor-Leste in this process we can help to build a strong foundation for our new nation, based on a recognition of the pain of the past and the lessons we have all learned, and the fundamental importance of human rights and the rule of law.

As the year draws to a close, we wish all our friends in Timor-Leste and around the world a peaceful Christmas and New Year period. As you share this time with family and loved ones, we wish you a time of reflection and rest that will prepare you for your important work in the year to come.

## **2. Truth-seeking activities**

### **• *Statement taking***

In the week before the end of November, 6539 statements have been taken from 51 of 65 sub-districts of East Timor. In this period the focus of national statement taking activities has been to improve the quality of statement taking, through ongoing peer monitoring and evaluation procedures. The national Coordinator of Statement Taking spends 75% of his time monitoring progress and quality of the statement taking process in the districts.

Also during this period, in collaboration with the national Coordinator of Statement Taking and the Advisor to Statement Taking, District teams have begun to explore possible methodologies for collective statement taking activities. Collective interviews, at this stage, could be used as an effective way of prioritising under-represented communities during period VIII of the CAVR strategic plan (January –March 2004) and increasing the quality of information collected from the field.

### **• *Data processing***

By the end of November over 2800 statements have been read, coded and entered into the CAVR's Human Rights Violations Database.

Since July, significant progress has been made in improving the quality and reliability of the coding of statements by statement readers through the implementation of regular team coding exercises. In order to proactively address the issue of quality control of statements processed before July 2003, a small team was set up to review a random sample of the 2,400 coded statements. With the assistance of CAVR's Statistical Analyst, procedures have been developed by the Head of Data Processing and the relevant Advisor to ensure that the process (i) reviews a statistically representative sample of the 2400 coded statements, (ii) is conducted independently of the initial coding process and (iii) is systematic. The Review Team is due to complete its work by the end of December 2003.

### **• *Research***

The research themes are Political Imprisonment and Torture, Political Conflict, Massacres, Killing and Disappearances, TNI Structure, Fretilin / Falintil Structure, Children and Conflict, Women and Conflict, Death toll, Force Displacement and Famine and International Actors. During October and November, research activities were

focusing on investigation of case studies. As planned, by the end of December 2003 the researchers should complete 100 case studies, i.e. ten cases per theme.

Preparations for the design and implementation of the Retrospective Mortality Survey (RMS) have been a focus of this period in the truth seeking division. This project will form a complementary set of data to enable the CAVR to more accurately estimate the extent of death and fatal human rights violations throughout the mandate period.

Consultants Romesh Silva and Justin Fisher visited CAVR completing the groundwork in October and early November. During November, CAVR signed a memorandum of understanding with National Statistic Office of RDTL (NSO) to work with skilled NSO staff in the RMS program for next 4 months [April 2004]. The RMS team will be a combination of NSO staff and CAVR district statement takers. Training will commence in the first week of December and fieldwork in the second week of December.

#### **Film Premiere: Tales of Crocodiles by Jan van den Berg**

CAVR in partnership with Oxfam screened the Timor-Leste premiere of the Dutch film-maker Jan van den Berg's *Tales of Crocodiles* over two nights in Suai on 10 November and in Dili at the CAVR national office on 11 November 2003.

*Tales of Crocodiles* is about justice and reconciliation in Timor-Leste following the 1999 violence, and focuses especially on the Suai community after the church massacre of September 1999 and on the CAVR process of community reconciliation and the work of CAVR Deputy Chairperson Fr Juvito de Araujo. The international premier was in The Netherlands in June 2003.

*Tales of Crocodiles* was screened twice in Suai to audiences of over 500 people, and in Dili with an audience of approximately 200. Mr van den Berg attended both evenings. In Dili, a number of the key characters in the film also attended.

CAVR would especially like to thank Oxfam Hong Kong and Mr Frank Elvey for help in organising these events. Tetun and Portuguese versions of the film are now being planned.

### **3. Victim support**

During October-November ten community profile workshops were completed in ten districts, making a total of 198 community profile workshops conducted to date. These workshops are aimed at developing a fuller understanding of the impact of the years of violence upon communities through participatory community workshops.

The CEP-supported Urgent Reparations Program continued its work with district teams identifying particularly vulnerable survivors of serious human rights violations for immediate support. Through this two-month period district teams recommended candidates for the scheme in their sub-districts. In December, the final list of recipients will be completed and distribution made.

In November, the CEP supported program funded two men to travel to Jogjakarta to be fitted with new prosthetic legs, which were needed due to serious wounds from past human rights violations. Mateus Soares lost a leg as a result of a bullet wound in the Santa Cruz massacre of 1991, and in 1999 his prosthetic was destroyed when he fled to the mountains from the militias in his area. David Rodriguez was shot in the leg during the Indonesian invasion in 1975 resulting in an amputation but had never had a prosthetic fitted. Both men stayed at the Yogyakarta YAKKUM for two weeks during

fitting and physiotherapy. All workers at the centres are amputees or people missing limbs. The process of living in during fitting and physiotherapy is also a peer support and confidence building process which both men said they enjoyed.

Preparations are underway for another national healing workshop in early December.

### **The role of Truth Commission final reports in achieving justice**

On 23 October, the CAVR hosted a panel discussion on 'Truth Commissions and the Quest for Justice'. The discussion was introduced with a presentation by Eduardo Gonzalez, a Senior Associate visiting from the New-York based International Center for Transitional Justice. Eduardo was a senior member of the staff of the recently completed Peru Truth and Reconciliation Commission. The afternoon discussion was well attended by NGO and civil society groups and workers from the justice sector. The panel responding to Eduardo Gonzalez's presentation comprised Prosecutor General Mr Longuinhos Monteiro and CAVR National Commissioner Mr Jacinto Alves.

Eduardo Gonzalez made the central point that justice for past crimes is a key element of nation building and the need for it cannot be ignored. He considered the development of truth commissions from the Latin American and African commissions of the 1980s and 1990s to the 21<sup>st</sup> century's commissions in Peru, Ghana, Sierre Leone and Timor-Leste. Eduardo considered the possibilities and limitations of truth commissions in terms of their contribution to justice, and urged people in Timor-Leste to utilise the strengths of the CAVR in this respect.

In response, the Prosecutor General Longuinhos Monteiro strongly reiterated his commitment to seeking justice for past serious crimes beyond the 1999 period. CAVR National Commissioner Jacinto Alves reflected on the will of the Timorese people for justice and the importance of placing human rights at the centre of nation building after long years of conflict and violations, and the role commissions can play in restorative justice.

This presentation and panel discussion was one of a series of public events hosted by the CAVR aimed at promoting open debate about how to develop the justice sector of Timor-Leste, and contribute to the rule of law and human rights.

#### **4. Final Report preparations**

Plans for the structure, content and writing of the CAVR Final Report were finalised during this period and Anthony Goldstone joined the Final Report team as editorial adviser.

In October, CAVR hosted a two-week visit by Eduardo Gonzalez from the New York-based International Center for Transitional Justice. A former member of the Peruvian Truth and Reconciliation Commission which recently completed its work, Eduardo had direct experience as a member of their Editorial Committee. Eduardo was the key resource person at two workshops held with National Commissioners and senior staff at which all the key issues involved in developing and disseminating a commission final report were addressed. Following the workshop, a working group led by the CAVR Chair was formed. National Commissioners will decide on recommendations from this working group in December.

#### **5. Training**

The Acolhimento and Victim Support team held a three day training session for district Victim Support staff. The training focussed on improving outreach to women, developing referral mechanisms in districts, and implementation the urgent reparations scheme.

CAVR Advisor Kieran Dwyer contributed to United Nations training co-ordinated by the Geneva-based UN organization UNITAR, on Women and Children in Peacekeeping missions. Kieran delivered a module on working with traumatised communities as part of the three-day training program, based largely on the work of the CAVR. The program was held for two groups of approximately 25 people each, followed by a briefing for senior UN members in Timor-Leste.

