An assessment of the needs of families of the Missing in Timor-Leste

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Executive summary

Families of the Missing in Timor have a broad range of needs, driven by their experience of conflict, widespread poverty in the country and the importance to all Timorese of spiritual issues deriving from the animist culture that coexists with a deep commitment to Catholicism. Needs of families cannot be uniquely described; they vary as a function of wealth, education, whether a family is urban or rural, and the time and circumstance of disappearance. This report, and the ethnographic methodology that underlies the research, aims to describe the range of needs families articulated, permitting the words of victims themselves to outline needs on the terms of the families themselves. Since the end of the conflict a range of experts, local and foreign, as well as the nation’s leaders have spoken on behalf of victims of the conflict, commenting on the need for prosecutorial justice, or conversely their prioritising of reconciliation with Indonesia. These statements have not been based on any rigorous empirical work with victims of the conflict and it is hoped that this study can permit victims’ priorities to finally emerge, untarnished by the agendas of others.

Persons went missing in Timor-Leste over a period of 24 years, from 1975 when internal conflict first began, and through the years of Indonesian presence that ended with the violence around the popular consultation in 1999. Many of the families of those missing from the early years of the conflict, when casualties were greatest, became separated from relatives as they fled through the mountains, or left the bodies of loved ones where they fell in remote areas. Throughout Indonesian times, the arrest of loved ones often ended with their never being seen again. From the start of the conflict, Fretilin and Falintil were also responsible for persons going missing, albeit on a lesser scale. In 1991 the incident at Santa Cruz in Dili became a defining event of the conflict; families however are still waiting for news of the many young people who disappeared at the time. In 1999, many were taken by the militia or Indonesian forces and never seen again, others were seen to be killed, but bodies never recovered. This study met families impacted by all these phenomena. Most of the missing were male and young (average age 30), often from poor communities in the countryside; they left behind wives and children, often with little economic security.

Families identified a range of priorities that were explored further in the interviews and focus groups of the study.

- The need expressed by the greatest number of families (61%) was that for economic support; whilst many families have had the opportunity to develop mechanisms to cope with the loss of loved ones, those who lost husbands and fathers in 1999 are still struggling to make ends meet. Many families are confronted with the daily struggle of being able to afford to send children to school, to feed their families, and to pay for expensive rituals for the dead of the conflict.

- Almost one third of families mentioned the need for recognition of the sacrifice of the family as a priority, notably from the state. Whilst almost half of all families met have received a medal as part of the ongoing valorisation process, there remains no mechanism to acknowledge the many civilians, not active in the resistance to Indonesia, who died or are missing as a result of the conflict. The most commonly understood type of recognition was economic support. When explicitly asked, 69% of families sought a memorial to the missing and the dead, particularly important where there is no body.

- 30% of families still seek the truth about the fate of the missing, and remain living with ambiguity about whether loved ones are alive or dead. In some cases the impact of the ambiguity of their loss remains severe, even decades after disappearance. Parents of young boys taken by Indonesian soldiers presumed their children to still be alive in Indonesia. A majority, a little over half, of all families met believe that their loved one is dead, even though most have received no information, and have been unable to access the body of the missing person. The understanding that a missing loved one is dead has often come as a result of the time they have been missing or as a result of contact with the spirit, in dreams or otherwise, that is perceived as confirming death. Many of these families have
performed the appropriate traditional rituals, often using a substitute body where they do not have access to the remains of those missing; in other cases families lack the financial capacity to make such rituals. Even where death is assumed however, most families see access to human remains as very important.

- 10% of families mentioned retributive justice as a priority, and when asked explicitly about the need for prosecutions, only a minority (40%) sought them. For most families justice is perceived as receiving an answer regarding the fate, the return of remains, or recognition and compensation. A significant minority however, notably families of victims from 1999, felt judicial process to be very important.

- 6% of families articulated no needs; they have accepted the death of their loved ones, have made appropriate ritual even where the body has not been received and have received recognition and in some cases economic support from the Government.

The most important cultural element of the expressed needs was the performance of rituals that would permit the spirit of the Missing to rest in peace. The consequences of not making rituals for the dead were universally believed to be the potential sickness and death of family members, and instances of both were reported during interviews. For Timorese families a malign spirit is the most negative potential impact of a missing relative; where the missing is believed to be dead rituals can be made even in the absence of body, but for those who remain ambiguous about the fate of a loved one such rituals cannot be done. In Timor-Leste, addressing the missing issue means not only addressing the needs of the families but also the demands of the spirits. For some families the peace of the nation is dependent upon this, with recent violence in the country perceived as arising from the many spirits of the conflict dead still not at rest.

Disappearance has had an impact on the well-being of families, with sadness, depression and mental illness seen in families. Others demonstrated avoidance, somatic physical symptoms and hanoi barak, a Tetun term indicating anxiety or intrusive sadness. A minority of family members were not coping well, suffering repeated thoughts and dreams of the Missing and unable to move on with their lives, and a small number are disabled by mental illness.

The study also permitted a victim-centred evaluation of the transitional mechanisms that have taken place in Timor-Leste. Most of these processes, notably the prosecutorial, are little known to families. CAVR was known by a majority of families but very few were aware of its mandate. Only 13% of families reported having been met by CAVR staff and it is criticised by many for having had no impact on victims. The valorisation process led by the Veterans’ Commissions has led to 45% of families of the Missing receiving medals, which are hugely welcomed, making this by far the most effective of all transitional mechanisms. Most families however still await compensation.

Recommendations are made to the Government of Timor-Leste concerning action required to address the needs of families of the Missing. These include:

- The establishment of a dedicated Office for Missing Persons to determine the fate of the Missing and assist in the retrieval of the remains of those who are confirmed to be dead.

- A reparations scheme that includes valorisation of civilians who died in the conflict, a programme of memorialisation and the establishment of a legal status of ‘missing’, as well as including victims of conflict in ongoing social assistance programmes.
1 Introduction

We need the Government to approach us, to hear us, what we have to say to them then they can go ahead with other things. The Government has to know that we believe in our tradition. they have to respect that. After doing all the ceremonial tradition then they can think of a monument for the heroes of the nation. (Mother of missing man, Dili.)

Timor-Leste has been subject to armed conflict on a significant scale since the chaotic end to the Portuguese colonial presence in 1975 that led to an internal conflict characterised by fighting between Timorese political parties. Following the Indonesian invasion a conflict which has been the object of different studies, among others the report published by the CAVR (CAVR, 2005). The conflict was characterised by the phenomenon of missing persons perhaps more than any other violation of humanitarian law. Estimates suggest around 200,000 persons were killed (Staveteig, 2007), but no estimates exist of the fraction of these whose bodies were never found, or whose families had no chance to perform proper rituals. An approximate estimate made here suggests that tens of thousands of these are missing according to the definition of the International Committee of the Red Cross (ICRC) (see below).

In Timor-Leste people went missing throughout the conflict and in a range of circumstances. Many were lost in the mountains in the late 1970s and early 1980s as Fretilin tried to ensure the population remained out of Indonesian control. Attacks dispersed families and loved ones were never seen again. In many cases relatives were killed, either while fleeing or while fighting in the mountains, and were either left where they fell or hastily buried without due ritual. Persons were arrested, mostly by Indonesian forces but also by those resisting the Indonesian presence, and never seen again by their families. Others disappeared in mass killings, such as at the Santa Cruz cemetery in Dili on 12 November 1991. The final convulsion of violence around the popular consultation in 1999 added to the list of families with no knowledge of the fate of loved ones, with a majority of the families of those killed never having received the bodies of their loved ones.

Since the conflict ended Timor-Leste, first under UN administration and later as an independent state, has been attempting to deal with its violent past. International experts have aided the country to establish mechanisms that have included trials and a truth commission (CAVR); more recently a concrete process with Indonesia, the world’s first bilateral truth commission, the Commission for Truth and Friendship, has engaged Timor-Leste’s old foe in this process. Throughout the decade since 1999 however the families of those who remain missing have been largely forgotten. There has been no process to address the needs of families of the Missing, although some families have received recognition through the ongoing valorisation process.

This report attempts to allow the families of the Missing to articulate on their own terms what they see as their needs. It asked families to define their own priorities and asked open questions to allow the families themselves to set the agenda of interviews and focus groups. The structure that has emerged and the themes that give titles to sections came naturally from the content of these discussions. Many of these needs are a direct consequence of what happened to missing relatives: the need for an answer, the need for a body and the need to do ritual that will allow a spirit to rest. Even three decades after they last saw loved ones, some families remain highly impacted by the ambiguity of their loss, and demand to know the truth. The needs of families will not exclusively result from their relative being missing; these are ordinary families, mostly poor and rural, who share the many challenges of the lives of most Timorese, notably the daily struggle to make a living. As such, many families articulate the daily needs for food, health care and education for their children that are still denied many of the population of Timor-Leste, whether these needs have been deepened by their loss or not. Most of all this is a plea from families to the authorities, largely but not exclusively their own Government. They see a country that is developing and coming to terms with the challenges of its past, but they feel left behind and unacknowledged; this report serves to ensure that at least the voices of the families of the Missing, and their needs for action from those who represent them, are recorded and transmitted.
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Victims and perpetrators
The post-war discourse in Timor-Leste has very much reinforced the idea of a valiant resistance and a rapacious colonising Indonesian military, despite the reality that a number of Timorese parties systematically engaged in behaviour that led to violations on a large scale. This has been challenged by the work of CAVR and others, but remains a convenient myth for many. Additionally, a large number of Timorese were recruited into the security forces of the Indonesian occupiers, notably the Hansip militia and including the police and ABRI/TNI. Thus there is no black and white divide between those who fought for independence and those who committed violations; inevitably the conflict is actually constituted of a range of shades of grey. Relatives were met where the force of which they were a part was responsible for a disappearance:

When the conflict began, I was a soldier. I was a member of the Portuguese military and turned into an Indonesian soldier; it was just a change of uniform. (Brother of man disappeared by Indonesian forces, Dili.)

This has implications for where information can be found about missing persons. Even where Indonesian forces were nominally responsible for a disappearance, it is likely that in some cases significant data can be found within Timor-Leste. Similarly for cases of Falintil missing in action, even where the occupation authorities have kept no data, those who served alongside those missing can have valuable information, and this has served as the basis of the widespread exhumation programme conducted by the F-FDTL to retrieve the bodies of those who died fighting.

The Missing and the disappeared
Persons missing in conflict are those: “unaccounted for as a result of international or non-international armed conflict or internal violence” (Crettol and La Rosa, 2006: 355). The issue of missing persons is relevant in a large number of contexts, with almost every contemporary conflict leaving significant numbers of families with no news of loved ones. Legal definitions can be used to identify those whose absence violates international humanitarian law or international human rights law and from these legal definitions flows an implicit definition of missing persons. Human rights law refers to “disappearance”, meaning enforced disappearance, where persons are arrested by a state party or those associated with it (UN Convention on Forced Disappearance, 2006). In the context of Timor-Leste this excludes those made missing by the forces of Falintil and Fretilin during the years of Indonesian rule. Here, the definition of a missing person is that used by the ICRC, taking inspiration directly from international humanitarian law:

“Missing persons or persons unaccounted for are those whose families are without news of them and/or are reported missing, on the basis of reliable information, owing to armed conflict (international or non-international) or internal violence (internal disturbances (internal strife) and situations requiring a specifically neutral and independent institution and intermediary). The term family and relatives must be understood in their broadest sense, including family members and close friends, and taking into account the cultural environment.” (ICRC, 2003)

While this includes enforced disappearance, it also covers soldiers in the armed forces and combatants from opposition groups if their families or the authorities have no news of them (missing in action) as well as anyone else who appears to have disappeared in direct connection with a situation of conflict or violence. International humanitarian law (IHL) constrains parties to conflict to ensure that the fate of those killed or taken into custody is known, and this has led to some (including ICRC) to talk of a “right to know” the fate of those missing in conflict (Crettol and La Rosa, 2006), and this remains an emerging principle in international law (Naqvi, 2006).

The difference therefore between the “missing” and the “disappeared”, is that the latter refers only to those arrested by a state party while the former includes all of those whose fate is unknown, regardless of perpetrator (if any). The definition of missing persons arising from IHL also includes those killed in combat but whose families are unaware of their fate and those known to be dead but
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where the gravesite is not known to families. In some states the term “missing” is itself defined in law. This can be relevant for persons missing in internal conflicts, and such law has been prompted by the problem of the Missing in several contexts. In practice, all those who work with the issue of missing persons are forced to acknowledge that implicitly it is the families who decide if their loved one is missing, within some broad understanding. However, this normative approach, in contrast to a formal definition arising from law, is in itself problematic, since it ensures that any definition remains substantively subjective.

Here, “the Missing” refers to all those unaccounted for due to the conflict in Timor-Leste that began with the effective end of Portuguese rule in 1975 and ended with the departure of Indonesian forces from Timor-Leste in late 1999. A significant fraction of these were persons taken under the control of Indonesian security forces, i.e. the “disappeared”. Cases also arise in Timor-Leste of those arrested by Timorese parties, notably Falintil and Fretlin, but including other parties active in 1975, and never seen again. Perhaps the largest number of cases however arise from persons separated from families during the significant displacements of the late 1970s and early 1980s, and those who died during such displacements and whose families were unable to either bury bodies or conduct appropriate ritual.
2 The Missing in Timor-Leste

2.1 A history of the conflict

Timor-Leste (officially the Democratic Republic of Timor-Leste), also known as East Timor, comprises the eastern half of the island of Timor and Oecussi-Ambeno, an exclave on the north-western side of the island, within Indonesian West Timor. The nation’s borders were defined by its past as a colony of Portugal from the 16th century.

A disorderly end to the Portuguese colonisation resulted from an effective abandonment of Timor by the Portuguese in 1975. This was prompted by the Carnation Revolution in Portugal in April 1974 and the resulting activity of newly legalised Timorese political parties who prepared for elections planned in 1976. Two major political parties (initially allied) emerged at this time: Fretilin (Frente Revolucionária de Timor-Leste Independente), a socialist and nationalist party that had established strong support in rural areas, and UDT ( União Democrática Timorense), the party of the traditional elites who originally sought to remain a part of Portugal (Dunn, 1983: 56, 60). A third party Apodeti (Associação Popular Democrática Timorense), supported integration with Indonesia, but had little support outside the small Muslim community.