## **6. Research, outreach and conferences**

### **• *Visit to Portugal***

National Commissioner Jacinto Alves and Advisor on Historical Research Akihisa Matsuno visited Portugal from 11 to 18 October. They recorded an historic video interview with General Lemos Pires, the last Portuguese governor to Timor-Leste, for screening at the December public hearing on internal political conflict and for CAVR's archives. They met with the Prime Minister's secretary on diplomacy and requested a formal submission from the Portuguese Government for the hearing on international actors in February 2004. The team also interviewed two former Portuguese officers who were involved in the decolonization process, and three East Timorese refugees now in Lisbon.

In addition, the team sought information and archival materials from a number of sources: CDPM (the Commission for the Rights of the Maubere People), Paz e Possivel, the Mario Soares Foundation, the National Statistics Office, the Archives of Overseas Territories and the Lisbon Municipal library on Timor (Espaco por Timor). Aki Matsuno traveled to Oporto to see Professor Barbedo Magalhaes' documentation at the University of Oporto. The two CAVR representatives were very well received, confirming that there was much interest in the Commission's work in Portugal.

### **• *Managing Truth Commissions Working Group***

The International Center for Transitional Justice hosted the second meeting of the MTC Working Group at a three-day workshop in Bellagio, Italy. The focus of the meeting was how truth commissions can work effectively with NGOs and civil society.

Jose Caetano, Co-ordinator of the CAVR Program Support Division, represented CAVR. A major area of interest for CAVR was how to work with NGOs and civil society in the development of recommendations for the final report, and in the dissemination and follow-up of the final report and its recommendations.

### **Visit of Afghanistan Human Rights Commissioner**

Afghanistan Human Rights Commissioner, Mr Nader Nadim, visited CAVR to discuss CAVR processes in relation to the situation in his country. Speaking to the community in the village of Sananain, Manatuto district, at a community reconciliation hearing on 25 November 2003, he said: 'I want to congratulate the community of Sananain on your efforts to deal with the problems of the past. I can see here today that you are coming together with respect for the rule of law, for your culture, and in a spirit of brotherhood to build a peaceful future. In my country, we also have a similar past of violence terrible human rights abuses. Like you, we were invaded by an another country, and we suffered war for twenty years. I have learnt much from your community process here today, and I will take this back to my land, Afghanistan, to share with our Human Rights Commission. Thank you.'

## **7. New Staff**

No new Timorese staff were recruited in this period.

Willy van Rooijen joined the research team on 4 October for two months to assist with research on political imprisonment and torture. The UNDP-supported adviser positions within the CAVR were filled with the recruitment of the Truth Seeking Adviser, Anthony Goldstone, who will advise the Final Report editorial committee. Anthony is supported by the European Commission through UNDP and commenced work in October. Victim Support Adviser Melanie Lotfali also commenced in October, through the CAVR international volunteer scheme. Del Cuddihy, Adviser on Archives, commenced work in November, supported by Australian Volunteers International (AVI) and will assist CAVR develop and implement an archiving policy for its growing volume of data and information material.

## **8. Finance**

In November, the Royal Danish Embassy in Jakarta agreed to provide the balance of a previous grant through UNDP to assist CAVR operational costs. The grant is for US\$82,526.00.

Also in November, UNDP agreed to provide a direct grant of US\$60,000 for technical assistance for CAVR's statistical work. The grant will be received in December and are part of a UNDP grant made to CAVR in July 2003.

USAID has approved a further proposal for support in the area of public information. The grant of US\$39,901 will support the production and dissemination of the weekly radio program *Dalan ba Dame* (The Road to Peace) on Radio Timor-Leste, Radio Timor Kmanek and community radio stations. It will also pay for the broadcast by television and radio of the national public hearings and transcription work of these and the radio program. The memorandum of understanding will be signed in December.

## **9. Visits and Visitors**

*3 October:* Michael Cottier, Swiss Embassy Indonesia.

*9 October:* Simon Vincent Nielson, Kaspar Riggelson and Ulrik Joergensen of Danish School of Journalism.

*13 October:* Konrad Adenhauer Stiftung, Germany

*12 November:* Jan van den Berg, filmmaker *Tales of Crocodiles*

*13-25 October:* Eduardo Gonzalez, ICTJ

*20 October:* Gus Miclat of the Philippine NGO International Initiatives for Dialogue

*21 October:* Singaporean freelance journalist and film-maker Lynn Lee.

*22 October:* Paul James, Latrobe University, Melbourne

*30 October:* Bishop Hilton Deakin (Melbourne, Australia)

*30 October:* Japanese NGO staff and students of the University of Nagoya: Mr. Masatsugu Sugimoto (Nagoya NGO Support Center), Mr. Hitoshi Wada (Free lance journalist), Ms. Eri Hiraishi (student), Ms. Mikiko Hida (student), Mr. Naokazu Hayakawa (student)

*31 October:* Wolfgang Mueller and Hans Guenther Loeffler, German Government.

*1 November:* Shirley Shackleton, Maureen Tolfree and representatives of other families of the five Australian-based journalists killed in Balibo in 1975.

*3 November:* James Dunn, former Australian consul to Timor-Leste

*5 November:* Daniel Simiao, Brazilian PhD student researching domestic violence.

*5 November:* Professor Peter Carey, Oxford

*7 November:* Professor Jane Stromseth, Georgetown University, USA.  
*10 November:* Lee Tan, Australian Conservation Foundation  
*10 November:* Atul Khare, Chief of Staff, office of SRSG  
*11 November:* Mr Gambhir Bhatta, UNDP consultant on justice and legal sector  
*17 November:* Ravindran Daniel, Head UNMISSET Human Rights Office  
*20-27 November:* Professor Geoff Robinson UCLA  
*24 November:* Nader Nadim, Commissioner at the Independent Commission of Human Rights of Afghanistan, and UN Adviser Mr Richard Bennett.  
*29 November:* Felicity Pascoe, Centre for Democratic Institutions, Canberra.

## APPENDIX

### MASSACRES

CAVR National Public Hearing, 19-21 November 2003  
*CAVR National Headquarters, ex-Comarca Balide, Dili, Timor-Leste*

**‘I want to say that I do not see myself as a victim. I see myself as someone who has struggled and who succeeded, with a spirit of patriotism, in liberating our land.’**

*Simplisio Celestino de Deus, survivor of the Santa Cruz Massacre, Dili 12 November 1991.*

For the first time ever in Timor-Leste, Timorese people were able to talk openly about the terrible massacres that civilian populations suffered, again and again, over the 24 year period of the CAVR’s mandate. In a three day public hearing at the commission’s Dili headquarters, the CAVR heard evidence of massacres which occurred in Timor-Leste between 1974-1999. Seventeen survivors, witnesses and family members of victims of massacres gave testimony, along with one expert witness.

The hearing was broadcast live on national television and on radio.

The CAVR research teams continue their work investigating massacres, and currently are gathering evidence of over 120 massacres which occurred in the 24 year mandate period. CAVR’s working definition of ‘massacre’ is an event where five or more people are killed in one place at one time.

This three-day hearing did not attempt to be exhaustive, either in the number of massacres it considered or in publicly investigating the massacres it heard about. The aim of the hearing was to consider a representative range of events, across different periods and geographical areas and including different perpetrator groups. In this way, the CAVR sought to shed light on the wider experience of Timorese people over the mandate period, as well as recognising and honouring specific victims and survivors.

The hearing focussed largely on lesser known massacres. These included the killings during the 1975 conflict between Timorese political parties UDT and Fretilin; Fretilin killings in the mountains after 1975; Indonesian military massacres of civilians in rural areas in the 1980s; the infamous Santa Cruz massacre of 1991; and the Liquica church massacre from the 1999 period, when massacres were committed by the Indonesian forces and their agents.

#### **Opening remarks by Mr Aniceto Guterres Lopes, CAVR Chairperson**

In opening the hearing, Mr Guterres Lopes, a leading Timorese human rights lawyer, raised the difficult question of how a nation should deal with the dark events of its past and of the importance and value of this process.