Following efforts by Fretilin to seize power in the Oecusse enclave in June, in August 1975 UDT attempted a coup in an effort to frustrate increasing support for Fretilin (Dunn, 1983: 149-50). Tens of Fretilin leaders were arrested and dozens killed, resulting in a 3 week conflict between UDT cadres and Fretilin commanded Timorese troops of the Portuguese army. By the end of September UDT was defeated and thousands fled to West Timor, leaving Fretilin in control. Total casualties in the conflict were in the low thousands (Turner, 1992: 82), and the first cases of persons missing in conflict in Timor-Leste date from those weeks.Disappearances of those arrested by Fretilin and held in official prisons, mostly activists of other political factions, also occurred in this period. Indonesia sought to portray the conflict as a descent into civil war and had already begun military incursions into East Timor from Indonesian West Timor.

On November 28 1975, Fretilin made a unilateral declaration of independence of the Democratic Republic of Timor-Leste (Joliffe, 1978: 208-216) that was recognised by a handful of other nations but not by the important local players of Indonesia, Portugal or Australia. Indonesia responded by having UDT, Apodeti and other party leaders sign a declaration calling for integration with Indonesia.
Indonesian forces invaded on 7 December 1975, bombarding the capital Dili, and sending paratroops to fight street battles with fighters of Falintil (Forças Armadas da Libertação Nacional de Timor-Leste), Fretilin’s armed wing (Schwarz, 1999: 204). By the end of the year there were 30,000 Indonesian troops in the country, and Fretilin / Falintil had fled to the hills from where they conducted guerrilla operations. Indonesia formalised its control, installing UDT and Apodeti leaders in a Provisional Government, followed by an “act of integration” in which Timor-Leste became the 27th province of the Republic of Indonesia. Whilst at this time Fretilin controlled much of the territory, over the next two years the use of aircraft and defoliants broke the back of the resistance, notably an Indonesian campaign of “encirclement and annihilation” in 1977 – 78 (Schwarz, 1999: 205). Hundreds of thousands of civilians were forced into camps to deprive the fighters of logistical support, where they risked starvation (Taylor, 1991: 92-98, 203). During this time many of those Timorese who actively supported Fretilin were living in remote hill areas to escape Indonesian forces. The Indonesian campaign dispersed families and led to many deaths from illness and hunger: many of those missing from this time died in this way rather than through direct military action. During this period there were also a significant number of young children, particularly those of Falintil fighters, being taken by military personnel and other Indonesian officials and adopted into their families.

Armed resistance continued over the next two decades but at a much reduced level. By the 1990s only a few hundred fighters remained, and the struggle for independence had become a clandestine movement based largely in urban areas. Throughout this period however the movement was targeted by Indonesian security forces, with regular arrests and disappearances from detention occurring (e.g. ETHRC, 1998). The Santa Cruz massacre, where several hundred (CAVR, 2005) were killed at a funeral at a Dili church in 1991 is one example: the bodies of those who died were taken away by the security forces, and the families have no knowledge of what happened to their loved ones.

Suharto was forced from power in Indonesia in 1998, following the Asian financial crisis, beginning a liberalisation process that permitted the challenging of the expensive occupation of Timor-Leste. In May 1999, following strong international pressure, Indonesia and Portugal announced a vote by the people of Timor-Leste, to be supervised by the UN, to choose between autonomy within Indonesia or independence. Violence increased through the year, with pro-Indonesian militias committing a number of massacres, such as that at the church in Liquiça, which resulted in up to 100 deaths, with many bodies still not recovered (CAVR, 2005: 7.2, para 773 - 779). Whilst the referendum itself, on 30 August 1999, was generally calm, chaos erupted when the result, 78.5% in favour of independence, was reported (BBC, 1999). Pro-Indonesian militias began attacking people in Dili and further killings were reported around the country. Many people sought refuge in churches but were not spared by the militias, with the Suai Church massacre resulting in the death of up to 200 people (CAVR, 2005: 7.2, para 836 - 840). In the latter case 26 bodies were recovered and identified from a gravesite over the border in West Timor, but it is assumed that many more than this died but they remain missing. Some 300,000, around 30% of the population, were forced into camps in West Timor and around 75% of the population displaced. The violence was ended by the arrival of an Australian led international peace-keeping force (INTERFET) on 20 September. A total of around 1,400 people are estimated to have been killed in the violence, and some 200 bodies recovered: the remainder remain missing.

The United Nations Transitional Authority in East Timor was established to provide interim administration for East Timor, leading up to the country’s full independence in May, 2002. Internal conflict broke out in April 2006 as a result of a mass desertion in the armed forces, and ethnic divisions that led to 150,000 people being displaced.

The Missing in Timor-Leste thus derive from three very distinct periods of violence: the internal conflict between Timorese political parties in 1975, the Indonesian invasion and occupation (and resistance to it) from 1975 to 1999, and the spasm of violence inspired by the Indonesian military following the referendum result of 1999. The needs of families of the Missing concerning their
loved ones are likely to be a function of when and how they went missing: in this study efforts will be made to differentiate between the three periods to understand better how transitional process can best respond to each type of disappearance.

2.2 The cultural context

Timor-Leste’s population stands at a little over 1 million, according to data from 2007 (World Bank, 2008), and 73% of these live in rural areas, working in largely subsistence agriculture. The country remains the poorest in Asia with 41% living below the national poverty line and per capita income of $840 annually (ADB, 2007). Malnutrition remains a problem (da Silva, 2002).

The Timorese consist of a number of distinct ethnic groups, most of whom are of mixed Malayo-Polynesian and Melanesian/Papuan descent. Since the division of East and West Timor is a colonial legacy there are many links between the ethnic groups of the two halves of the island. As a result of the Portuguese presence a population of mixed Portuguese-Timorese origin exists, known as *mestcos*, who formed a traditional elite close to the colonial power. Many of those who led the resistance to the Indonesian presence have visible Portuguese origins. The small Chinese community was targeted during the 1975 invasion and has largely disappeared and there remains a small Muslim community.

The huge variety of Timor-Leste, ethnically, linguistically and culturally make it difficult to generalise, but efforts will be made here to identify the most general features of society that are relevant. The traditional beliefs of the people of Timor are animistic, and many of these traditions remain:

> Among the Timorese, this real life/non-physical life is translated into their view of the world, their cosmology and the world where they live [...], whereby the secular is inhabited by living things and the cosmos by the spirit and the ancestors. (Babo-Soares, 2004: 22).

This understanding has implications for attitudes towards death and the rituals associated with it (see below). However, since the Portuguese presence Timor-Leste has been nominally Roman Catholic. As a deep-rooted local institution the Church not only symbolized East Timor’s distinction from predominantly Muslim Indonesia, but the role of the Catholic Church in the resistance to the Indonesian occupation, with many priests and church officials taking a public stand against abuses by the authorities, strengthened its position and the church enjoys wide respect.

Most Timorese live in villages, where traditional structures remain relevant to their lives; a village will have a council of elders that is able to make decisions for the village. These leaders will traditionally have been chosen on the basis of a mix of hereditary rights and selection by senior male members of the community. This demonstrates the extent to which these hierarchies reflect certain power structures within communities, for example remaining male dominated. Such hierarchies were used by both the formal CAVR Community Reconciliation Process (see Section 2.5.4) and in informal reconciliation efforts at village level (Babo-Soares, 2004). Following independence an increasing number of hamlet leaders (*chef aldeia*) and village leaders (*chef de suco*) have been elected democratically in processes where female representation is mandated (Graydon, 2005). There are additionally the traditional former kings, known as *liurais*, who can play an important role in society and maintain some political power. Those entrusted with spiritual matters, such as the *lia nain*, who come from specific families and are in contact with the ancestors (Hohe, 2003) will have a status in the community similar to that of the Catholic priest.

The point has been made elsewhere (e.g. Hohe and Nixon, 2003) that ‘law’ in a traditional Timorese context is entirely conflated with both the traditional community structure and hierarchies and local spiritual beliefs, indistinguishable from the concept of ‘custom’ (*lisan*). Wrongdoing is thus seen as anything which disturbs what is perceived as a natural order, including not just what a modern state would consider crime but also any action that contradicts custom. Justice is largely
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restorative aiming at returning to a harmonious society and satisfying ancestors. Traditional punishment for murder for example might involved paying a fine and then working for the family of the killed for the rest of the perpetrator’s life. In modern times however the colonial authorities have traditionally been involved in such serious offences. Such traditional practice is highly likely to impact on perceptions of justice and reconciliation.

Timor-Leste remains a highly patriarchal society, despite there being some communities on the island that have traditionally been matrilineal. This is reflected most visibly in the widespread practice of polygamy, and the fact that on marriage in most cultures a woman moves into the home of her husband’s family. Despite a constitution that guarantees women’s rights and equality in all spheres, traditionally only men can own property and this culture persists in rural areas, ensuring that women remain dependent on men. “The worst affected women (and their children) are the widows, especially if they have no supportive extended family to protect them. Such women are easy to exploit, particularly sexually.” (da Silva and Kendall, 2001: 3) Illiteracy is widespread, particularly among women of whom it is estimated 70% are illiterate.

The family is at the heart of life in Timor, with strong networks among families that can be hugely supportive; people are identified through their descent and their extended families. Marriage is the relationship not just between two individuals but between two families (Hohe and Nixon, 2003). The family can offer support, emotionally and financially, to women whose husbands are dead or missing. However, some families remain dysfunctional and domestic violence continues at high levels: A 2002 survey found that 43% of women respondents had experienced some form of domestic violence in the previous year but only 2 per cent had reported it (Ward, 2005).

2.2.1 Mourning and death rituals in Timor

… we cannot begin to inquire into the truth of what happened until the mourning is finished. And mourning does not end until the bodies are properly buried and the spirits of the dead are able to be at rest. Now in East Timor we have passed the initial time of mourning; some refugees need to bring home the bodies of their dead to their traditional places. (Isabel Amaral-Guterres, quoted in Rawnsley, 2004: 13)

With estimates that as many as one third of Timor-Leste’s population has died since the Indonesian invasion, for many East Timorese death has become something with which they have too often been confronted. Whilst 90% of East Timorese claim to be Catholic, almost all continue to hold traditional beliefs, and so attitudes to death represent a syncretised approach to these two traditions. The intertwined approach to Catholicism and traditional beliefs is indicated by a memorial found at the site of the Suai church massacre of 1999. A circle of stones inscribed with the names of the dead represents a traditional memorial, while nearby a marble slab engraved with names represents the Western tradition. (Rawnsley, 2004).

The rituals most practised by Timorese will contain elements of both animistic and Catholic traditions. The church ritual demands that the family report to church and ask the priest to perform a mass either in the church with the deceased body present or in the cemetery. Flowers, blessed with the holy water will be distributed to members of the family, guests and friends. For the first week and second weeks after the death flowers will be taken to the cemetery and again after 6 months, then 1 year. Traditionally, black clothes will be worn by close family for up to one year after the death, but increasingly this will be substituted by a black piece of cloth pinned to the clothes. In this way family members let everyone know they are in mourning, that they won't dance or sing. Customarily, one year after the death a kore metan (black colour) ceremony is held to acknowledge the end of the wearing of black clothes.

The role of the traditional rituals is to dispatch the soul of the dead to the scared world and facilitate its transformation into an ancestor. Traditional Timorese belief is that a spirit must be laid to rest after death, through burial or the offering of sacrifices; otherwise it may become a “wandering
soul”. Traube (1986) has reported that the Mambai people of central Timor-Leste “dispatch the dead”, in a ceremony that signifies the spirit will no longer bother the living. Families need to carry out the appropriate funeral rites because the rites also “contain important sociological and symbolic meanings that foster alliances between lineages of those who gave birth to life and these bonds do not end when their linking members die.” (Rawnsley, 2004: 8):

...those who inhabit the districts of East Timor believe strongly in the need to maintain excellent relations with, to act in accordance with the wishes of, and to appease where necessary - their ancestors.. (Hohe and Nixon, 2003: 11)

There is a Timorese concept that where someone has died a ‘bad death’, i.e. an unnatural one, the spirit will seek vengeance on the family and the village: in this sense the issue is one for the community and not just the relatives of the dead. Failure to ensure that the spirit is appropriately dispatched can result in the spirit becoming malign and causing sickness and death among both animals and family members. During this research almost no family was found that didn’t consider such elements hugely important: spirits are considered to be very much a part of the everyday world, aware of what is being said and done on their behalf. The exact nature of funeral ceremonies varies across the country, but funerals will invariably be social occasions in which much of the village takes part. The ceremony will involve the burial of the body and the construction of an appropriate grave, and the killing of animals which will be used to feed those attending the funeral. The number of animals killed will reflect the status of the dead person as well as the financial resources of the family, but should be sufficient that everyone can eat. The Fatuluku community of eastern Timor-Leste seeks out those dead from the conflict who remain unburied with the express purpose of ‘healing’ the spirit of the dead, and releasing it from pain and suffering (McWilliam, 2008):

“The effort and resources that Fatuluku households and families have directed to these reclamation projects are very significant and at least in the first few years after 1999 constituted one of the priority tasks for many families. [...] Upon discovery, the bones of the deceased are sprinkled with pig’s blood to ritually cool and seal the original burial site. Returning to the settlement, the reburial of the deceased follows the pattern of conventional funeral rites...” (ibid: 225)

Where there is no body to bury but death can be assumed, alternative rituals can be made using a substitute body. The ceremony is called foti fatuk (‘raise the stone’) and replaces the body of the dead with another object, typically a stone. The family will go to the place where they believe the person was killed and collect a stone from there and place it into a traditional container made of palm leaf while saying prayers. This will then be wrapped in a traditional woven cloth of the sort worn in Timor, for a man or woman as appropriate for the dead person. This is then taken home for one night and then buried in a coffin as if it was the body of the dead. The spirit of the dead will then enter the stone and ensure that it does not wander. The rest of the ceremony will proceed as any other funeral with animals killed and feasting. In some cases it is possible to make such a ceremony even without knowing the exact location of death, while some families will demand the body even where they know the place of death. Where something from the dead person has been retrieved, such as clothes or (in one case met in the study) hair and nail clippings, these can be buried in place of the body with the same ritual meaning and ceremony.

For the women of the group Rate laek (no grave) from Liquiça, whose husbands were taken during the violence of 1999, they have little doubt their husbands are dead, but the fact that they have no bodies and have been unable to perform the rituals their culture requires is a great sorrow (da Silva, 2002).

The hardest part is not knowing where their bodies are. The most important thing is that we know this, where they died, because now we feel as if they are missing. (Regina Magalhaes whose husband is missing, quoted in The Florida Catholic, 2000).
The dilemmas faced by the families of the Missing are illustrated by the story of a veteran of the Falintil resistance movement (and Presidential candidate in 2007), Lu-Olo, whose family assumed he was dead since they hadn’t seen him for 24 years and held a funeral rite. When he returned in 1999 they assumed he was a “wandering spirit” and found it hard to reconcile his presence among them (Rawnsley, 2004).

2.2.2 Mental and emotional impact of conflict
The scale of potentially traumatic events during Timor’s conflict was huge, and it is likely that a large number of persons have been affected by it. Studies suggest that in early 2000 one third of the population of Timor-Leste suffered from post-traumatic stress disorder (PTSD) (Modvig et al., 2000). Another study randomly sampled those visiting a clinic in the capital found a prevalence of 42% of depression and of 7% of PTSD (Firoz et al., undated), and reported that:

“Single subjects recovering from a near death experience, kidnapping, and separation from family are at a higher risk for depression, while single, unemployed women are at higher risk for PTSD.” (ibid: 18)

Wives of the Missing have been subject to traumatic events and are likely to be single and with precarious livelihoods; they are thus among the most vulnerable to such impacts. For those who live outside Dili there is little formal psychosocial support. Whilst mental health services are nominally available, through the presence of a mental health officer in every district centre, in practice the population has little contact with them and services remain generally accessible only in the capital.

The danger of pathologising the impact of conflict, using terms (such as PTSD) derived from empirical work in a Western context have been much discussed (e.g. Summerfield, 1996; Mezey and Robbins, 2001; von Peter, 2008, and see Section 6.1). As a result, where possible, indigenous understandings will be prioritised here. Indigenous understandings of mental illness notably include hanoïn barak, literally ‘thinking too much’. Mental health professionals working in Timor have described hanoïn barak as:

“a broad spectrum of experiences from being quiet and pensive to symptoms suggestive of clinical depression. [...] In Timor-Leste, hanoïn barak was consistently depicted as a negative state and one that could hamper daily functioning. At times, hanoïn barak could mean frank mental illness, being used in place of the less polite term bulak (‘crazy’) (Graves, 2003). Most often, however, hanoïn barak was seen as a less severe form of disturbance that was common and remedied by support from community and family.” (Le Touze, Silove and Zwi, 2005).

Staff of CAVR reported that sadness was also reported as a common issue mentioned by victims:

“a pervasive form of ‘overwhelming sadness’ connected to loss, especially of family members. Sadness was often associated with a feeling of ‘heaviness’. CAVR staff commented that those with overwhelming sadness were ‘easily distracted’ by their feelings of loss and that some felt unable to rebuild their lives as a consequence. In its extreme and persisting form, pervasive sadness appeared to result in frank clinical depression.” (Le Touze, Silove and Zwi, 2005).

While other specific terms refer to problems arising as result of breaking spiritual taboos, or disturbances due to the crescent moon. This demonstrates that many mental illnesses are perceived to have a supernatural origin (Silove et al., 2008), and for the families of the Missing (and the dead), the failure to perform appropriate ritual and burial of the loved ones is often seen as the cause of such problems (see above).
2.3  

A profile of the victims

The following is a summary of the data taken in this study, concerning both the persons missing and the families met.

Figure 2 shows the 69 missing cases where families were interviewed for this study, as a function of perpetrator and year of disappearance. The perpetrator here is as reported by the family of the missing. This figure shows the history of the conflict in terms of the Missing. The early years of the conflict were the most devastating with many killed and separated from their families as a significant fraction of the population was displaced into the hills and pursued by Indonesian forces, resulting in families being dispersed and separated. When that stage of the conflict finished with the effective victory of the Indonesians over the armed resistance, the number of persons becoming missing reduced. There is a small spike in 1991 as a result of the Santa Cruz massacre and then a large peak around the violence of 1999 and the popular consultation.

Table 1  Perpetrating authority responsible for the person being Missing.

<table>
<thead>
<tr>
<th>Perpetrator</th>
<th>Number met in this study</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indonesian</td>
<td>64¹</td>
</tr>
<tr>
<td>Timorese</td>
<td>5</td>
</tr>
</tbody>
</table>

Missing cases are dominated by those perpetrated by the Indonesians and Timorese allies, such as the Hansip militias and those that were responsible for much of violence of 1999. 93% of those cases where families were met were Indonesian perpetrated. Timorese perpetrated cases consist of persons made missing by armed or political cadres of Falintil and Fretilin, and one case where a civilian member of the clandestine network was allegedly responsible.

The age of the Missing at the time of disappearance is shown, for the sample met for the study, in Figure 3. The distribution peaks for those aged 15 – 30 years. Given that the vast majority of the Missing are male (Table 2), this has the effect of depriving families of those who are at their most economically valuable, resulting in often extreme challenges to livelihood.

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¹ Here, cases where disappearance followed separation from families while displaced have been considered as Indonesian perpetrated.
² This includes one case where a man disappeared while being held by Fretilin, when Indonesian forces overran the area.
A perhaps surprising number of the Missing are children and women; this simply reflects the nature of the conflict in Timor, where in many cases women and children were actively targeted at points in the conflict, by both sides. Disappearances early in the conflict when attacks dispersed families were as likely to lead to women and children becoming Missing as adult men. 23% of all the Missing from those families met were under 18 years of age when they went missing. Some of these were children taken by Indonesian troops, either to aid military units in menial tasks (as Tenaga Bantuan Operasi or TBO) or to be adopted by families in Indonesia. The gender of the missing person, and of the principle interviewee, is shown in Table 2. From the families interviewed 9% of the Missing are women and an additional 3% of families are missing both male and female relatives. Among families interviewed the principle (or sometimes sole) interviewee was evenly mixed between genders; 74% of the Missing were married and 67% had children.

<table>
<thead>
<tr>
<th>Families interviewed</th>
<th>Indonesian perpetrated</th>
<th>Timorese perpetrated</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>male</td>
<td>female</td>
<td>male</td>
</tr>
<tr>
<td>Families interviewed</td>
<td>57</td>
<td>7</td>
<td>5</td>
</tr>
</tbody>
</table>

Table 2 Gender of the missing person, by perpetrator.

<table>
<thead>
<tr>
<th>male</th>
<th>female</th>
<th>family group</th>
</tr>
</thead>
<tbody>
<tr>
<td>34</td>
<td>31</td>
<td>4</td>
</tr>
</tbody>
</table>

Table 3 Gender of the principle interviewee.

| Civilian  | 21 | Wife          | 17 |
| Resistance fighter | 14 | Brother / sister | 15 |
| Political cadre    | 19 | Son / daughter | 11 |
| TBO minor          | 4  | Mother        | 6  |
| Indonesian militia | 2  | Father        | 12 |

Table 4a Status of the missing person.

| Civilian  | 21 | Wife          | 17 |
| Resistance fighter | 14 | Brother / sister | 15 |
| Political cadre    | 19 | Son / daughter | 11 |
| TBO minor          | 4  | Mother        | 6  |
| Indonesian militia | 2  | Father        | 12 |

Table 4b The relationship of the principal interviewee to the missing person.
During interviews an effort was made to understand the role in the conflict of the persons missing, and this is recorded in Table 4a. It should be noted however that families may not have been fully aware of the nature of the missing person’s role in the resistance, and that since significant payments have been made to veterans and their families there is evidence that some families may be exaggerating the nature of the missing person’s role (see Section 9.2).

Table 4b shows the relation of the principle interviewee, or the closest relative in the family group, to the missing person.

2.3.1 Family Associations

Whilst some associations of families of the Missing have been created in Timor-Leste, the vast majority of families are not involved in such groups. This appears to be a result of the dispersion of most families in rural areas, their lack of education and understanding of the possibilities of mobilisation, and the failure of agencies based in Dili to become proactive on the issue. The associations that have been created are narrow in their interest, emphasising either the Santa Cruz incident or mobilising victims of the events of 1999. Whilst there have been to date no associations bringing together the majority of families whose relatives are missing from the earlier years of the conflict, or victims more generally, a recent initiative by human rights agencies is attempting to create a national body of victims that can represent them. This has been driven by the International Centre for Transitional Justice (ICTJ), in collaboration with local human rights agencies, and has involved bringing victims together in district congresses that have elected representatives to a national victims’ congress held in Dili in September 2009.

The following Family Associations were engaged as part of this research:

- Rate laek (“no grave”) in Tetun: A women’s group based in Liquiça district, this represents the families of those killed and/or missing in 1999, and in particular victims of the Liquiça church massacre. In most cases people are known, or strongly suspected to have been killed, but bodies have yet to be found.

- Nove nove (“99”): A women’s group based in Maliana, Bobonaro district, representing the families of those killed or missing in the events of 1999. One of the most active groups, they have small premises near the central market in Maliana where they sell second hand clothes, providing not just a social space for women but some economic opportunities. This group is highly mobilised, with an emphasis on the need for justice through an international tribunal. With their shop as a focus for their solidarity this group has been extremely effective in providing women (and some men) with an opportunity to share their experiences with other victims and promote very active coping mechanisms. The coordinator of the group spoke with the researcher and organised 3 focus groups in the district.

- Komite 12 Novembru (12th November Committee): An association of families of the victims of the Santa Cruz massacre of 12th November 1991, all of whom remain missing with the exception of 3 whose remains were identified in August 2009 following exhumation of a grave site near Dili. The group is led by Gregorio Saldanha, an activist with historic connections to the Fretilin party; it has a group of volunteers who receive regular salaries, and an office at the former CAVR building in Dili. The ongoing exhumation efforts are a result of the efforts of the Committee and Sr. Saldanha in particular, who is hugely respected by families. For this study, a half day of focus group discussions was made with the group, involving 35 family members.

There is additionally a group of families organised in Suai, again around the 1999 events, with a focus on the Suai church massacre. This group was not met during this study.

2.4 Circumstances of disappearance

Persons met during this study went missing in a range of ways. Understanding this, and the nature of the authorities’ likely information about each type of case can permit a more effective approach to submission of such data to authorities.
**TBOs (Tenaga Bantuan Operasi and other children)** These are children, largely boys of age 8-14 years, who were taken to work with a particular unit of the TNI in menial roles while the unit was in Timor. On many occasions these children returned with these units when they were posted elsewhere. Whilst some returned home to their families, many did not and it is reasonable to assume that most of these people are still alive. This phenomenon has been explored in detail in a recent PhD thesis (van Klinken, 2008). There are many cases of children, usually very young, being taken, often in large groups, by TNI soldiers with the apparent intention of resettling them with families in Indonesia, often with the families of the soldiers who took them.

He was taken to Indonesia by the Indonesian military, Battalion 328 as a TBO. This happened as the 328 battalion rotated with another battalion, he was taken in about 1978. [...] My father tried to get him back when they were taking him in the boat, my father was crying but the soldiers hit my father. They put my brother into a small box and they then took him to Indonesia. (Brother of missing man, Manatuto.)

It should be noted that adults were also taken by Indonesian forces as TBOs; however these cases will be considered simply as capture and disappearance since such roles were rarely if ever taken on voluntarily, and in at least one district (Manatuto) there is evidence that when those suspected of resistance activity were arrested with the intention of being killed, it was claimed they were sought as TBOs.

**Capture and disappearance** A large number of the allegedly Indonesian perpetrated cases are due to individuals reported by the interviewee to have been arrested by the armed forces or police and then never being seen again. In most cases the individual is never known to have passed through formal detention, but to have disappeared, presumably through extra-judicial killing in most cases.

They were soldiers [Falintil] in the forest. They were on guard duty at that time in Pui-Ili. There were four people killed together while on guard; they could not run away because the Indonesian army surrounded them. The Indonesian army caught them, tied them up and brought them to Moro; after that, they took them away and killed them and until now, we do not know where they killed them. They have no grave now. (Son of missing man, Lautem.)

The majority of all Timorese perpetrated cases involve persons captured by Fretilin or Falintil and never being seen again. In some cases families have been informed by the responsible authority, or by a witness within the organisation concerned, that the family member has been killed. Most of these cases occurred between 1975 and 1979 and involved either members of the UDT and APODETI, or rival factions within Fretilin that were engaged in conflict. In 1975 from the time of the Fretilin counter-coup in August until the Indonesian invasion in December members of non-Fretilin factions disappeared while in Fretilin custody in formal prisons and other places of detention. Also in this category are a large number of forced recruitments where people have been told to join Fretilin/Falintil and have left with troops and never been seen again by their families.

Trying to flee, some left their children, some of them could not flee, they brought the elderly with them and some of them brought the children with them into the bush in the mountains. An old woman who couldn’t walk anymore would be killed [by Fretilin]. [...] Our community heard that their children were brought to the mountains; the rumours said that some of them died and some of them were still alive and dispersed. They don’t know; our community only knew that Fretilin brought the children up to the mountains. (Chefe aldeia, Manatuto)

**Disappearances while in custody** These are cases where individuals were arrested, taken to prison, a police station or to other formal places of detention and never seen again. Most are likely to be cases of extra-judicial killing by the Indonesian authorities. Such cases are likely to be reasonably well documented owing to their passing through official channels.
An assessment of the needs of families of the Missing in Timor-Leste

*Deaths in combat (Missing in Action)* Frelilin and Falintil members killed whilst fighting constitute a significant number of the missing. In some cases many details (time, place, ABRI/TNI unit involved) are known, and in other cases information is very vague (e.g. disappeared while on patrol). In such cases, the perpetrating authorities (i.e. the Indonesians) are likely to have little information, and the comrades of those missing, i.e. Falintil commanders and fighters, are in the best position to provide information.

They fled to the mountains and dispersed in different directions; her son joined the military [Falintil], and never returned. When he had no food he ordered his wife to bring food up there and after that there was no news. We don’t know his fate until now, there is no news. He was a member of Falintil. No news from him until now, whether he is alive or dead. (Mother of missing man, Manatuto.)

*Attack and dispersal* These cases involve families being separated during or following an attack by Indonesian forces, where civilians were desperately fleeing often in rough terrain or jungle. This occurred particularly in the late 1970s and early 1980s when Indonesian forces were directly targeting civilians in an attempt to move them down from territory where they could provide support to the armed opposition, and into Indonesian controlled camps. In such cases it is possible disappearances are not directly related to the Indonesian forces, with people dying of hunger or sickness. Many persons separated in this way were children, and it can be assumed that at least some of these survived to be taken by Indonesian troops.