*“The question of whether it is better to remember or forget is an important and difficult one for any country which is struggling to climb out of a bloody past. The question is not whether we should leave the past behind us. The answer to this is not difficult, it is clear*

*and simple – we must leave the past and move forward. The difficult and complex question is not whether, but how to do this? What is the best way to deal with the past so that it is, in fact, left behind, so that we learn from our experiences and they do not leave a residue which continues to support hatred and division? How do we try to remove the possibility of the past repeating itself in the future?”*

He continued:

*“Many countries around the world have faced this decision when moving out of a situation of military dictatorship and widespread human rights abuses. More and more there is a consensus that in order to really move forward, to heal the old wounds, they must be opened up and cleaned, so that they are allowed to heal naturally, not left to fester, covered by a dark blanket of fear. I believe this is the painful decision which we in Timor-Leste also need to make.*

*“It would be much more comfortable to take the easy path, to leave the past alone, to let it lie and hope it is forgotten. And yet all of us know it is not forgotten, it still lives within us. Our past lives on, in whispers and angry looks, in messages passed on from fathers and mothers to sons and daughters. We need to change those messages from their focus on a dark past to a future of light. We need to take one good long look at the past, open it up and see what has happened, listen to victims so that just once they have the opportunity to tell their terrible story. We need to learn from their stories. And we need to undertake this process based on mutual respect, acceptance and reconciliation, guarding at every step the newfound peace and stability of our country.*

*“... In the next three days we will learn many things. Let us use it as a time of reflection. We will learn of the incredible bravery of some of our countrymen, of the terrible things you have suffered, how power can be used well and also how it can be misused. You may feel the need to cry out for justice for victims. The CAVR has no mandate to provide justice, only to investigate and recommend, not to execute. Your feelings on these issues should be communicated to your representatives in the government, so that they can undertake their work by what you, the community, feel is important.”*

### **1975: internal Timorese party conflict**

Perhaps most remarkable was the testimony of the killings of the 1975 period before the full-scale Indonesian invasion, when the two major Timorese political parties struggled for power. Never before have Timorese people had an official forum where these killings could be talked about.

The CAVR heard testimony from four people about massacres committed by members of these two main political parties in 1975, one survivor of a massacre in early 1976, and two witnesses to massacres in the mountains in 1977.

In testimony, people described the UDT action of 11 August 1975 to take power as a coup d'état, and they went on to describe what followed this in their local areas. The CAVR heard testimony of massacres in Alas, Manufahe district, Ermera district and Laclubar, Manatuto district.

Mr Ilidio Maria de Jesus spoke of a massacre at Meti Oan beach, Wedauberek Alas, in the southern Manufahe district, where his father was killed. He said that on 11 August, the day of the UDT coup d'état, UDT members started arresting Fretilin people in the afternoon. He told of how they were held prisoner in the main town of Same until 25 August, but when the Falintil began to move toward Same they fled taking eleven prisoners with them.

*“The news was that they had been taken immediately to Besusu. I began to be afraid and disappeared ... At the time I fled with my mother and younger brothers and sisters to a hill. When we were on top of that hill, around 2pm, we heard something that sounded like shooting from the area of Meti Oan beach, at Wedauberek ... four days after the killing of these eleven people ... Falintil found their dead bodies on the beach in Meti Oan.*

Sr Ildio spoke of the pain and anger of his family:

*“My brother wanted to go and beat up the people who killed our father. But I said to him ‘Brother, sit and listen to me. It is up to God to deal with them. If we take this into our hands, then there will be more violence and they will come and kill us again ...’ I was very sad at this time.”*

Mr Florentino de Jesus Martins spoke of a similar massacre of prisoners by UDT members in August 1975. He told how in the days after the 11 August coup, UDT took Fretilin members prisoner. In the days following the coup, as Fretilin began to take power in Dili and Aileu, he spoke of how Fretilin members were moved from the municipal officers to the prison.

*“... There were 75 of us who were imprisoned. We were crammed into the prison and were not able to stretch our legs. It was difficult to breath...In the afternoon of 31 August, UDT came to take us to Aifu ... when they arrived at the road that enters the Aifu plantation ... they started tying all of us, two by two, together. Then they took us...It was XX who ordered to kill the prisoners of war. But he had been given the mandate to kill the prisoners by XX and XX.”*

After he and others witnessed this killing, Mr Florentino spoke of how they were then taken to Aifu and held in groups of four.

*“Not long after that they started taking away four by four ... when the gunfire went off we cried. We thought that this too would be the time for us to die....After killing so many people, there were only about 30 of us left. XX then gave the order to stop the killing ... maybe because he had received the message (from Falintil) ... which said ‘... This evening we have already encircled Aifu. The troops will come down from Hatolia and Loerema.’ ...”*

Mr Florentino spoke of how when Fretilin members entered Ermera and learned of the killings, “they subsequently captured UDT and tied them up ... in the end several of them were also killed.”

Mr Mateus Soares gave testimony of how he survived a massacre of Fretilin members by UDT members in the village of Fatumakerek, Laclubar sub-district, Manatuto district in August 1975. He told of how 11 Fretilin members were captured and held, tortured, and then tied two-by-two taken to a gorge and forced with spears over the edge. He told of how he fell into the gorge but survived, along with three others of the group.

The CAVR also heard testimony of massacres committed by Fretilin.

Mr Alexander da Costa Araujo of Aileu spoke of the Fretilin “counter-coup” in August 1975, when he was captured and taken to the village of Assimou in Aileu “along with hundreds of other prisoners from various areas.” After a period of time he says he was released, but still required to bring firewood to the prison camp every day.

Mr Alexander testified to two massacres in this period. The first occurred one evening, when the head of the prison came to his house and ordered Mr Alexander to accompany him. He was taken to a vehicle, where ten people were ordered to get down from the vehicle into line.

*“After having heard that they had finished praying, XX immediately gave off a shot of warning in the direction of the victims. ... After that his people immediately poured bullets from G3 weapons in the direction of the victims. They died on the spot, because they were only ten metres away.”*

The second was a massacre of prisoners at Aissirmou-Manifunihun, Aileu, by Fretilin forces. Mr Alexander estimated that between 100-160 people were killed in this massacre. Mr Alexander gave testimony of what he “heard and saw secretly” of this massacre.

*“One night the people of Saboria village panicked when they heard the news ... that more than 100 prisoners were being taken away from the prison in Aileu to Aissirimou-Manifunihun. My brother in law, Felisberto dos Santos, was also taken ...*

*“When we heard about this, several of us from Saboria immediately went to Assirimou. We went there secretly. It was a place high above the river from the direction of Saboria. Carefully we entered the river, and then went up to the location where those prisoners had been gathered. At that time we were only able to see the prisoners from afar...we saw that there were several cars parked there as well. Then we heard gunfire. The gunfire lasted for about 15 minutes. We only heard people screaming ...After the screaming ended, we immediately left that place to return to Saboria. No one really knows how many died. Some say around 160 people, but others say around 90...”*

Mr Angelo Araujo Fernandes of Lautem village gave painful testimony of how 40 members of his family, and five other friends were killed by Fretilin members in early 1976. He spoke of how Fretilin members came to his village and took his father and two brothers prisoner, and how he later joined them. In all nine prisoners were held.

*“(We were taken) under a tree and tied together, two-by-two, which in Fatuluku is called Kawaha-waha. At that time I was tied together with my brother. At about 10 o’clock in the morning they started to shoot us, and a bullet hit my brother. We were lifted about 3-4 metres into the air and only then did we fall into the gorge, which broke the rope between us. I ran immediately, while my hands were still tied behind my back. My friends and father and two brothers died at this place ... the Fretilin ... soldiers continued to shoot at me, but I escaped ... I kept running and then entered a river, and they could no longer see me. But they returned and shot my entire family and relatives, a total of 37 people in Kooleu in the village of Lore I, including children and pregnant women. ...”*

Mr Angelo told this story in a kind of state of shock. He finished by saying:

*“In 24 years, I still have not been able to reclaim my family. I want to know who sent them to kill my family? Why did they send them? I cannot tell my children who killed their grandparents. My child asks me ‘Dad, why was our family killed?’ I cannot explain to him.*

*“I ask the CAVR, the State, the Government and Parliament, to follow this process according to our Timorese culture. To honour the victims is important. The 12<sup>th</sup> of November is an important day for our country. For my family, this day is so important. Not one person, but 40 people. My whole family was killed ... my whole family. So I ask the Commissioners, who sent them to kill my family? Why did they send them? ...”*

### **In the mountains: Fretilin massacres in 1977**

The CAVR also heard testimony of massacres in 1977, following the arrest of Mr Francisco Xavier do Amaral by Fretilin.

Mr Antonio Amdado J.R. Guterres, now an elderly man, was in 1977 a member of the Fretilin educational unit in the mountains. He recalled a meeting on 19 August 1977 in the area of Remexio, Aileu when XX made a public announcement “that there was a traitor at the meeting of Fretilin leaders”. He spoke of how when the “traitor” was suspended “Fretilin killed seven persons at once in a hole in the ground”.

*“... The massacre happened at Herluli. Before they were killed they were held by Fretilin. That was on the birthday of Falintil, 20 August. During the raising of the flag ceremony an order was given to prepare a hole. After the flag ceremony was over the seven of them were put in the hole and everyone was asked to come to the location and witness the killing ... Once the seven of them were in the hole, XX said to them ‘You do not have any time left. Now you have to prepare yourselves.’ Before the massacre, Paulina Soares said: ‘Comrades, I will die and do not have anything. I only have these clothes I am wearing to give to my mother who will live with you to struggle for independence. After Paulina finished giving that message, he took off his clothes and gave them to someone. They were immediately hailed with bullets. ...’*

Mr Domingos Maria Alves also gave testimony of further massacres at this time. Also an elderly man now, his testimony was impassioned and lively. He began by indicating the great difficulty he had in understanding what had happened - “my heart and mind are Fretilin. I continue to respect this flag, but I must say these words.”

Mr Domingos spoke of how Falintil said that Francisco Xavier do Amaral was a traitor, and after this they arrested a number of people and beat them.

*‘The next day, they ordered six people to dig a hole in order to bury the prisoners who would be killed. At noon, they began to line up 20 people and chose ten who would be killed and who were taken to the edge of the river ...*

*“XX ordered people to pray. After finishing the prayer, we showed them the place. Their eyes were closed and XX was the one who shot. Two people brought the next person. XX told him to shut his eyes, then shot him. This went on until ten people were killed. Amongst those ten there was one woman by the name of Albertina. Such a brave woman who stood up to those who would kill her.*

*“When she was dragged she cursed the names of the leaders who were there. She said ‘You political leaders are not doing the right kind of politics. You form parties that are not in order ... we lived together, ate and drank together, but kill each other like animals. Those without fault are said to be with fault. Traitor to what? People underwent negotiations and you accuse them of being traitors.’*

*“Then XX ordered Albertina to stand on top of the dead bodies of her friends. But she did not want to. So they threw her on top, but she climbed down and continued to speak with vulgar language about the leaders. Then she refused to close her eyes when they ordered her ... Albertina also refused to pray after she was told to. In the end, XX shot her three times but Albertina did not die. She kept standing and speaking. Then they buried her alive.”*

Mr Domingos said he could not understand this killing: “‘traitor’, I do not understand what they mean by this word.” He finished by saying:

*“I ask that the young children do not forget this story, but that they tell it for the future so that the State of Timor Lorosa’e can recognise the suffering of the widows, orphans and old people.”*

### **Invasion**

The first testimony of the hearing was from Ms Felismina dos Santos Conceicao about the full-scale invasion of Dili by Indonesian forces on 7 December 1975. At the time she was a young girl.

*“On Sunday 7 December 1975 at around 6 o’clock in the morning I started to hear the sounds of airplanes. When we heard these sounds ... we went out and witnessed these planes fly over the city of Dili and surroundings. We also saw parachutes. Then there was gunfire between ABRI and FRETILIN ...*

*“Soon ABRI began to take control of the entire area where we were staying ... they gave us orders to immediately get out of the house ... we were three families ... when we arrived at the field, we saw that many other people were already there. They ordered the men to leave the field ... My father and brother ... went ... then all men were ordered to go to the side of the building which was covered with tall grass, and so we could not see clearly. The women, who were still in the field, were told to keep lying down.*

*“Shortly after this there was shooting. We also heard the sound of a grenade ... The shooting went on for a very long time ... then it stopped ...*

*“Amongst us was a woman named Isabel who pretended to take water and give it to ABRI while they were resting ... but really her intention was only to try to see what had happened ... after Isabel returned she told us that the men ... had all died ... then we began to move from that location. Then we met my father. I saw my father’s body bleeding ... I immediately checked his body ... but my father said that the blood on his body was not his blood, but my brother’s blood: ‘Your brother was shot there and is asking for water.’*

*“I ... headed for my brother. I found him and was able to give him water. I lifted his head and placed it on my lap ... and I gave him the water. But I felt that my things were wet. Then I realised that the water I was giving my brother to drink came out of his neck because his neck had been seriously wounded ... I saw many victims close to my brother...In the end we could not rescue my brother. When more of the family members of the victims came to this place to look for their families, ABRI saw us and started shooting in our direction. We ran and left that place ...”*

Mrs Berta Caetano spoke of a massacre shortly after the invasion in the eastern district of Lautem. Her father, brother and three friends were killed by the Indonesian military in what seemed an inexplicable killing.

Mrs Caetano said that, in March 1976, her father, brother and the others had witnessed shooting from the hills at the Indonesian military. They went to report this to the Indonesian military command in Los Palos, and returned home to their village. As soon as they returned home, a military truck of Battalion 502 came and took them away. This was the last time the family saw them.

Mrs Caetano spoke of her ongoing efforts to get information from the Indonesian military, bravely continuing to ask of their whereabouts. She was threatened with death. As she gave testimony, Mrs Caetano spoke of the pain of family left behind, of not knowing whether her family had been killed or taken away. One day she was told that they had been killed and their bodies burned in a house.

*“Only in 1978, together with the other families, were we able to go to the location to take their bones. We were not able to separate the bones of each individual because much had been eaten by the fire. But we did recognise their things, such as the metal belt buckle and a cross. I know that these things belonged to my father and brother. We took the bones and buried them.”*

### **The 1980s: Indonesian military massacres of people who came down from the mountains and returned to the villages**

At its previous hearing on Forced Displacement and Famine (July 2003), CAVR heard testimony of how in the late 1970s civilian populations were forced down from the mountains and surrendered due to bombing and other Indonesian military campaigns and the subsequent lack of food. From the mountains communities were held in camps. In many places, in the early 1980s people began to return to the areas of their villages.

Testimony at this hearing told of the next disturbing chapter in this process, of massacres of civilian populations which occurred within only a year or two of return to the villages. CAVR heard testimony of massacres in Uatu-Lari in Viqueque, Muapitine in Lautem, Manufahe and Kraras in Viqueque during this period.

Mrs Mariana Marques of Muapitine village in Lautem district gave particularly distressing testimony of a massacre of five community members in her village in December 1983. She told of how the Indonesian military had taken civilians from surrounding villages prisoner, including her husband.

*“... On 7 December 1983 we heard an announcement from the head of the village of Muapitine that the next morning all citizens of Muapitine village ... should gather together ... to wait for the ABRI commander ...”*

She told of how the next morning at 7am, the commander arrived with his entourage from Battalion 1629 and the District Administrator of Lautem.

*“... the District Administrator stood up and said in Fataluku language that my husband and his four friends will kill themselves because they had committed crimes ...”*

Mrs Marques, in tears throughout her testimony, told of how the village head was ordered to cut the throat of her husband. And how of different village members were ordered to kill each of the five. She remembered how her husband did not die immediately, and of how a member of Hansip was ordered to stab him, which he did nine times. She recounted how her husband still survived this and how they then took him to the sub-village of Puakelu while the others were taken to be buried.