When the war started, we all dispersed into different directions, fled to the mountains as the Indonesians came in and I never saw them again. I do not have any information about them and they have no graves. This happened in 1975 when the Indonesian army entered Timor-Leste. (Manatuto man whose entire family went missing at the time.)

They are all missing since 1975; as the Indonesians came in, we dispersed, we fled to the mountains and we never had any information about them, whether they are dead or alive. […] The Indonesians invaded with heavy weapons and we couldn’t stay longer in the mountain due to our food needs. Finally, we came down from the mountain to Manatuto and these three missing fled and we dispersed. (Manatuto man.)

*Known dead, body not recovered* During the time when civilians had fled to the mountains, many died as they moved, from illness, hunger, or following attacks from Indonesian forces. In many cases bodies were left where they fell, or buried hastily in locations that could not later be found.

Just like that, poor old men, some of them died and we couldn’t do a proper funeral or commemoration, we even can’t find the bodies of some who died until now. Some of them we just buried in a very ordinary way because how could we get rice and meat to do any rituals? (Man from Manatuto.)

All my sisters and brothers died. Only I am still alive here today. […] they died between 1975 and 1979. […] We have not yet taken some of them who died in Kanoandua. They died due to an air bomb; there three or four people died like this. (Bobonaro man.)

*Mass killings* The now well known massacres of both 1999 and earlier times resulted in many people disappearing, buried in mass graves or bodies disposed of in some other way. Examples include the 1991 Santa Cruz event and the Church massacres in Suai and Liquiça in 1999. For the vast majority of families there has been no confirmation of the fate and bodies have not been found. In some of the incidents of 1999, deaths were witnessed and then bodies taken by perpetrators; in such cases, death is confirmed, but families remain without bodies.
An assessment of the needs of families of the Missing in Timor-Leste

Unclear disappearance A large number of cases involve people leaving home, or fleeing an attack, alone and never being seen again by their families. In such cases it is often not even clear if their disappearance is related to the conflict. In many case however these disappearances occurred at extremely dangerous times and places e.g. September/October 1999 in Bobonaro, and the assumption that the conflict was responsible is a reasonable one. In all such cases there is a lack of information, and it is not clear if even the most committed authority could offer help to solve these.

We came here from Laga to look for food in Indonesian times. He did not come back to Laga at that time. He was lost suddenly. We don’t know if it was the Indonesian army who took him, but the Indonesian army were making an operation here at that time. (Brother of missing man, Lautem.)

Punishment killings were perpetrated by Fretilin and Falintil as punishment for those who were perceived as having informed about opposition activities, or simply because they were intending to surrender to the Indonesians. A large number were killed during internal fictional fighting early in the conflict:

There are also cases where families have been killed owing to suspected witchcraft and some where people have committed offences against the community, such as theft and rape.

<table>
<thead>
<tr>
<th>Type of disappearance</th>
<th>Indonesian perpetrated cases</th>
<th>Fretilin/Falintil perpetrated cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>TBOs</td>
<td>2</td>
<td>-</td>
</tr>
<tr>
<td>Disappearance after arrest</td>
<td>32</td>
<td>2</td>
</tr>
<tr>
<td>Falintil/Fretilin MIA</td>
<td>2</td>
<td>-</td>
</tr>
<tr>
<td>Attack and dispersion</td>
<td>9</td>
<td>-</td>
</tr>
<tr>
<td>Killings</td>
<td>4</td>
<td>-</td>
</tr>
<tr>
<td>Unclear disappearance</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>Known killed, body not recovered</td>
<td>5</td>
<td>-</td>
</tr>
<tr>
<td>Known killed, body recovered</td>
<td>2</td>
<td>1</td>
</tr>
</tbody>
</table>

Table 5 Types of disappearance in the sample of families met, by alleged perpetrator.

Table 5 shows the type of circumstances in which persons went missing among those cases where families were met for this study. Almost 50% of cases were the result of an arrest.

2.4.1 The Missing and the disappeared
The data in Table 5 indicates that, in contrast to some contexts, the issue in Timor-Leste is one of missing persons and not exclusively disappearances. Whilst around half of the cases where families were met disappeared following arrest, i.e. their relative was taken by a state party, or a party associated with the state, the remainder are either clearly outside the definition of enforced disappearance or on its boundary. These include those persons arrested by the armed opposition, those who died in the conflict but whose bodies have not been retrieved and those members of the resistance who are Missing in Action. The legal definition of the TBOs can be discussed: most were taken by Indonesian military officers, who can be considered “agents of the state”, but not in most cases to have been acting with “the authorization, support or acquiescence of the State”. (UN ICPPED, 2006: Article 2)
An assessment of the needs of families of the Missing in Timor-Leste

**The Tonsus of Los Palos**

As the Indonesian invasion unfolded in late 1975 and early 1976, Fretilin attempted to mobilise resistance. How fighters were recruited is unclear, but the testimony of families reveals some details:

My son was not a soldier but a student in Dili. He came here because of the war in Dili. They [The Tonsus] did not do anything here when he came back from Dili but Fretilin called them and said that all of you in the 4th and 5th grade should come and carry a gun. You do not just stay at home and enjoy the result after war. Therefore, they went to bear arms but they were not military. If they went to become military, we would not allow them. They were carrying guns on Fretilin’s orders. (Father of Missing man, Lautem)

At some point over the following months a number of those fighting with Fretilin were captured by, or surrendered to, Indonesian forces, and some were integrated into an Indonesian auxiliary force called Tonsus, an abbreviation of *Peleton Khusus* (“special platoon”), led by Joao Branco from Los Palos. In March 1976 a group of 49 of the Tonsus were taken by helicopter from Los Palos by the Indonesian military, on the authority of the district administrator who informed families that they had been sent away to study. Since then nothing has been heard of them. Four families of Tonsus victims were met during the research for this study.

Most families of the missing Tonsus acknowledge that they are likely to have been killed by the Indonesians and seek to recover the remains of their loved ones. However, families were met where women have refused to perform rituals for their missing husbands because they say they still do not know if they are dead or alive.

![Figure 4 A photograph of some of the men of the Tonsus missing since 1976 from Los Palos (photograph courtesy of the family of the Missing.).](image-url)
2.5 Action to date by the authorities

A plethora of mechanisms, largely prosecutorial but also truth seeking and reparative, have sought to address Timor-Leste’s violent pre-independence past. These have included:
- A UN Commission of Inquiry (1999);
- A special Indonesian investigative commission (1999–2000);
- A UN supervised Serious Crimes Unit (SCU) and Special Panel (court) for Serious Crimes in Timor-Leste (2000–May 2005);
- An Indonesian Ad Hoc Human Rights Court for East Timor (2003);
- A Commission of Experts (CoE) appointed by the UN Secretary-General to assess judicial mechanisms (February–May 2005);
- The Timor-Leste Veterans’ Commissions, that have awarded medals, paid pensions and compensation to veterans and their families as part of the Government’s valorisation process.
- A Joint Ministerial Commission, encompassing the missing issue, was created as a result of the CTF, facilitating cooperation at the highest levels between the Indonesian and Timor-Leste Governments.

There is an extensive literature, notably on the prosecutorial process, and particularly its failings, and on the CAVR, with an emphasis on the Community Reconciliation Process, which is perceived as a novel, appropriate and successful application of restorative justice. The valorisation process has largely not been discussed or evaluated.

The impact that these mechanisms have had on those met in this study is discussed in Section 10, and represents one of the few empirical approaches to understanding victims’ perceptions of the decade of transitional process in Timor-Leste.

2.5.1 Prosecutions

The only significant judicial process that has occurred has involved those suspected of involvement in the violence of 1999, with the Special Panels for Serious Crimes convicting 48 and acquitting 2. Of almost 400 persons indicted however, only 81 were within Timor-Leste and subject to the jurisdiction of the Court, with many indictees seeking refuge in Indonesia. The greatest criticism of this process has been that Indonesians and Timorese who had fled to Indonesia were inaccessible to it. As a result it was perceived as failing to apprehend perpetrators with greatest responsibility (ibid). Most of those convicted by the Special Panels and held in jails in Timor-Leste were released following a series of full and partial presidential pardons in 2004 and 2008, including of those sentenced for crimes against humanity, with many having served only a fraction of their sentences.

2.5.2 Veterans’ Commissions

A process to acknowledge and ‘valorise’ veterans of the conflict with Indonesia was initiated by then President Xanana Gusmao in 2002. Since then veterans, of both Falintil and the clandestine movement, have been identified and recognised, and payments of compensation and pensions as well as the award of medals has begun. By the end of 2005 more than 75,000 veterans or their surviving family members had been identified, and in 2006 a veterans’ law was passed. Around 24,000 veterans or survivors have been identified as eligible for decorations, and 26,500 eligible for pension payments. A number of grades of veteran is established, as follows:
- *Combatente de Libertação Nacional* (CLN): for those still living who spent at least 3 years in service;
- *Combatente Veterano de Libertação Nacional* (CVLN): for those who served more than 8 years;
An assessment of the needs of families of the Missing in Timor-Leste

Those who supported the armed struggle are also recognised. Medals are only given to those who served more than three years, with three different grades of medal for those who fought with Falintil, with many for those who are deceased. Medals are additionally awarded to the families of those who died in the Santa Cruz massacre in 1991. However, having been killed or made missing by Indonesian forces is not sufficient for such recognition to be given.

A one-off compensation payment is made to those who served more than three years (around 22,000 persons). Those who served more than 8 years and are over 55 years of age (or disabled) will received a monthly pension of up to $120, with larger payments going to those who completed 15 years service. For families of the Missing the most relevant award is the survivors’ pension, awarded to one survivor of each deceased or missing veteran, and worth between $120 and $200 per month. Again however, being dead or missing is not a sufficient condition, death must have been a result of participation in the struggle. This clearly gives a broad range of options for the authorities to recognise and support the families of the Missing and it will be seen from the data collected here that these issues remain highly contentious for families, many of whom have received no recognition.

2.5.3 The Commission of Truth and Friendship

The Commission of Truth and Friendship Indonesia-Timor-Leste (CTF) was created in August 2005 by the Governments of Indonesia and Timor-Leste to “learn from the causes of past violence in order to strengthen the foundation for reconciliation, friendship, peace, and prosperity” (Commission of Truth and Friendship Indonesia-Timor-Leste Final Report, 2008: i). Its mandate was to find the “conclusive truth” (ibid) of the events of 1999 to heal wounds and promote friendship. It was widely perceived as an effort by both Governments to address the many criticisms of continuing impunity for perpetrators of violations, notably a response to continuing calls for an international tribunal (Hirst, 2008: 11), without challenging their shared political aims of avoiding prosecutions at a high level in Indonesia that would impact on Indonesia-Timor relations. Indeed it has been reported that the aim of the CTF was to make the UN Commission of Experts unnecessary (ibid). As what can be considered the world’s first binational truth commission process, the CTF does however represent a new approach to transitional mechanisms.

From the start however the CTF was perceived as being insufficiently consultative with those most affected (ibid). Commissioners, chosen equally from Timor-Leste and Indonesia were selected by their respective presidents. The terms of reference of the CTF emphasised institutional rather than individual responsibility, with the Commission seeking truth rather than retributive justice (and acknowledging ‘restorative justice’), and recommending amnesty was included as an option (CTF Final Report, 2008: 7-13). It was noted by critics of the process that the needs of victims were not part of the TOR (Hirst, 2008: 18)

The CTF reported in March 2008. It found that gross violations had been committed, and attributed responsibility to the Indonesian government, security forces and local militia groups who were actively aided by the security forces and the authorities: Indonesia is found to bear state responsibility for these violations. The recommendations of the CTF included no recommendation for amnesty, acknowledgment through apology and training and ‘transformation’ of the security institutions. There is also a recommendation, but no details, of ‘collective reparations’. Most notably for the Missing issue, the CTF recommended the creation of a ‘Commission for disappeared persons’:

“The Commission recommends that the governments of Indonesia and Timor-Leste work together to acquire information/form a commission about disappeared people and cooperate to gather data and provide information. This Commission shall also be tasked to identify the whereabouts of all Timor-Leste children who were separated from their parents and to notify their families." (CTF, 2008: xx)
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The response of civil society in Timor-Leste to the CTF report was extremely negative, noting the continued impunity for perpetrators of the violations of 1999 (e.g. ANTI, 2008).

A Joint Ministerial Commission was established by the CTF report creating a mechanism by which the foreign ministries of Timor-Leste and Indonesia could discuss issues arising from the conflict and independence of Timor-Leste. In July 2009 at the 3rd senior official consultation meeting in Dili for the first time the issue of the Missing was discussed bilaterally.

2.5.4 Comissão de Acolhimento, Verdade e Reconciliação (CAVR)

The Comissão de Acolhimento, Verdade e Reconciliação de Timor Leste (CAVR, Commission for Welcome, Truth and Reconciliation) was established by the UN Administration in Timor-Leste, UNTAET, in January 2002, with the swearing in of 7 National Commissioners. The name of the commission reflected not just the desire for truth and reconciliation, but also for the return from Indonesia of many who remained displaced following the violence of 1999. The mandate of CAVR was to establish the truth regarding violations in a period beginning with the Portuguese revolution of April 1974 and ending in October 1999. This included establishing the identity of perpetrators and recommending prosecutions, as well as “assisting in restoring the dignity of victims” (CAVR, 2005: 20). The reconciliation component was driven largely by a grassroots Community Reconciliation Process (CRP), see below. CAVR had a devolved structure with regional commissioners appointed in all 13 of the nation’s districts (ibid: 19). By the time CAVR finished its work in October 2005 it had collected 7,669 statements, and conducted more than 1,000 interviews, including with “key national figures” (ibid: 20). The Commission also worked to understand the impact on the people of Timor-Leste of 25 years of conflict, through a graveyard census and a retrospective mortality survey. CAVR also carried out a series of thematic public hearings in which witnesses gave testimony concerning violations considered exemplary. Whilst efforts were made to make the process as Timorese as possible, CAVR was criticised for that fact that: “many key staff, all funding and the basic structure and methodology come from overseas. CAVR [...] has relied heavily on consultants, advisors and international leadership”. (La'o Hamutuk, 2003)

The principal avenue for CAVR to promote reconciliation was through the Community Reconciliation Process (CRP), which aimed to address less serious crimes committed through a grassroots process that adapted indigenous practice in a restorative way (Hohe and Nixon, 2003; McAuliffe, 2008). Community hearings were led by a panel of local leaders, in which victims and perpetrators spoke about the events and the panel brokered an agreement. This could involve community service or payments of reparations. Traditional practice was incorporated according to local traditions: “CRPs are a combination of town hall meetings and traditional village gatherings where anthropology (language, dialect and localism) counts in a traditional setting far removed from the courtroom..” (Huang and Gunn, 2004). Since the CRP was dedicated to less serious crimes (and the SCU vetted all applications to ensure that no serious crimes were involved), the CRP does not appear to be directly relevant to families of the Missing, except where other offences were involved. The CRP does however offer a model for a restorative transitional justice that is rooted in the communities it aims to serve.