Mrs Marques told of her agonising efforts to prevent the burial of her husband as he was still alive, of requests to military commanders and ultimately the District Administrator. They refused her and ordered the burial.

*“In the presence of two members of Battalion 614 my husband had to be buried. After my husband was placed into a hole, about half a metre deep, he lifted his hand out and said to me, ‘Kiss my hand. Go and look after our two children, because I do not want to be left without descendants’. I got close to him and kissed his hand. Then a member of Battalion*

*614 took me back to my house. My husband was buried alive at exactly six in the afternoon, in Puakelu sub-village.”*

Mr Lucio Meneses Lopes told of the invasion in Baucau. He spoke of the bombing of the Baucau airport, and of how Indonesian warships entered the harbours at Baucau, Seical and Laga. The people of Baucau, he said, were dispersed in all directions as they ran to the mountains in search of hiding places. Mr Lucio went to Uatu-Lari in Viqueque district, and then to the Matebean mountain range until the relentless bombing forced the civilian population to surrender in November 1978. He told of a massacre that occurred after this surrender.

Upon surrender Mr Lucio said he was held prisoner until March 1979. One afternoon, he said, 28 names were read from a list by Hansip, and they were told they were to go the forests to look for Fretilin. On the way to the forest, Hansip handed over the prisoners to the Indonesian military Battalion 721. The group was divided into two. Sr Lucio told of how his group was led to the top of a hill, where the military ordered them to sit.

*“‘Look, there is Fretilin’ the military shouted ... and then the guns went off. I immediately jumped down the hill. They fired a lot of bullets on us. ... I hid in a hole in the rock ...”*

Mrs Felismina Soares gave testimony of a massacre of civilians captured in the forests by Hansip members in the late 1970s or early 1980s - though she said she was not certain of the year she said it occurred in January or February.

Mrs Soares told of how her group was captured by Hansip in the mountains near the village of Poholau in the central mountains area of Turiscai.

*“After they captured us ... one by one they inspected us ... at that time there were eleven men who were together with me. Once the inspection was over they commanded nine of the men to stand in a line by the river ... they were told to form a line with their backs to us. After these nine men stood by the riverside, XX commanded his people to shoot them. The shots were fired at once ... the nine died on the spot.”*

She told of how the next day the other two men of the group were shot on the roadside by the military, on the way to Turiscai. At the end of her testimony, Mrs Soares said:

*“... I am ready to be called by any legal institution to give my witness account regarding what I have seen with my own eyes ... because I am the only witness still alive.”*

The killings at the village of Kraras in 1983 are one of the most notorious crimes of the Indonesian military period. However, though the story is known in general terms, there has never been a full official investigation and the number of killed is not known to this day. The CAVR research team continues work on the Kraras case, drawing in part on some material provided by the UNTAET Historic Crimes Unit. At this hearing two people gave testimony.

Mr Jose Gomes is the village chief of Bibileo. He told of how in 1983 the people came down from the mountains and were held in concentration camps in Viqueque, where there was much suffering. When they were able to return to their villages, he said that the Bibileo community were placed not in their old village but in the area of Kraras, which is a part of Bibileo.

Mr Gomes said the battalion based in Kraras at this time was a Territorial Battalion called Zipur 4. Mr Gomes testified to six separate massacres in this village over the course of late 1982 to 1984.

Mr Gomes spoke of Indonesian military killing two ex-Falintil and five civilians in September or October 1982. He said he did not know the reason why the ex-Falintil were killed, but that the civilians were unlucky to have just returned from the fields as this killing occurred and then were killed themselves. He said that this killing was not by Battalion Zipur 4, but by a different platoon on duty in the area.

Mr Gomes spoke of how Battalion Zipur 4 were not liked, due to their sexual harassment of the wives of Hansip members and widows of the men who had been killed. He said that these killings and this behaviour by Zipur 4 led to an uprising, which was

*“clearly instigated by Falintil, Hansip, the young people and the citizens together. They killed 14 members of Zipur 4. Two of their members were able to escape - a captain who hid in a tree with his pistol and the other an ABRI member who was taken by Falintil, who later was able to escape. ... Out of fear, the civilians fled to the forests ...”*

Mr Gomes told of how the next day the Indonesian military returned to Kraras to find the villages empty. They conducted a military campaign to get them to return to the villages:

*“they called the civilians back and those who tried to escape were shot on the spot. Many returned from the forests, including civilians who were then massacred on the road to Kasese, close to Viqueque town. More than 50 people, including men, women and children, pregnant women were killed. Not one of them was able to escape. I do not know the name of the battalion responsible for this.”*

Two subsequent massacre then occurred:

*“A part of the civilians who were placed by ABRI in the village of Buikarim were forcefully taken by the Indonesian military and were subsequently massacred by Battalion 501 in September 1983, all of them men and amounting to over 100 people. They were taken forcibly as if to go back and find food back in Kraras for the needs of the civilians ...*

*“... the civilians who escaped were then forced to move to Lalerek Mutin, and there the Indonesian military massacred 17 men ... They were tricked, as if they were being recruited to become TBO (Tenaga Bantuan Operasi – Assistants of Military Operations) ...”*

Mr Gomes said he fled to the forests for seven months, before surrendering to the Indonesian military in February 1984 when he was placed in the village of Lalerek Mutin. In May 1984, he said, another massacre occurred:

*“... the military commander of Kodim Viqueque called us, all men, from Lalerek Mutin to report to the Kodim. Mariano was the first to be killed, then seven others who were taken after roll call. They were Antonio Viegas, Afonso Gregorio, Kaitotik, Andre, Hiabosik and Rubi Fono ...”*

Mr Gomes said that these massacres were followed by a military operation called “Curlog” (Hancurkan Logistik di Hutan – Destroy Logistics in the Forest). Civilians were mobilised to work with Indonesian soldiers to destroy food sources such as coconuts in the forest, to prevent Falintil soldiers from eating. Mr Gomes said that many civilians died due to starvation and illness during these operations:

*“... when I compare the numbers of people that were massacred by ABRI during the uprising and the citizens who died of starvation and illness, maybe the numbers are equal, but maybe even higher. From 1984-85 between 3-6 people died of starvation and*

*illness each day. Communication with the outside world was totally cut off, except with ABRI who were on duty there.”*

When the CAVR Deputy Chairperson, Fr Jovito de Araujo, asked Mr Gomes if the community received support from the Church, he replied “in 1986-87 they started to recognise us again, but between 1983 and 1985 we were left to ourselves without help.”

Mr Gomes asked the CAVR to continue its work recording information at the village level, to help people recognise and understand that so many died in massacres and of starvation as a result of the struggle for independence. He asked the government “to work to ensure that future generations do not suffer such terrible experiences. The community needs help – please help with education, this is so important. The State must help us grow as full people.”

Mrs Olinda Pinto Martins also gave testimony of the massacres in Kraras in this period. She spoke of how, on the night of 8 August 1983, she heard gunfire during what was the killing of the Battalion Zipur 4. She said that in fear they fled and hid in the river.

Mrs Martins spoke of the difficult decision she faced when the Indonesian military returned and called on people to come out of the forests. She was with her two small children, one-and-a-half years and five months old. She told of how she met two survivors of the massacres who told her what had happened, and in fear stayed in the forests for five months with her children. After being taken by the military to the town of Dilor, she stayed with family members until she was moved several times by the military and finally to the village of Lelerek Mutin. “While in Lelerek Mutin we had to work hard because there were no more men left. Only children, women and the elderly were left.”

### **Santa Cruz 12 November 1991: urban massacres**

The Santa Cruz Massacre of 12 November 1991 is perhaps the most notorious of the massacres being considered by CAVR, and certainly before 1999 the most widely known. Unlike earlier and later massacres, at least some of the killing at Santa Cruz was captured on film and reported by courageous international journalists. Their reports and film smuggled out of Timor made the killings impossible to deny and changed the way the world saw the Indonesian occupation of Timor.