CAVR defined reparations as “measures to repair damages suffered by victims of human rights abuses, including rehabilitation, restitution, compensation, recognition of a truthful account of what happened, and guarantee of non-repetition of these violations.” (CAVR, 2005: 11: 36) CAVR included an urgent reparations programme that began as soon as data collection was complete that assisted 712 victims with $200 cash, on the basis of aiding the most vulnerable. Additionally, a community based reparations programme was launched in a number of badly affected communities. In its final report CAVR recommended a national reparations scheme, built on the principles of: feasibility, accessibility, empowerment, gender and prioritisation on basis of need. This scheme aims to achieve rehabilitation (including medical and psychosocial care), collective

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3 CAVR then continued following the independence of Timor-Leste through recognition in the Constitution of the new state (CAVR, 2005: 19).
measures in a community context, and symbolic measures including “memorialisation, commemoration ceremonies, exhumations and reburials or marking and honouring of mass graves” (ibid: 11: 40); of particular relevance to families of the Missing. This will also specifically target single mothers and their children, and children of the disappeared, among others. The programme was planned to allow 2 years for identification of victims, and then to run for 5 years, with the possibility of extension (ibid: 11: 42). It is foreseen that this programme will run until the last scholarship recipient turns 18, in 2017.

In practice, none of the recommendations of the CAVR report have yet been implemented. The final report of CAVR, Chega! (meaning “enough” in Portuguese), was submitted to the President in October 2005, and presented to the parliament the following month. However, the report has yet to be discussed in parliament or acknowledged officially, presumably owing to the concern of the authorities that relations with Indonesia might be soured. The report was passed to a committee of the parliament in what was widely perceived as “holding operation” to stall the report. In June 2008 Committee A of the National Assembly passed a resolution endorsing Chega! Both the CAVR and CTF final reports were due to be discussed by the national parliament in the autumn of 2008. However the discussion of Committee A’s resolution inviting the discussion was twice postponed by the leader of the parliament. The parliamentarians have asked for more time to consider the report.

2.5.5 Successor institution to CAVR
At the tie of writing efforts are being made to create a successor body to CAVR. It remains likely that such an institution would be given a mandate to work on the issue of the Missing. Civil society in Timor sees the role of the institution as implementing the recommendations of the CAVR and CTF reports, i.e.:

- Documentation and research;
- Reparations and memorialisation;
- Education and training;
- Coordination, reporting and public information;
- An office for Missing persons;

This list is taken from a concept paper produced by a civil society Working Group on Reparations that reports to Committee A of the parliament and is tasked with dealing with the issue of the CAVR report. Thus, this conceives the follow-up institution as one which implements a comprehensive reparations scheme and organises other processes to address victim needs.

2.5.6 Exhumations
Exhumations have become a part of life in post-conflict Timor since in many cases those bodies inappropriately buried during the conflict are in known locations. The largest single project of this type has been carried out by Falintil-FDTL, the Timorese Defence Force, that has been exhuming the bodies of Falintil fighters who had been buried where they fell for internment in a heroes’ cemetery near the current F-FDTL headquarters. Additionally, many families have returned to the hills where relatives died during the conflict to exhume bodies for reburial. During the research reports were received of communities that had made an annual ritual of collecting human bones from the nearby mountains and burying them in an appropriate place. A woman was met who found a collection of bones, visibly of several individuals, and who had buried them all in her husband’s grave on the assumption that they included her husband’s remains. In other cases witnesses are emerging to identify gravesites of the Missing even 3 decades after their disappearance and families are taking action to retrieve remains. In such cases however, especially where more than one body is found, the lack of resources and expertise to identify remains can frustrate families’ efforts to bury loved ones.

In Dili where new building continues, bodies are being recovered at a slow but steady rate. In Farol, a beachside neighbourhood where many Indonesian officials lived and that was allegedly home to several detention and torture centres, a number of bodies of persons apparently illegally
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killed have been retrieved. Following sea erosion of land at the end of the runway of Dili’s airport a number of bodies of persons apparently illegally killed were found in 2008, spotted by passers by walking on the beach. These bodies are now stored under the management of the Prosecutor-General. No agency has any mandate to investigate the identity of these remains, and as such no studies have been made of them beyond the perfunctory, although they are highly likely to be remains of those missing from the period of occupation.

One formal exhumation process is ongoing to identify and exhume gravesites of the victims of the Santa Cruz massacre in November 1991. This effort, known as the International Forensic Team (IFT) brings together experts from the experienced Equipo Argentino de Antropologia Forense, and the Australian Victoria Institute of Forensic Medicine. Despite extensive searches of areas where it is suspected bodies were buried no new mass grave has been found. Exhumations have to date been restricted to 16 graves in Hera cemetery where bodies from the incident were buried. Blood samples have been taken from relatives through the Komite 12 November Family Association and the first round of testing identified 3 of the 16 bodies, and families were informed in August 2009. This effort will continue, and candidate gravesites will continue to be investigated in the hope that other graves can be found.
3 Methodology

The methodology of this study is driven by the idea that victims, i.e. families of the Missing, know their needs better than anyone else and that research methods must be used that give families the greatest opportunity to articulate those needs on their own terms. Whilst human rights advocates seek to frame responses to violations in terms of rights, it has been seen in Timor that the typical victim knows little or nothing of rights and articulates needs, often urgent needs with which they are confronted on a daily basis. As such, in this study, preliminary work was done with families and leaders of family associations to understand the terms in which those needs were articulated in Timor before finalising the research instrument and beginning data collection on a large scale.

One of the first steps taken in the study was to understand what families and family associations saw as the value of such a study. Given that almost all those met felt that they, and the issue of the Missing more generally, had been neglected by the Timor-Leste authorities, families saw the research as a tool for advocacy of a type that had not yet been done on their behalf. When meeting families in the field they were told that the data was being collected in order to share the findings with the authorities and pressure them to consider the needs of the families of the Missing. This approach was almost universally welcomed by families, and permitted an ethical approach in which families could genuinely understand what would be done with the data they were sharing and thus allowed them to give informed consent to participate in the study.

Whilst the research was carried out independently, the International Committee of the Red Cross (ICRC) provided logistical support and a list of missing persons that constituted the sampling frame (see Section 3.1). The ICRC also committed to use the results of the research to advocate for the addressing of the needs of families of the Missing.

3.1 Sampling

Timor is a predominantly rural society, and the 24 year conflict was largely fought in rural areas. As such, many victims came from the rural poor, largely illiterate peasant farmers from all districts of the country. To ensure that a sample is not biased participants should ideally be selected in a way that ensures they are represented in the sample in the same proportion as in the entire population under study. Sampling methods that are typically used, such as inviting victims to a meeting in the district centre, or meeting those who have already been met by others (such as CAVR or family associations), are intrinsically biasing: in such circumstances those living in the district centre, or with the means to travel and with the connections to know about the meeting, or know about CAVR, will be preferentially met. Such sampling strategies guarantee that elite attitudes will be heard in preference to those of ordinary people.

Here, the list of missing persons collected by the ICRC is used as a sampling frame. This list consists of 2,452 persons who are unaccounted for as a result of the conflict between 1975 and 1999 from throughout the country. These cases were collected during the conflict, when families reported arrests or disappearance to ICRC delegates, and after the conflict when ICRC systematically sought to collect all cases of those missing. The list is not complete, and is potentially subject to small biases (see Section 3.6), but represents what is probably the least biased sampling frame available.

Because it was not feasible to do fieldwork in all 13 of Timor-Leste’s districts, a sample of 4 districts was selected that sought to ensure that the sample remained representative both geographically and otherwise. This purposive sampling sought to choose the worst affected districts (i.e. those with the greatest number of cases) and to ensure that the variety of the population of the country, in terms of rural/urban, east/west and ethnicity, was well represented. The districts chosen were Bobonaro, Dili, Los Palos and Manatuto, which satisfy all these criteria, with 3 of the 4 most affected districts included:

- Bobonaro is in the west, largely rural and was particularly affected by violence in 1999.
- Dili is the capital, and the only significant urban area.
- Los Palos is the most eastern district and the worst affected by the Missing issue.
• Manatuto is a western district, east of Dili; half of all resistance perpetrated cases are in Manatuto.

Within each district a random sampling was then made, selecting 40 cases from each district-wise list using computer generated pseudo-random numbers. An effort was then made to meet as many of these 40 cases as possible in each district, given the time available. The number of families met in each district is shown in Table 6.

<table>
<thead>
<tr>
<th>District</th>
<th>Location</th>
<th>How arranged</th>
<th>No. of persons</th>
<th>Type of participant / Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manatuto</td>
<td>Behau, Umakaduak</td>
<td>Through chefe aldeia</td>
<td>8</td>
<td>Most family members known dead; 3 families of the Missing, mixed gender: FretiLin perpetrated</td>
</tr>
<tr>
<td></td>
<td>Bahadik, Lacro</td>
<td>Through community</td>
<td>4</td>
<td>Families of the Missing and the dead, and chefe aldeia; village highly impacted by FretiLin assaults</td>
</tr>
<tr>
<td></td>
<td>Cailaco Maliana</td>
<td>Family Association “Nove nove”</td>
<td>14, 11</td>
<td>Families of the Missing, mixed gender. Wives of the Missing: highly mobilised and active women’s group</td>
</tr>
<tr>
<td></td>
<td>Atabae</td>
<td></td>
<td>9</td>
<td>Families of the Missing, all men: included chefe de suco and administrator.</td>
</tr>
<tr>
<td>Dili</td>
<td>Comarca Balide (ex-CAVR)</td>
<td>Komite Nov.</td>
<td>35 [4 groups of 8/9]</td>
<td>Families of victims of the Santa Cruz massacre; moderated discussion to list needs of families</td>
</tr>
</tbody>
</table>

Table 6 Numbers met for interview in 4 targeted districts.

In all cases the number of families met for interview is less than the 40 randomly selected. The principal reason for this was the limitation on time for the study. An effort was made to maximise the number of cases that could be met, and a strategy was adopted in which sub-districts with the greatest number of cases were preferentially visited. It is not believed that this introduces any significant bias to the sample. (Indeed it is seen that within each district the types of case encountered are often of a similar nature.) In 3 cases families refused to be interviewed; these issues are discussed in Section 3.4.

3.1.1 Focus groups
Focus groups were met in all targeted districts with the exception of Lautem; these are summarised in Table 7.

<table>
<thead>
<tr>
<th>District</th>
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</tr>
</tbody>
</table>

Table 7 Details of focus groups.

Focus groups were most easy to organise with the assistance of a family associations, such as was done in Maliana and Dili. However, this was challenging due to the lack of family associations in the other districts. The Manatuto focus groups were organised in two different ways. In Umakaduak suco the chefe de suco was met and an appointment made at which he brought

4 Some more than once.
5 This includes one family from Liquiça, a district neighbouring Dili, met as part of an interaction with a strong family association in the district.
families to meet with the researcher. However, the fact that many relatives were not in fact Missing, but known to be dead, meant that only a single focus group of any interest was made. In Bahadik, a remote and poor village in Manatuto, a group of men was met, including the chefe aldeia, who were able to discuss the community’s needs in the light of incidents during the conflict which led to a substantial fraction of the population becoming Missing or being killed by Fretilin.

In summary, the focus groups permitted a range of victims to be met that included groups of family members of victims of different perpetrators, different genders and even different classes.

3.2 Research methods

The research methods used in this investigation were chosen to optimise the utility of the data collected, and in particular to mix methods to increase the possibility of effective triangulation, given the various challenges to reliability and validity that may be present. As a result a range of different methods were used. These comprise:

- Semi-structured interviews
- Focus groups discussions
- Participant observation

Semi-structured interviews

Interviews provide the opportunity for subjects to present information on their own terms: an interview combines structure with flexibility. For a study such as this one it is an ideal technique to allow families of the Missing to tell their own stories and articulate their own needs. Drawing on the experience of a previous study in Nepal (Robins, 2009), an approach was developed in which families were invited to talk about their situation, their missing relative and the circumstances that they found themselves in as a result, through open questions. This was followed by more specific questions to understand how family roles have changed, to quantify economic insecurity and other details. The interview is semi-structured in the sense that the areas of discussion are pre-determined, but the subjects will be permitted to approach these in their own way, however indirect. The “script” for this interview (see Appendix I) was used as a guideline: the course of questioning was determined by the responses of the interviewee, and rarely was every subject asked every question. Rather, this was a framework upon which a discussion with the families was hung, with the family determining the issues of greatest interest to them. The average interview length was 43 minutes, with some much shorter and others much longer. The topics in the script included the following:

- General information (relationship to the disappeared, family size and structure and role of the Missing within it etc.)
- General priorities: an opportunity for families to express, unprompted, their own understanding of their needs and problems.
- Attitude to the fate of the Missing: is the Missing believed dead, have rituals been made, it is necessary to retrieve the body. Economic situation and needs
- Legal and administrative issues
- Justice, acknowledgement, reconciliation, memorialisation and rights
- Institutions and response of the state

The interview began with a general discussion of the circumstances of the family, the role of the missing person within it, and the nature of the disappearance. Families were then asked an open question: “What action you like to see taken in response to your relative being missing?” This allowed families to identify what they saw as their priorities, whether that be an answer concerning the fate, economic support, prosecution or something else. More detailed questioning concerning

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6 This is much shorter than comparable interviews in the Nepal study and appears to be a result of the researcher being less engaged with families than he was through his work with the Family Associations in Nepal. There is also some evidence that culturally families in Timor-Leste are simply less likely to talk openly and freely than they were in Nepal. Some of these issues are discussed in more detail in Section 3.4.
the various potential needs of families then followed this. The interview finished with a request to discuss any issues that the family had considered had not been covered, and for any comments or questions for the researcher.