The second day of the hearing focussed largely on the Santa Cruz massacre. Testimony was heard from a survivor, Mr Simplisio Celestino de Deus, Mrs Helen Todd, mother of Malaysian victim of the massacre Kamal Bamadhaj, and the film-maker who shot the film, Mr Max Stahl. A large audience gathered to see and hear this testimony, indicating the importance placed by the Dili and national public on this notorious massacre.

Mr Simplisio Celestino de Deus gave the opening testimony. He opened to spontaneous applause when he said:

*“I want to say that I do not see myself as a victim. I see myself as someone who has struggled (a combatant) who succeeded, with a spirit of patriotism, in liberating our land ...”*

Mr de Deus spoke with passion and emotion, recalling the events of 1991. He began by setting the context for the growing urban clandestine movement of the late 1980s, which seized the moment of the Pope’s visit to Timor in 1989, holding a demonstration at Tasi Tolu.

*“We cried out: ‘We are at war, we are suffering, we are hungry and crying’. We told the world ‘we are suffering.’*

He spoke too of his involvement in an earlier peaceful demonstration held by Timorese youth at the Turismo Hotel when US Ambassador, John Monjo, visited Timor in January 1990. Countering this urban clandestine movement was the Indonesian intelligence network, which in 1991 “was operating here in full force.”

Mr de Deus then spoke of the expectation in 1991 of a visit from a Portuguese parliamentary delegation, and the build-up to this. “We planned a peaceful action to welcome the arrival of the Portuguese parliamentary delegation.” After the delegation cancelled its visit, Mr de Deus said, a large group of Indonesian police, military and intelligence gathered at the Motael Church on 28 October to take the young people who had been preparing there. One of the young people, Sebastiao Gomes, was killed by military.

*“In order to recognise our brother Sebastiao Gomes, we held a big mass at Motael Church. This was organised well and with discipline. We planned to march to the cemetery. We organised our own security to make sure that no-one was carrying knives or weapons, we would be empty-handed, only shouting.”*

His job, Mr de Deus said, was to take photos of the march. He spoke of how once at the cemetery, the young people were shouting “We want independence, we want liberty!” and were singing the songs of the independence movement.

*“... In front of Santa Cruz a large group of people began to enter where the graves are, others lined up along the road in front of the cemetery, waiting for others to arrive. ... a large group went on top of the walls of the cemetery and began unfurling banners and giving orations ...I was taking a lot of photos. ... I did not realise that ABRI troops had already entered the Indonesian military cemetery across from Santa Cruz. ... I did not think the Indonesian military would shoot.*

*“And then the shooting started. I saw Francisco Binaraga, next to me, drop. And we all started running into the centre of the cemetery. I saw so many people fallen from the shooting.... Once inside the cemetery I tried to look for a place to hide. Soon the military stormed in and started to beat victims who had already fallen to the ground. They kicked people who were still alive and beat them with rifles. They finally captured me ... an ABRI member from Battalion 303 from Sulawesi cut my ear ... I was beaten, and kicked in the head where they had cut my ear off ... I thought they wanted to kick me till I died, but the I heard a military person shout that the Commander wanted me alive ... they kicked others like they were dogs ... I saw one die from this kicking ...”*

*“... they finally put me into a Hino truck which was already full with dead bodies. When the vehicle began to move there was someone amongst the bodies who still moved. He tried to get up and asked for water from the guys in charge. Instead of giving water, the soldier in charge stabbed his chest with a bayonet. This happened right in front of my eyes ... when the soldier guarding saw any other bodies move, he immediately hit them with his weapon or kicked them and stepped on them until they stopped moving ... I felt I wanted to die, all my friends were killed ...”*

Mr de Deus spoke also of the killing that followed, especially of the scene at the military hospital where many survivors were taken by the Indonesian military.

*“Many were killed at Santa Cruz, but many were killed outside, later, after they had run. On the road, hiding in houses, in bathrooms. So many died like this ...”*

At the hospital, he said, “we were held in a large hall ... so many people ... the floor was just covered in blood and bodies, so many ... more than 300 ... I saw this myself ...” Mr de Deus spoke of how the Indonesian military, Kopassus, interrogated him, beating and kicking him. He said he told them:

*“Today you can kill me, you can get rid of me. But my younger brother is growing up and he wants independence. We just want peace and independence. If you go back to your land and have independence, and we live here with independence, we can live as friends – that would be very good.”*

After which, he said, they beat and kicked and threatened him. Mr de Deus was held at the hospital for nine days and then moved to the district police station in Comoro for 30 days. In February 1992, he was moved to Los Palos, where he was held as a prisoner of the military. He was taken to Bali during this time to attend a court case, and was released in 1993.

Ms Helen Todd gave testimony as the mother of the young Malaysian student killed at Santa Cruz, Kamal Bamadhaj. Since 2001, Ms Todd has been working in Timor as the director of the micro-finance organization Moris Rasik, providing financial assistance especially to poor women in rural communities. Ms Todd said that for her, it felt like it was time to share some of her feelings with the Timorese survivors and families of victims.

Ms Todd said that she wanted to clarify some of the misconceptions that had surrounded Kamal and what he was doing in Timor in 1991. Many mistakenly believed Kamal was a journalist, she said, from New Zealand. Kamal, she said, was a student born and educated in Malaysia. He was a Muslim. At the time of the Santa Cruz massacre, Kamal was a second year university student in Australia. When he had moved to Australia to study, he had been shocked to learn of the situation in Timor. In neighbouring Malaysia he had never heard of it.

Ms Todd said that Kamal had first come to Timor in 1990, when he made friends in the student movement and with one family in Baucau.

*“... He was horrified by what he saw and heard in Timor in 1990. When he returned to Australia he joined an activist group called AKSI. This group worked for Timor and for pro-democracy movement in Indonesia. He was also involved in the Timor Talks campaign, initiated by President Xanana. He met with Jose Ramos Horta.”*

Ms Todd spoke of the expectations for the visit of the Portuguese parliamentary delegation in 1991, and how a main aim was for them to be able to meet secretly with Xanana Gusmao. Kamal, she said, was already planning a return visit to Timor and that he agreed to come earlier when Jose Ramos Horta had asked him to bring documents for this meeting.

At the time of the massacre, Kamal was in Timor working as an interpreter for Bob Muntz of Oxfam Australia.

*“Kamal was not shot at Santa Cruz. (After the shooting at the cemetery) he was ... walking along the road of the old market. As you know an Intel agent had earlier been stabbed. The ABRI unit that had taken him to hospital was returning and saw Kamal walking alone. They shot him’*

Ms Todd said that a member of the International Red Cross tried to take the bleeding Kamal to the civilian hospital but was refused entry and obliged to go the military hospital, losing precious time. He died after admission from loss of blood.

*“... I have a copy of a secret ABRI report about the killing of Kamal. I have the names of all the members of this unit and the Commander. I do not want to give the names today, but I will give this report to the CAVR.”*

Through barely held back tears, Ms Todd reflected:

*“Kamal’s death was one small part in the struggle of thousands and thousands, A small thing, but you will understand that it is important to me.”*

Ms Todd spoke of the lies that followed Kamal’s killing.

*“Max Stahl was graphic about the lies told after the Santa Cruz massacre. I can testify that this is true. For three days the Indonesians denied that any internationals had been killed. Then the official Indonesian report was that Kamal was killed in the cross-fire. Then it was suggested that he was some sort of stupid tourist, killed because he should not have been there.”*

National Commissioners asked Ms Todd about the attitude of the New Zealand and Malaysian governments to the killing of her son Kamal. Of New Zealand, Ms Todd said that they were initially very helpful in terms of the retrieval of the body, but that once this was done “it was back to the business as usual of anything to please Indonesia.” Malaysia, she said, barely acknowledged the killing. The major English language newspaper wrote of the killing, editorialising generally that young people should not get mixed up in politics, that if they do they are somehow troublemakers.