**Focus group discussions**
A focus group is essentially a group interview, with each participant given the chance to express himself or herself, but with the additional dynamic of inter-group discussion. Traditionally such groups consist of peers, i.e. individuals with similar viewpoints or demographics. The questions used to initiate discussion were very open, inviting participants to choose, and then discuss, the greatest problems they were facing as a result of the disappearance of their relative, with the ensuing discussion permitting detailed attitudes to emerge. For individuals who may feel vulnerable, such as families of the disappeared, a focus group can create an environment that is more secure for the expression of feelings, particularly where all members feel some solidarity.

**Participant observation**
The traditional ethnographic method of participant observation was also used throughout the contact the researcher had with families of the Missing. Given that the researcher met more than 150 families over a period of 2 months, very often in their own home or community, there was an opportunity to collect a large volume of data. In particular, participant observation was an additional tool for triangulation, since it allowed the possibility to confirm or refute the verbal data gathered in interviews and focus group discussions. Participant observation provides the possibility of confirming much of the data regarding economic conditions, relations within community and family, and other subtle elements of social interaction. During interviews, focus groups and throughout field visits field notes were taken of observations of participants and their environment that formed part of the data analysed.

**Research protocols**
In this research the guidelines of the CCFJS for working with vulnerable individuals and families was followed through use of the following protocols (adapted from CCJFS, 2003):
- Interviews begin with a discussion of the subject’s current situation to determine their readiness to discuss topics of interest.
- Subjects are reminded regularly that they are not obliged to respond to any questions.
- Interviews with family members are conducted in peer groups where possible, either with other family members, or other victims.
- Interviews are conducted by the researcher himself, with the aid of an interpreter as required. At any sign of distress an offer is made to terminate the interview.
- Each participant is guaranteed that the information he or she provides will be kept confidential.
- Data collected is held in a way such that the concerned individual cannot be identified, and stored such that only the researcher has access.

### 3.2.1 Checks on research validity

**Descriptive validity** (i.e. confirming the accuracy of what is reported) is reinforced through the use of low inference descriptors, notably representative quotes that allow the data to “speak for itself”, reducing interpretive biases from the researcher. Triangulation, using research methods with a degree of orthogonality allow a “cross checking” of information and conclusions, through the use of multiple procedures. (The fact that the researcher operates alone precludes the use of investigator triangulation.)

**Interpretive validity** (i.e. confirming that the meaning attached to participants is accurate) demands the greatest possible immersion in the world of those being studied. Participant feedback was used routinely in all interviews to confirm the important points of the interview, and the global conclusions were discussed with a number of family association leaders near the end of the research exercise. When using quotations from participants only the translation is likely to significantly impact on the meaning given, and this was done largely by research assistants who do
An assessment of the needs of families of the Missing in Timor-Leste

not necessarily share the agenda of the researcher and are close to the worldview of the participants.

Researcher bias is more difficult to exclude, not least because there may be a desire to confirm the results of the previous study in Nepal. The greatest defence against this is to maintain reflexivity at all times, i.e. “the researcher engages in critical self reflection about his or her potential biases and predisposition” (Burke Johnson, 1997: 284).

3.3 Implementation

The study began with an initial phase where families and family association leaders were met to understand the topics of interest to them, and this used to refine the semi-structured interview script. During this phase local elites and others were met to better understand the cultural context, notably with regard to the spiritual life of the Timorese and indigenous understandings of mental illness and trauma (see Section 2.2). An overview was also gained of the ongoing processes to address the needs of victims that are summarised in Section 2.5.

Data collection then took place over a 2-month period in collaboration with the Dili mission of ICRC, who provided logistic support. The vast majority of families were visited in their homes, and a few at their work places. Where the families selected by the sampling strategy were otherwise available (e.g. at family association meetings) interviews were also conducted elsewhere. The researcher led all interviews and focus groups. A research assistant, whose role was to interpret both linguistically and culturally, accompanied the researcher in all interviews. Interviews were conducted in Tetun, Portuguese and Fatuluku languages, and so assistants were drawn from the appropriate communities. For the majority of interviews and focus groups in Tetun and Portuguese Timorese women resident for many years in Australia assisted. She was the sister of a man disappeared by Indonesian forces in 1979. For the interviews in Fatuluku a Timorese student originally from Los Palos assisted.

The aim of the research, and in particular its advocacy goal, was explained to families, and their consent sought for participation in and recording of the interview and focus groups, subject to the maintenance of the confidentiality of the participants. Consent to record was refused on a handful of occasions, where notes were taken by hand. Three families declined to be interviewed and one asked for the interview to be stopped shortly after beginning (see Section 3.4).

The recording of the interview or focus group discussion was then translated into English from the original language by a research assistant and transcribed in English for analysis. The texts emerging from the translation and transcription process were analysed together with the researcher’s field notes of all interviews and focus groups, by the researcher himself. These texts were iteratively coded for analysis by both frequency of topic data and for selection of relevant text segments. The themes that emerged from those texts dictated the section titles that are used in this report.

3.4 Response of the research subjects

The response to the presence of the researcher varied, with a clear difference between urban and rural areas. In urban areas, in particular in Dili and Maliana (Bobonaro), many families had been met repeatedly by various agencies, including NGOs, CAVR, the UN (including the serious crimes

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7 The initial version of the semi-structured interview script was that used in Nepal that was then modified for the cultural context of Timor. This was used as a basis for the first interviews and then iteratively updated in response to interviews in the first weeks of the study.

8 Tetun is the lingua franca of Timor-Leste, spoken by a majority of persons, albeit often as a second language; Portuguese is spoken only by small minority, largely older people and elites educated abroad; Fatuluku is the dominant language of the Los Palos region (Lautem district), where Tetun is little spoken.
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investigators) and others. As a result of this high level of attention, accompanied by the perception that no concrete action to support families or address their needs had been taken, families often had a negative or suspicious attitude. Two families in Dili refused to permit an interview, saying they had told their story too many times and never seen any response as a result. Negative reactions appeared to be more common from families of victims from 1999 and from the Santa Cruz incident who have historically received more attention than families of victims from other phases of the conflict.

Since 1991 until today, many people came from different organizations, they collect information and disappear and we hear no more from them. All information has been given by my parents; certainly we cannot give any more. The question is what happens after that? (Father of young man missing in Santa Cruz incident, Dili)

Some foreigner always comes here. They always come here and I always cry in front of them. They always come here to take data but I do not want to make any document because I always cry when I meet them. Sometimes we do many things but we never see any result. (Mother of young man killed in 1999, Bobonaro.)

This attitude was also seen in the family associations (for victims of 1999 violence) in Liquiça and Bobonaro, where the leaders of both associations were sceptical of the research. The leader of the Liquiça group summarised this: “So many people come to talk, nothing happens; some refuse to participate in such meetings any longer”.

To talk again about this we feel tired already, because later on another group will come and ask us about the same things and the same questions and nothing comes of it. In addition, you might take all the data and throw it in the garbage. It’s just for nothing. (Focus group participant, Bobonaro.)

Like from the Red Cross\(^9\), they came here last year and informed us that, for those who had lost their family and did not find their bones yet, you come together here so we can find ways or solutions to resolve this problem, and afterwards we never heard anything again from them and it seems they lost it on the way. As we said before the Red Cross also came here, collected all our names, they brought the entire list but where are they now; they have probably thrown them away or thrown them in the garbage. That is why we as the family of the victims, we find it hard to meet or talk to you people, as if you came now. Because so many interviews on the same topics have been made with us as the victims' family but they never yield any result. (Focus group participant, Bobonaro.)

Some families also believed that victims were being used by agencies to make money; that ‘projects’ (a pejorative word from Indonesian, meaning an exercise with no aim other than to sustain those involved) were being created to benefit those working on them rather than victims:

To me I would like to say that many people have already done this type of work, so it looks like a kind of ‘project’. I don't want this to become part of a project, by taking data again and many will take advantage of this for their own interest, no I don't want. [...] People are making money out of this and it’s happened many times, they came and starting with lies and later making their own projects using information from the victim's family to get money. (Son of missing man, Dili.)

There were some people from a human rights NGO who came and made confirmation and report here. Sometimes they use the report to ask for support but the support never came

\(^9\) When families talk of ‘Red Cross’ they most likely are referring to the ICRC, with whom families of the Missing have had greatest contact. It is also possible that families have had contact with CVTL (Cruz Vermelha de Timor-Leste, the National Red Cross Society), and in many cases will be unable to discriminate the two.
to the families of the victims but the support just stopped in the middle of the way. The problem is, they asked the needs of the victims’ family. We believe that the result will really come but the families of the victims never got any result until now. It is similar to you coming now and taking data; ask everything about the suffering since their husband is missing but nothing is ever realised. The results really come, but other people take it. This is business. (Wife of missing man, Bobonaro.)

This attitude is the natural result of a situation where agencies act on behalf of victims, rather than victims themselves having any agency to take action. Whilst some have livelihoods based on their work with or for victims, victims themselves feel they have received little.

In rural areas, in contrast, particularly with victims from the earlier phase of the conflict, the researcher was largely well received. Most victim families have been visited by no agency other than ICRC, and as a result feel neglected. There is a general feeling that the ‘small people’ [ema ki’ik] have no influence and no access to authority, and so they need an intermediary such as the researcher. That a foreigner is prepared to travel to remote areas to meet ordinary people is something for which most are very grateful.

We thank you a lot because we can deliver our information and you can inform the government. The decision depends on the government and we small people do not know anything. We just deliver our information to you. (Nephew of missing man, Lautem.)

This also appears to confirm that expectations of action are not raised by the study, other than through the continued frustration of not seeing any action. It was understood that research will be used to advocate with the authorities. Indeed, one of the most common phrases used by families was “it depends on the Government”: there is little perception that families have rights, or can make demands: they maintain a deferential attitude to Government. Even in Dili there were also highly positive responses to the research, as well as a demonstration that the research was well understood:

It's a lucky day for me today to see these faces appear at my doorstep, asking how I am, to let me know that I have the case of my missing brothers. I would like to take this opportunity to send a message to the Government through you, to see whether they'll do something for me. (Brother of two missing men, Dili.)

Interviews were unsuccessful for other reasons. In one interview in Manatuto a female teacher whose brother was missing since 1979 started to talk, but broke down in tears and asked to stop the interview after only a few minutes. Whilst the very brief recorded data contributes little to the study, the fact that she could become so emotional some 3 decades after the disappearance reveals the extent to which the Missing issue is still important to many. This was only the most extreme of many emotional reactions to the research process, and such issues are discussed in Section 6.1.

One reaction that was seen on many occasions was a concern that we were only asking about some of the victims of the conflict. Since many families have accepted the fact that their missing relative is dead, when most of the family died in the conflict it is perceived as strange that the researcher is asking about only one of them:

The incident of the missing people; some died from shooting and others from hunger. Some others were dying because they got sick. The people who were killed due to shooting and have no grave, Red Cross has come to take data but no organisation or institution came and took data for the others that died because of hunger and sickness. (Nephew of missing man, Bobonaro.)
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This reveals the danger of seeing the issues and concerns of families of conflict victims through the narrow lens of the Missing: for families that were met, those who meet the definition of Missing derived from International Humanitarian Law [IHL] (ICRC, 2003) are only a minority of those who died in the conflict. There is the additional issue that the IHL definition of missing is not necessarily the same as that widely understood by the population. Families’ concern is with all the dead, including for example those that were buried hurriedly in the hills during the conflict, but who were not subject to appropriate ritual. Families’ needs arise from the global impact of the conflict and not just from the missing issue. It will also be seen that the spiritual issues that dominate the needs of families are often also relevant to the (known) dead, and not only the Missing.\(^{10}\)

The Tetun word most often translated as ‘missing’ was *lakon*, literally meaning lost. In some cases this word was used to describe someone who was dead, as lost would be in English, but usually this usage in the context of the family, was unambiguous. *Ema lakon*, literally ‘lost person’ is widely understood to mean ‘missing person’ in Tetun.

3.5 Ethical issues

3.5.1 Security and access

The principal conflict of Timor’s 3 decades of war, that with the Indonesians, ended ten years before the study and as a result there were few issues of physical security concerning participants during the study. The only cases where families appeared to be somewhat nervous was when discussing violations committed by Fretilin in the 1970s (see Section 2.3). These violations have been little discussed publicly even if they are well known to many in Timor: in one case a family was visibly concerned to be discussing the issue in public and was not keen to be recorded:

Fretilin took our people, we don’t know whether they were Fretilin or Apodeti or UDT because at that time there were three political parties involved in the conflict; at that time we didn’t attend school so we don’t know. So many questions here... they are afraid if in the future we go the office and there will be many question to answer, and we don’t know how to order the words since we are afraid. (Focus group participant, Manatuto.)

Whilst those leading Fretilin at the time are in some cases now in positions of power it does not seem conceivable that they could pose a threat to families on the basis of anything they might now say about their war time experience.

‘Emotional access’ is harder to achieve than simple physical access to families. In comparison with the Nepal study (Robins, 2009), where there was a long-term engagement of the researcher with both Family Associations and the families they represented, in Timor the only connection of the research to families was through their knowledge and attitude to the ICRC. As a result of this, and perhaps also due to cultural issues, interviews with families in Timor were on average significantly shorter than those in Nepal. Additionally, less was learnt about the more intimate aspects of the impact of the disappearance, notably emotional effects and impacts within the family. This may demonstrate that such impacts are slighter, perhaps as a result of the time that has passed since the disappearances or for cultural reasons; efforts will be made in this analysis to probe this question.

3.5.2 Consent and power relations

A significant fraction of all interviews made in this study were with urban families (25% of interviews were in Dili, and perhaps 20% of the remainder made in urban centres in the districts). Such families were usually not merely passive respondents to the questions they were asked, but

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\(^{10}\) Many of those who died in the early years of the conflict were hastily buried by families where they fell, while some died but could not be buried and so were simply left; neither of these cases is missing according to the IHL definition. In many cases however families are either unable to find the location of graves or are unable to afford the rituals required to exhume and rebury a relative. In both these cases the person is not missing, but the family has almost identical needs to families of the Missing.
sought to ensure that the researcher heard their views, often contesting the form of the interview process and challenging the researcher to justify both his role and confronting him with their perception of their poor treatment by the state and international agencies. As such, it was clear that such respondents had a significant input to the form of the data that was ultimately collected, ensuring that the researcher could not but be aware of their attitudes. An ability to interact in this way is most often a product of one or more of education, wealth and proximity to authority, producing a high volume of data whose content is driven by the respondent. The same was true of the most highly mobilised victims’ group, in Maliana (Nove nove), where a group of women had been active for a decade in fighting for their rights. This solidarity and active engagement with a range of organisations had created a highly empowered collective with a consistent and precise set of demands of both the authorities and the researcher.