She recognised the efforts of the Red Cross in Dili to help her.

*“Kamal was first buried in an unmarked grave in Hera. It was only because of the efforts of the Red Cross representative Anton Manti that we had his body removed, and were able to have him buried in Malaysia.”*

Ms Todd finished by remembering a small gesture a few days earlier on the anniversary of the Santa Cruz massacre:

*“This year, on the anniversary, I walked to the place where Kamal was shot. People came out to tell me that the place was a little further along the road. Later that day, I came back to the place. Somebody had come and placed flowers and candles at this place. I thank you.”*

Max Stahl was the cameraman who filmed the images of the Santa Cruz massacre that screened throughout the world. He showed segments of his films and gave testimony on the second morning of the hearing.

Mr Stahl gave detailed testimony as to what he saw on 12 November, and on the results of extensive investigation and research he subsequently conducted over a period of years following the massacre. From these two sources of information, Mr Stahl also shared with the Commission his views as to some of the causes of the massacre, and also the pattern of the Indonesian and international response.

Mr Stahl began with the words:

*“The 12th of November is a day of Timorese youth. Timorese youth made a big sacrifice, the flower of this sacrifice, we can say, is Timorese independence.”*

He spoke of the international indifference to the situation in East Timor before the Santa Cruz massacre, and recognised both the presence of other internationals at Santa Cruz in 1991, and of efforts of others to shift the attitude of their governments on East Timor for many years:

*“When we came to film in East Timor in 1991 for British television, East Timor was not a story. Nobody in Britain was interested in East Timor. I speak here as a foreign witness. There were other foreign witnesses at Santa Cruz. Russell Anderson who is here today, Helen Todd, her son was killed, and there were several others on that day. Many foreigners had tried to tell their governments about East Timor. Some are here today who campaigned for so many years.”*

Mr Stahl showed two segments of video footage. The first was of the events of 12 November. This footage included some of the images that came to be known throughout the world in the 1990s: young people nervously marching in the street calling out “Viva!”, a young boy of about ten years holding his fingers up in a V sign as he passes the camera; young people running in panic into the cemetery, jumping over the bodies of those fallen, as constant gunfire is heard; a young man dying in the arms of his friend leaning on a tombstone; Indonesian soldiers calmly giving and taking orders on the edge of the cemetery to circle the walls, one chillingly signalling to the cameraman to come over to him.

Responding to a question from CAVR chairperson Mr Aniceto Guterres Lopes, Mr Stahl described the crowd of young people as the march left the Motael Cathedral:

*“Some people joined and went all the way from Motael, I think about 1000-1500...some people joined the march, some left it. Most people who talk about numbers estimate 3000 people at the cemetery – inside the cemetery, on the road in front, still coming.*

*“Not all were killed in the cemetery. The killing went on for some hours, perhaps some days. My estimate as to how many were killed is not based just on what I saw. I use the figures of the group Paz e Possivel, who did the figures twice. For seven years Indonesia was presented with a list of the disappeared in the Human Rights Commission ... as far as I know they never found one of them.*

*When I talk about the figure of 500 people ... it is an estimate of the total number killed ... the killing went on for days ... People were hunted like rabbit hunting. We talk of a massacre like it was shooting into a crowd. It was. But most people were killed after that. By soldiers who moved through the crowd, stabbing and killing. Children, fifteen, sixteen years old. One young man next to me was stabbed five or six times – he wasn't even wounded before that.”*

Mr Stahl spoke of how when the Indonesian military attacked the demonstration it was a well organised, co-ordinated operation. After the initial shooting, he spoke of a calmly implemented strategy of violence, co-ordinated by officers. He countered what in 1991 was put forward as a reason for the Indonesian soldiers massacring the students, that they were furious when an intelligence operative accompanying the march was stabbed and reacted with violence.

*“The troops were clearly not out of control. They were marching in step. They were not doing anything on their own initiative.*

*“If there was a response to the stabbing of the Major, it was not by the troops, it was by the officers. Clearly you could see the Indonesian soldiers were ordered to surround the cemetery. They surrounded the cemetery in a very organised way. You can even see in the film an Indonesian officer in civilian clothes ... directing traffic, moving soldiers around the cemetery ... it was clearly to go round and catch everyone in the cemetery and the*

*people they were shooting were those trying to run. It took nearly 40 minutes for the soldiers to enter the cemetery. That's why I had nearly 40 minutes to film. You have seen film from the two cassettes I buried in a grave. On a third cassette I filmed senior Indonesian officers, Colonels at least, coming into the cemetery and inspecting. They were calm, like they were inspecting the guard at Buckingham Palace. There was no panic. If there was a response it was not from the lower levels, but the officers."*

Mr Stahl made the point that so much of the killing occurred after the initial shooting, and was done in a very calculated way:

*"When I was in Santa Cruz I saw young men with their thumbs tied behind their backs, their shirts off ... one or two of these young men are alive today, most dead, but they were not wounded at the time. An Indonesian soldier, a Timorese TNI member, told Bishop Belo that he was involved in shooting young men who were tied in sacks and thrown in a ditch. These people were praying for mercy ... it seems very likely that some of the people who disappeared who had their thumbs tied were some of those shot and thrown in the ditch.... At least one survivor believes that this tying by the thumbs is a military sign that the person will be executed ..."*

Mr Stahl later noted that he saw about 50-60 people with their thumbs tied.

Mr Stahl showed footage of a documentary he made after a secret follow-up trip to Timor in 1993 to investigate allegations of the killings that followed the cemetery massacre, particularly in the Dili military hospital. The footage showed interviews with Timorese survivors of the massacre, talking in darkened rooms with their faces hidden, and an interview with a survivor who had escaped to Portugal and could speak more openly.

*"In 1993, I ... interviewed several people who were in my film (from 1991). They told me that not only had they been stabbed and burnt, but that they had been poisoned in hospital. According to my information, the poison I was given by Joao Dias, who was a worker at the hospital that day, and which I had analysed by a laboratory in Britain, this was a medicine that could not have been given by accident to a hospital worker. It was formaldehyde, used to kill insects and to disinfect. According to my information a doctor had to sign for this large quantity of formaldehyde to bring it from another building ... (and later) ... I believe the doctor in charge should have had to sign for the pills."*

In this second film, one young man recounted the scene at the hospital after the cemetery massacre:

*"At the hospital I saw them dump bodies, people still alive, like animals. Then they drove trucks over them."*

Another survivor recounted:

*"In the morgue some were still alive, moving. Two soldiers entered, one carried a big rock in his hand. The one with the rock in his hand checked the bodies. If they were still alive, he hit them over the head with the rock till they died. One person stood up, said I am still alive, don't hit me ..."*

Mr Stahl spoke of the Indonesian and international reaction to the massacre. He castigated the Australian government, and the then Foreign Minister Mr Gareth Evans, saying that it was their lies that formed the foundation of the wider international response to the massacre that allowed the Indonesian military to conduct its own internal inquiry.

He said the Indonesian general put in charge of the Indonesian inquiry was a military hardliner who ten years previously had been responsible for a number of massacres in the Los Palos area of eastern East Timor.

*“... politicians lied to journalists. Mr Gareth Evans, then Foreign Minister of Australia, told us that this was just the action of a small number of Indonesian soldiers. This message was used by other governments and put out that the Indonesians would investigate and prosecute those responsible. This was a lie, there was no truth to it, none whatsoever. If Mr Gareth Evans didn't know that he should have fired his entire intelligence network.*

*“What did happen is that the Indonesians brought General Theo Syafei, with others who had been here in Timor ten years earlier. People from Los Palos will know Theo Syafei was responsible not for one but for a number of massacres. We have heard from ...Los Palos that General Syafei's soldiers killed, in front of him... And in Matebian, he saw his soldiers kill a man and woman and eat them. This was the man given the responsibility of bringing to justice the perpetrators of Santa Cruz.”*

National Commissioner Isabel Guterres asked Mr Stahl his view as to whether the massacre was somehow an “aberration”, the word used by the then Australian Foreign Minister. In response, Mr Stahl made his central point:

*“It is clear that this was not the action of a group of soldiers, but of the commanders, the police, the hospital staff – the whole Indonesian state ... (and later) ... When killings happen like what we heard from Simplisio, in hospitals, this takes more than two people – it takes a whole state system to do this.”*

### **1999: the Liquica massacre**

The CAVR truth seeking division is taking statements from survivors and family members of victims of the 1999 violence, including the most serious crimes. Many people have come forward to give testimony about the massacres that occurred across the country in this year. These crimes are, of course, also the focus of the Serious Crimes Unit and the Prosecutor General who have already made nearly 400 indictments. CAVR public hearings include testimony about these crimes. However, CAVR has a policy of focussing on earlier, less known and investigated crimes and violations during its 24 year mandate period.

In this hearing, the CAVR heard one testimony from 1999, about the April 1999 Liquica Church massacre. Mrs Herminia Mendes spoke of the days of terror leading to the massacre, and of the attack on the church by the “Besi Merah Putih along with the police and military.”

Mrs Mendes spoke in a calm, collected way, as if holding in the emotions of these memories. She told how on 5 April militia and military had attacked young people in the town, killing one and wounding others. She could hear shooting in the town. In fear, townspeople and villagers fled to the church for refuge. That afternoon, the militia and military burnt down the house of the sub-district administrator.

*“For the two days we were in the church we did nothing but pray. At night none of us could sleep. At night, the militia began disturbing us by using dirty and foul language.”*

Mrs Mendes said that at nine in the morning of 6 April, the leader of the Dili militia group came to speak with Fr Rafael and Fr Jose at the church.

*“At one o'clock in the afternoon the Besi Merah Putih militia along with the police and military attacked the church. The Brimob (Police Mobile Brigade) arrived as if to rescue the people, but it was actually the police that started the shooting. They shot into the air*

*at first, as if to give the militia the opportunity to enter the church. Then they started killing and wounding civilians who were there ...*

*“When they attacked, civilians ran out of the church because the militia, Brimob and the military started shooting, stabling and killing civilians who were hiding in the priest’s office. Everyone ran and dispersed and started looking for hiding places by themselves. ...When the militia attacked the church, they brought sharp weapons, explosives, axes, swords, knives and other sharp weapons. The militia and military, many of whom we knew, had covered their faces with masks ... The police and military had prepared a vehicle to carry people to the District Administrator’s house. Upon arrival at the ... house, the militia continued their actions and beat and wounded civilians ... several died there as well ...”*

This testimony concluded testimony from survivors, family members of victims and witnesses.

### **Analysing the patterns: recognising the factors behind mass killings**

The hearing concluded with expert testimony from Professor Geoff Robinson. Professor Robinson currently teaches Southeast Asian history at the University of California, Los Angeles (UCLA), USA. From 1989-1995 he was Head Researcher for Southeast Asia at Amnesty International in London, focussing on the human rights situation in Indonesia and East Timor. In 1999 Professor Robinson was a member of the UNAMET Political Affairs team in East Timor. He has published books and articles on political violence and human rights in Indonesia and East Timor.

Professor Robinson gave testimony on the patterns, causes and contributing factors of killings and massacres in East Timor between 1974-1999. He made four main points, in summary:

1. The dozens of massacres and multiple killings that took place in East Timor from 1975 to 1999 were not random events, and they were not the actions of “rogue elements.” Testimony, documentary evidence and recurring patterns over 24 years make it clear that they were part of broader policies of systematic terror and revenge, implemented with the knowledge and acquiescence of the highest military and civilian leaders of Indonesia, and sometimes on their orders.
2. The massacres were facilitated by a number of aspects of Indonesia’s New Order regime and society. Among the most important factors were: the political dominance of the military; the regime’s obsession with stability, order and anti-communism; the mobilisation of militias and paramilitary forces to fight internal enemies; the deliberate use of terror as a counter-insurgency strategy, as in 1965; the idea of collective punishment; the problem of impunity; the weakness of civil society, media and NGOs due to state oppression.
3. The massacres were also facilitated by certain features of East Timor’s own society and politics. The following factors were especially important: some East Timorese did work and fight on the Indonesian side; Fretilin and UDT did commit violations – including massacres, inviting revenge; East Timor’s own civil society, political system and media were extremely weak due to Portuguese and Indonesian rule; some East Timorese political parties apparently accepted the notion of collective punishment, and killing in custody.
4. The massacres, and massive violence generally, could not have happened without the direct and indirect support of key foreign governments especially the US and Australia. By providing critical military, as well as economic aid; and by systematically lying about and covering up the extent of the killing, these states (and many others besides) were complicit in them, and arguably share responsibility for them.

Professor Robinson's testimony was closely followed by the large audience, and after National Commissioners asked for some clarifying points, the floor was open for questions.

Professor Robinson stressed the importance of countering the impunity problem, for Timor-Leste, for Indonesia and for the wider international community. He suggested that the CAVR not focus only on issues of trying to decide whether genocide occurred in Timor-Leste, or trying to determine the exact number of people that died over the 24 year period. "The violence in Timor-Leste was monstrous and there were crimes against humanity, and these can be prosecuted in an international tribunal," he said.

In countering impunity, he said, it is important to investigate and try those responsible for the most serious crimes from 1975 to 1999. The focus, he said, should not only be on the 1999 violence. He spoke of the large amount of evidence from internal military and militia documents, and from testimonies and accounts to assist this work.

*"Is it (an international tribunal) a dream, just like the dream of independence? Many people will tell you it cannot happen. Like independence, it can happen. In the 1980s, diplomats used to say that independence couldn't come and those who defend human rights just prolong the suffering of the Timorese people. In Washington the things that are said now about the international tribunal, are just like what used to be said about independence."*

In working to achieve the establishment of an international tribunal, Professor Robinson urged those present to value and support the current work of the CAVR and the Serious Crimes Unit in Timor-Leste. He also said that in order for the international community to call for an international tribunal, it is necessary for the Timorese government to present a clear desire for an international tribunal.

### **Closing reflection**

Fr Jovito de Araujo, Deputy Chairperson of CAVR, gave a closing reflection at the end of the three days of testimony.

*"I am overcome by the courage, spirit of forgiveness and commitment to reconciliation from our witnesses, even from those who have suffered beyond our imagination. The incredible strength of our people fills me with pride to be East Timorese."*

*"This morning, Mr Antonio summarised the hopes of the victims and all our people when he said: 'We must keep our eyes on the past when we are moving forward, and never repeat what has happened.'"*

Fr Jovito continued:

*"We must learn from the violence of the past and the way the Indonesian state operated here – we must work so that we do not follow the bad example set by the Indonesian military in our country. How do we stop this? First we must not say that this could never happen again here. In fact, unless we pay attention the past could repeat itself, as it has happened in many other countries. Instead, we must be constantly alert, watching out and preventing the first steps along the road ..."*

Fr Jovito welcomed the insights and advice given by the witnesses over the three days of hearing, and summarised them:

*"Among these are five major suggestions to our government:*

1. *The military must always be kept separate from political power and never be used against peaceful actions.*
2. *We should never allow civilian security groups to be formed or tolerated by the government. These groups are too easily manipulated to provide forceful or violent backing to political causes.*
3. *Human rights must be the basis of our government. The government, military and the police must always act according to principles of human rights. These civil rights must be respected even when it makes governing more difficult.*
4. *Justice and the law must be applied equally to all people, it must make no difference if they are powerful or not. And justice must only be applied to individuals who have broken laws made by parliament. Force, or punishment, or the mechanisms of justice can never be applied to groups because of different beliefs of those groups, or because they oppose those in power. This is an important lesson from our past.*
5. *Reconciliation must be based on justice if it is to be effective.”*

In concluding, Fr Jovito reflected:

*“Once again we must thank the courageous witnesses who have shared their pain and wisdom with us. Let us always remember their strength and keep it in our hearts, to give us the courage we need as we move along the difficult road ahead.”*