In contrast, in rural areas the response of families made it very clear that there was a perceived hierarchy, with families being deferential to the researcher. In such circumstances very often family members sought to answer those questions posed but not advance their own issues. Such a relation between the researcher and the respondent not only risks biasing the data towards the position assumed in questions asked, but also necessarily results in less interesting data, giving a thinner description of victims’ lives and needs. This is the natural result of an interaction with victims where the form of the contact is driven largely by the researcher rather than by victims themselves. Whilst rural people were met who were very successfully engaged and spoke at length and with conviction, it is clear that some of the data collected in rural areas was less likely to produce an interesting quote that will be selected to summarise victims’ views.

The advocacy approach, with the researcher as a conduit to the authorities, was however largely well understood by all (see Section 3.4), with families accepting that it was the Government’s role to address their needs. This did not of course automatically mean that families, particularly the poorer rural families, did not have expectations of the researcher. A significant number of families sought a greater contact with the authorities, requesting the researcher to attempt to ensure that senior leaders could visit victims in their district so that they could present their views. In this way the study can serve to empower victims, if the study can deliver on the possibility of bringing the authorities and victims into greater contact. This is discussed further in Section 10.4.2.

The concrete issues to be understood and consented to by all subjects included confidentiality and the anonymous transmission of statements. Once the general aims of the research were understood, the nature of recording and anonymous transmission was explained to the families at the time of the interview or focus group. This was justified by the need to “take the words of the families to the authorities‖, an accurate shorthand for the process of transcription and reporting, and was mostly well understood.

3.5.3 Psychological issues

Interviewing those who have lived through conflict about their experiences is necessarily highly invasive. This is particularly true where, as in this study, the psychological impact of events is under explicit investigation. Whilst there is a literature on working with traumatised victims of conflict from a therapeutic viewpoint, there is little written on how researchers without an agenda to intervene therapeutically should proceed. These issues were explored in the Nepal study (Robins, 2009) and will be summarised here.

Retraumatisation is most likely to occur in those showing symptoms of post-traumatic stress disorder (PTSD) (Kammerer and Mazelis, 2006). It is important to understand however that having a missing relative is not a pathology (Boss, 2004), and that the vast majority of families live with no clinical symptoms of PTSD, which may anyway not be a relevant approach outside a Northern culture (Bracken et al., 1995). Smyth (2001) draws attention to the timing of interventions with the traumatised: meeting subjects too soon after traumatic experience may report early shock and denial, in contrast to the true impact of trauma. In this study the most recent violations (those from 1999) have occurred at least 10 years previously, and the majority significantly before this (i.e. in
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the late 1970s and early 1980s). It should also be noted that the impact of disappearance is ongoing, and so retraumatisation is not a relevant approach to addressing its effects.

Bell (2001) suggests that interviews should be made in the company of peers and that efforts should be made to provide support for subjects following interviews. In the context of this research however essentially no professional therapeutic service is available and peer support must be relied on. Efforts were therefore made to create the most supportive environment possible for those telling their stories. Wherever possible, interviews were made in either a family context or in a group of peers. The research protocols followed allowed the study to be implemented on the understanding that there was “minimal risk“11 to those participating: several interviews were terminated as a result of the apparent distress of the interviewee.

A number of those met made negative statements about the impact of the research, suggesting that emotionally the process was not positive:

The wounds were starting to heal; you are opening the wounds again when we talk. (Sister of missing man, Manatuto; the interview was terminated after a few minutes due to the distress of the interviewee.)

We do not demand anything but it is like the Red Cross is opening our wound again after a long time sealed. It's like our pain, our wound is open again. We don't demand that after an interview you have to give something to us, no. We don't demand, instead you take the report to the Government and, since the Government is facing lots of problems, it will remain there until the next Government comes along then because it's been filed for a long time it will not take any effort to solve it. (Family of missing man, Dili.)

These statements however should not allow the obvious presence of suffering to be confused with retraumatisation, although it was clear in the first case the interviewee was highly disturbed by the brief discussion. In the second case, there was no evidence from two extended interviews that the family was coping badly with the disappearance, but they chose to link their pain with the lack of action from the authorities, suggesting this as much as the emotional impact was the problem. Overall in four cases where interviews were begun respondents made negative statements about the interview process.

Many subjects became distressed during interviews: on occasions when a wife or mother became distressed, a son or other family member took the role as the principle discussant, another advantage of the family based approach. This reveals the emotional vulnerability of some of those met. The environment of discussion within a family or peer group appeared to be extremely supportive, and sustainable beyond the presence of the researcher. In 31% of cases family members became upset to the extent that they cried during the interview, and in 3 cases, all women being met alone, the interview was terminated as a result of the distress of the respondent (including that discussed above). These cases demonstrate the importance of seeking to create an environment where there is a network of support available both during the interview and, more importantly, afterwards. It does raise the question as to whether the most vulnerable individuals, notably mothers and wives of the Missing, should be met alone for such interviews. However, it should be noted that other women were met alone during this study and no apparent problems encountered; the reactions described here are atypical, but nevertheless must be considered when evaluating any potential negative impact of the research.

None of these experiences challenges the “minimal risk” hypothesis: the woman whose reaction is described above presumably has a similar response whenever the events around her brother's disappearance are recalled, as they must be on occasion in daily life. It does suggest however that, despite the time that has passed, she is coping badly with his loss (see Section 6.1). It is

11 Minimal risk is defined as the probability that harm or discomfort anticipated in the research are not greater in and of themselves than those ordinarily encountered in daily life or during the performance of routine physical or psychological examinations and tests (Jonsen, 1978).
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beyond the proficiency of the researcher to diagnose PTSD in those interviewed, but it is likely that some of those most impacted by the discussion of the research are traumatised by their loss. There remains however no evidence that any subject was harmed, beyond the distress that will be encountered in daily life, by being interviewed.

3.6 Limitations of the study

There are several potential sources of bias in the study that can threaten the validity of the data presented. One is a bias in the sample of victims selected, using the ICRC list of missing as a sampling frame. The families who have registered their missing loved ones with ICRC are to some extent self-selecting; it is possible that they have greater needs than those who have not registered. However in most cases the recording of a case is dependent largely upon ICRC staff having met the concerned family, and it is hard to envisage significant biases in this process, although it is possible that families in remote areas were less likely to be met than those in urban areas. The impact of this would be to under-estimate issues such as economic needs, and over-estimate needs for judicial process and for truth about the fate; the differences between interviewees in Dili and elsewhere is shown in Table 9.

Other biases can potentially arise in the data collection process, through a perception in the respondents that demonstrating certain needs is beneficial, the most obvious example being that they will receive assistance. However, rather few families mentioned their economic status to the exclusion of all else, with most describing their livelihood challenges as one of the needs they face in their daily lives. Those who were in extreme economic circumstances could be readily identified as such, through observation of the condition of their homes and clothing.

One bias in the study that is apparent is the relative superficiality of data collected concerning the emotional, psychological and psychosocial impacts on families. Compared to the Nepal study (Robins, 2009) families did not readily offer such information and efforts to extract it were rarely successful. There are several possible explanations. Such issues may not be of great importance due to the time that has passed since the disappearances, or for other cultural reasons. Notably, indigenous approaches may seek to describe such impacts in other terms, such as that of the spiritual, where the spirits of the dead can have very concrete impacts on the lives of families (see Section 5.3). The wealth of detail learnt about potential spiritual impacts may precisely be a compensation for the lack of discussion of emotional and psychological issues.

Considering other biases, there appeared to be no agenda, political or otherwise, that families were trying to advance. There was a general cynicism about the motives of their rulers (see Section 10.4.2), and a consistent desire to see their needs, particularly economic ones, addressed by the authorities. A small number of families did have an explicitly party political outlook, being pro-Fretilin, particularly in Lautem, but this did not appear to shape their views other than being virulent in their criticism of the current government.
4 Needs of families

Needs vary from family to family. They are a function of when and how the person went missing, the role the person played in the family, the economic and educational status of the family and of many other factors. In this section an effort is made to give an overview of those needs, and to articulate their hierarchy, i.e. the priorities families see in terms of which needs are most important or most urgent. It is likely that needs evolve over time: in the sample of families met the time since disappearance ranges from 10 to 34 years, and thus permits an explicit test of how needs change with time (see Section 4.2). It has also been seen that public discourse about the conflict impacts upon families' perception of their needs. Those whose loved ones were taken during the violence of 1999 have seen widespread discussion about the violations that occurred then and about the issue of judicial process in particular. As such, families of victims from 1999 who have been exposed to this discourse (and not all have) are much more likely to discuss the issue of justice than families of those missing from earlier in the conflict where judicial issues have apparently never been on the public agenda. Underlying all of these issues however are those needs with which families are confronted on a daily basis, notably the need for information about the fate and remains of their loved one, and the economic needs with which many families in Timor live and which are exacerbated by the loss of an economically productive male relative, as most of the Missing are.

4.1 A summary of needs

Many families were unable to summarise their needs with any eloquence. Most typical of ordinary families' responses was to emphasise the need for an addressing of the need for news of the fate of their loved one or for proper treatment of the remains, as well as the need for economic support:

"…we'll not stay put until we find our brothers' bodies. The important thing is to find their bodies and for the Government to build a place so that they can rest in peace. It's also important for our brothers' family to send their children to school with the help of the Government because our family doesn't have enough money to send the children to school; if they were alive it would be different. (Focus group participant, Dili)"

The following summary is from the coordinator of one of the associations of families of the victims of the 1999 violence; whilst she chooses to emphasise justice, she also mentions the range of needs that families face, notably that for psychological support:

"I watched very closely the needs of victims’ families; firstly it is important to have justice, secondly to have reparation for the victim's family, that way they can live and carry on with their lives. Through reparation, the person can continue her life, look forward to the future and to be back again as she used to be. Looking at the side of education this time the Government has done some part of its duty as well as some payment for mothers to pay children school fees, again not all are getting this, only some of them. Another issue is the economic and especially health: why is that, because during this period, some of the victim's family, wives are the most affected mentally. For these women, what they saw and what they've been through was notorious and they took it badly. A person like that had trauma and what will we do to heal that or to help them out of trouble? If there exists a treatment or counselling that can help her out so that person can continue her life normally. (Coordinator of women's group, Liquiça.)"

Many families and communities still have significant ambiguity about those who are missing, as to whether they are dead or alive. Where they are dead the need for recognition and for proper ritual for the dead is crucial:

"Our community has lost its children and many people died; we want our Government to search and find those who are missing. If they are still alive, please bring them back and if they are dead please do not forget the families of those who died. For those who are dead, we want their remains, and for the family who are still alive we want the government to provide cement so we can build a proper grave for those who died. Only graves for those
that died in the war. We also want to build a monument, and on that monument we would write their names. (Chefe aldeia, Manatuto)

Almost every family mentioned the need to perform proper ritual, often made impossible by the lack of knowledge of the fate, the lack of a body or a simple lack of financial means. Such ritual is driven by obligations to the spirits:

The first need is for the ritual based on cultural demands; the impact of this is to spare us from sickness and suffering. The second thing is that he was the victim of the political situation; therefore, we don’t want to ask for anything, but the government should respond to the suffering of the victim’s family. The families of the victims really need the government to recognize the victims. (Nephew of man missing from 1999, Lautem.)

The need for such recognition is also important for many families who perceive that all those who died in the conflict gave their lives for their country:

I have told you that the most important thing for me is; first, write his name in the list of [those who made] struggle; second, make his grave. The living can make the grave but his name is most important because we can write his name in the history of Timor-Leste. (Father of young man killed in Bobonaro in 1999.)

Justice was mentioned by many (and the constraints on it well understood, in some cases), but was defined not only in terms of judicial process, but also as allowing families of those who have died or are missing to live better than they do now:

...the Government has to take care of victims’ families while waiting for justice to come but as a nation with our democratic rights those victims and their families have to get something from the Government because they deserve it and for justice they have to look at how important is diplomacy between countries - therefore justice will eventually come. (Focus group participant, Bobonaro)

4.1.1 Quantifying needs

The first question families were asked in the research process was an open one: “What did they want to see done in response to the fact that their loved one is missing?” This aimed to elicit a first reaction from families in terms of what their priorities were. During the rest of the interview and discussion, these needs and others were probed to reach a rounded picture of the needs of families.

Needs expressed throughout the interview have been coded, such that the needs expressed by all families in the sample can be quantified. Table 8 shows a summary of the number of families expressing each need identified during the research process. The needs identified fall into several categories, with each family identifying as many as they see fit:

- **Truth about fate**: For those families that are still ambiguous about the fate of their loved one, the truth about the fate is an important need; where they believe they are still alive, as for families of children taken as TBOs, they seek to make contact.
- **Access to the body**: Where families have become reconciled to the fact that their relative is dead, or have evidence of death, needs are dominated by the desire to retrieve the remains, often driven by the obligation to placate the spirit of the dead through appropriate burial and ritual.
- **Economic support**: For a majority of families met livelihood is a struggle, and economic support, whether linked to the Missing or not, is needed. A little under half of all families (44%) express a need linked to knowing the fate of the Missing, or retrieving remains where death is known or suspected. These are needs that can likely only be addressed through the receipt of information from perpetrators or witnesses. 7% of families expressed no needs at all: they have come to terms with the death of their loved one, have likely
performed rituals, and do not seek economic support or further recognition from the authorities (many have received medals).

<table>
<thead>
<tr>
<th>Need</th>
<th>Fraction expressing this</th>
</tr>
</thead>
<tbody>
<tr>
<td>Economic support</td>
<td>0.61</td>
</tr>
<tr>
<td>Recognition / memorial</td>
<td>0.30</td>
</tr>
<tr>
<td>Truth about fate</td>
<td>0.30</td>
</tr>
<tr>
<td>Access to body</td>
<td>0.16</td>
</tr>
<tr>
<td>Justice / punishment</td>
<td>0.10</td>
</tr>
<tr>
<td>No needs expressed</td>
<td>0.06</td>
</tr>
</tbody>
</table>

Table 8 Needs expressed by families during the semi-structured interview.

Unsurprisingly, almost half of all families expressed a need for economic support. It is not immediately clear however as to the extent to which this is related to the missing person, rather than being what one would hear from asking the population at large about such needs. Whilst families were met where economic needs arising from the loss of the Missing remain (notably female headed households where husbands or sons were victims in 1999), in most cases it can be expected that coping mechanisms would have emerged, particularly for the older cases.

The apparently low level of interest in seeing judicial process is a reflection of the composition of the sample. Whilst many families of those missing from 1999 maintain a fierce commitment to seeing justice done, these constituted only 15% of the sample, and in rural areas those families who have not had contact with mobilised victims or human rights agencies do not articulate judicial needs. For the vast majority of older cases, arising from the late 1970s and early 1980s, many dismiss what has happened as the “consequences of war”, and do not see a claim for prosecutions as relevant (see Section 8.1.2).

Around a third of families seek recognition of their missing loved ones’ sacrifice. Despite the large scale distribution of medals, which have been hugely welcomed by families, 56% of families have yet to receive one in recognition of the Missing. Beyond this, many families seek state acknowledgment of the family’s sacrifice through the construction of a memorial to the Missing in their area (see Section 9.3).

No family expressed a need for administrative or legal processes to deal with the disappearance, a reflection of the fact that most families do not have regular contact with the law of the state. Remarriage has occurred, sometimes with the sanction of the church, and many do not hold formal land tenure, or have managed to deal with property inheritance in some other way.

4.1.2 Different families, different needs

It has been seen in other contexts that the urban/rural discrepancy in terms of needs expressed by families is substantial. Here, the data is examined divided into families met in Dili and those met elsewhere in the country. Whilst some district centres outside Dili could be considered ‘urban’, in practice this is an effective way of testing any urban/rural differences. The results are shown in Table 9. The differences between the two populations are dramatic. As might be expected, one of the greatest differences is in the fractions that mentioned economic needs: almost 3 times as many families outside Dili as in the capital expressed economic needs. This can be understood by the greater wealth and economic opportunities in Dili. More than this, however, there are significant differences in approaches to information regarding the fate and human remains: almost three-quarters of families in Dili expressed ambiguity about the fate of the Missing and the need for truth, while in the districts far fewer did. This may be due to the composition of cases in Dili compared to elsewhere: in Dili 63% of all cases are missing following arrest, while this is 50% in the districts. Also, in Dili 31% of cases arose from the Santa Cruz massacre, where ambiguity about the fate may remain high, compared to cases of those lost in the mountains following the Indonesian invasion, for example, who are presumed to have died. It is also likely that these data reflect the
dismemberment of many victims in the countryside; they cannot conceive that they will ever receive an answer or a body and so have resigned themselves to moving on, in contrast to those in Dili who understand their rights and make demands as a result.

<table>
<thead>
<tr>
<th>Need</th>
<th>Families expressing this need, fraction</th>
<th>Dili</th>
<th>districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Truth about fate</td>
<td>0.69</td>
<td>0.18</td>
<td></td>
</tr>
<tr>
<td>Access to body</td>
<td>0.06</td>
<td>0.20</td>
<td></td>
</tr>
<tr>
<td>Economic support</td>
<td>0.25</td>
<td>0.73</td>
<td></td>
</tr>
<tr>
<td>Justice / punishment</td>
<td>0.19</td>
<td>0.08</td>
<td></td>
</tr>
<tr>
<td>Recognition / memorial</td>
<td>0.44</td>
<td>0.25</td>
<td></td>
</tr>
<tr>
<td>No needs expressed</td>
<td>-</td>
<td>0.08</td>
<td></td>
</tr>
</tbody>
</table>

Table 9 Needs expressed by families in semi-structured interviews, divided by location.

The difference in the fraction of families seeking retributive justice (a factor of 2) is also notable. This demonstrates either that the generally higher level of education in Dili empowers families to demand justice, or that discourses, such as that of human rights, are more accessible in the capital than elsewhere, and thus families are more likely to absorb and articulate them.

This analysis does however highlight one of the problems faced by most families of the Missing, that of access to decision makers. Families in Dili have better access to those with political power, as well as to opinion shapers, such as the media, than those in other parts of the country. As such the discussion on the issue continues to exclude the majority of rural victims whose priorities, as can be seen here, diverge from those whose voices are most often heard.

4.2 The time dependence of needs

The dataset collected in this study permits an explicit study of the dependence of family needs on time passed since the disappearance, as a result of the fact that persons went missing over a period of 24 years. Here, variables have been plotted as a function of when the person went missing. The data have been divided into periods that contain a sufficient number of families that a statistically meaningful statement can be made: this leads to an uneven binning in time, owing to the uneven distribution of missing cases. For these plots the vertical error bars represent the statistical uncertainty on the measurement, arising from the limited number of families in each data bin. Figure 5a shows the fraction of families believing that their missing loved one is dead, as a function of when he went missing. It appears to show for most of the data a significant trend that the longer someone is missing the more likely the family will believe him to be dead. Conversely, the number of families who feel ambiguity about the fate of the Missing decreases with time. The data point corresponding to those missing from 1999 is anomalous however. Similarly, in Figure 5b the fraction of families that have made some sort of ritual for their loved one is shown as a function of when he went missing.
Figure 5a Fraction of families believing their loved one to be dead as a function of date of disappearance.

Figure 5b Fraction of families having done some ritual for their missing loved one, as a function of date of disappearance.

Figure 5b suggests that whilst 88% of the families of those who went missing between 1975 and 1977 have made rituals for their loved ones, only 20% of the families of those missing between 1985 and 1998 have done so. Both these plots imply, perhaps unsurprisingly, that as time passes families become more accepting of the fact of the death of their loved one, even though in almost all cases in Timor they have received no additional information about the fate. For those missing in 1999, this figure is 86%, contradicting the trend. That the families of those missing from 1999 are more likely to believe that the Missing are dead can be understood as a result of the collective nature of the experience of the violence of 1999. The violence impacted the entire country and it is widely understood that many died, constituting a shared experience where communities reinforce the belief of families that loved ones are dead. Additionally, the events of 1999 have been given far more attention in post-conflict Timor-Leste than the earlier deaths and disappearances were, and families are well aware that when taken by the militia people were killed, even if bodies have not been found. This is in contrast to the experience of those whose loved ones are missing from earlier phases of conflict where little information was available and it was quite conceivable that relatives were alive elsewhere, or held by the Indonesians.
To confirm that the trend seen here is indeed a time dependence and not a result of the different types of disappearance that occurred in the various eras of conflict, the perception of the fate and attitude to ritual was compared for those arrested (who dominate the years after 1982) and those missing in other ways (dominant in the earlier years). Whilst families of those arrested are less likely to believe the missing to be dead than those missing in other ways (47±8%, as against 72±9%) there is no difference in terms of rituals done. This suggests that the trend of Figure 5 is indeed a time dependence.

Since perceptions of the fate of the Missing change as a function of time, one can expect that the psychosocial impact on families will also evolve. This issue is discussed in Section 6.10.
5 The fate of the Missing

...then I ask you if you could please find out where they are? To give an example, if a child
disappeared or died in an unknown place, will parents sleep at night? No, there will be
desperation in the family. (Focus group participant, Dili.)

Families of the Missing in Timor-Leste have a range of attitudes to the fate of loved ones. Many,
particularly where a loved one is missing from earlier in the conflict, believe their relative is dead
(see Figure 5a). A minority however live with the ambiguity of not knowing if their loved one is dead
or alive, and suffer the impact of that most painful of losses. Beyond knowledge of the fate
however, all families have obligations to perform rituals for the dead and to ensure that the spirit of
their loved one is at rest: failing to do this can bring sickness and even death to the family. Some
have claimed that the spirits of those not at rest are responsible for conflict within communities and
for recent violence that has destabilised Timor-Leste. As a result, even where death is known or
presumed, the issue of the rituals remains. In some cases families have been able to perform
rituals even in the absence of a body by using a substitute, typically a stone from the place of
death. Some families however, feel unable to do this because they have not had death confirmed,
or do not know the place of death, or feel they need a body to do rituals that honour the dead
appropriately

Here, the needs of families arising from the Timorese context in which people went missing and
from the cultural world in which families live will be discussed.

5.1 Perception of the fate of the Missing

Families were asked an open question about what they thought had happened to the missing loved
one. The responses they gave are shown in Table 10.

<table>
<thead>
<tr>
<th>Perception of fate</th>
<th>fraction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alive</td>
<td>0.03</td>
</tr>
<tr>
<td>Ambiguous</td>
<td>0.15</td>
</tr>
<tr>
<td>Ambiguous, probably dead</td>
<td>0.15</td>
</tr>
<tr>
<td>Presumed dead</td>
<td>0.54</td>
</tr>
<tr>
<td>Seen killed, body not retrieved</td>
<td>0.05</td>
</tr>
<tr>
<td>Seen killed, body retrieved</td>
<td>0.05</td>
</tr>
</tbody>
</table>

Table 10 Family perception of the fate of the Missing.

This coding of interviewee responses aims to reflect the attitudes as discussed by families:

*Alive*: In only two families met, in both cases where a young boy had been taken as a TBO by the
Indonesian military, was there an assumption that the missing person remained alive. In one case
a message had been received from one of the boys a decade after he was taken, but no contact
could be made.

*Ambiguous*: Almost one third expressed ambiguity about the fate of their loved one, with half of
these having no idea as to the fate, and half thinking that he may well be dead, but expressing that
they really did not know.

*Dead*: In some cases death was confirmed by the family having witnessed the killing themselves,
as in some cases of militia killings in 1999 where bodies were then removed, or where a relative
died while families were fleeing in the mountains, but the body left where it fell. In other cases,
witnesses have informed families of death, but bodies have not been retrieved.

[He is] probably not alive, because some families who are also missing family members
said that they were killed. They were taken, [but] one of them escaped and he informed us
that they were killed but didn't know the site of their murder. (Wife of missing man, Dili.)
A majority of the families met believe their loved one is dead, but in almost all cases this is presumed, and not confirmed. However, in such cases, there is little doubt in families’ minds and most have made some ritual. The reasons for families having reached this decision usually arise from the length of time that people have been missing:

Yes, he is already dead. He died when I was only one year old. I have had four children; if he is still alive, he should have come back by now. When our friends [Falintil] were still in the forest, we thought that maybe he was still in the forest but when we got independence all the people in the forest came back, but he did not come. Therefore, he is dead. (Son of Falintil fighter missing in action. Lautem.)

He must be dead, because it is 20 or 30 years since his disappearance, the greatest possibility is that he died. If he is alive, he would be 59 years old. (Family of missing man, Dili.)

Unknown persons took him on September 8th [1999] from the police compound. We don't know where he is until now. We didn’t know the people who took him because they used masks…. I don't know where he is until today. [...] If he was still alive he would have come back, but he has died. We got independence many years ago but he never came back. It means that he has died. (Wife of missing man, Bobonaro.)

During one interview, a research assistant described the family’s relative as missing (lakon) and the sister of the missing man, snapped back that he was “dead, not missing”. This suggests that families are aware that knowing or presuming someone is dead raises fewer issues than acknowledging he is missing. Knowing, or believing, that a loved one is dead does however mean that families have no needs; in many cases they have been unable to do rituals and still seek the body (see Section 5.4.1).

5.2 Ambiguity over the fate of the Missing

5.2.1 Ambiguous loss
The ambiguity with which families have been living, often for many years, has been compared to a long and slow torture. Families find themselves torn between wanting to believe their loved ones are alive and facing the fact that after so long they are not coming back. Families are literally stuck: trapped in the conflict period when the uncertainty of war meant one didn’t know if a family member would survive the day or not; for the families of the Missing the war continues. This ambiguity was often demonstrated by families saying something that implied the Missing was dead, and than immediately suggesting he might be alive.

For me, I am not yet sure regarding my missing son; I can't say that he is dead because I have not buried the body, or alive because my child doesn’t stay with me; I can't say anything about my son's whereabouts. What I know is my son went to school and never returned home. (Father of young man missing from the Santa Cruz incident, Dili.)

The helicopter came and took him suddenly in 1976. We do not know until now if he is still alive or not. [...] I want to know the truth about my husband and my son; I am confused - are they still alive or dead; because until now nobody told me about them. (Women whose husband and son were among the Tonsus taken from Los Palos [see page 25].)

I wonder if he is still alive somewhere, like my son said before. But if he is dead we never had any signs or dreams that tell us he is dead, it’s strange… We pray, we are still praying for his return and may God help him wherever he is. (Mother of missing man, Dili.)

A while ago they called us to receive the medals but I refused because they put my father in a group of dead people, which he is not. He is not in this category yet, because we are
uncertain whether he is dead or alive. I gave them suggestions about my father’s case, I cannot tell that my father is dead, nor that he is alive because there is no clear evidence. In case you don’t accept what I'm saying, sorry but I cannot accept the medals. At present I refuse to receive the medals. If one day I know for a fact that my father is dead, then I'll accept the medals. (Son of missing man, Dili.)

This has been described as ‘ambiguous loss’: “a situation of unclear loss resulting from not knowing whether a loved one is dead or alive, absent or present” (Boss, 2004, p.554). Where a family member is absent in an unclear way, the lack of knowledge about the loved one gives rise to a challenge to transform the experience into one with which the family can live. Ambiguous loss occurs where a family member is psychologically present, but physically absent. Ambiguous loss is an explicitly relational perspective, which differs from individualized trauma approaches, such as that of PTSD, in that it characterises the stress as external and ongoing and thus requires a different type of intervention: more relational and community based, rather than individual.

The inability to do rituals expected is painful for families: “The disappeared are denied a place among the living and also denied a place among the dead.” (Eppel, 2001):

We haven’t done any ritual yet, as in our culture we need to conduct it but our family hasn’t done any ritual yet because we have no news of his fate; is he alive or dead? We don’t know, he may still be alive and they took him to a place we don’t know, and therefore we could not do anything yet. (Parents of two missing young men, Dili.)

...we would like to hear a mass in his name but my sisters did not want it because we are still living in doubt. For the family to ask to pray, yes we can ask to have a mass only for thanksgiving but not actually to his soul. Even to gather flowers to put in the cemetery to remember him we cannot do yet because of the uncertainty. (Mother of missing man, Dili.)

A number of families reported the sort of myths that are common in contexts where many are missing, and that sustain hopes of return. In Timor-Leste these mostly centred on the possibility that the Indonesian authorities have taken the Missing to remote islands elsewhere in the archipelago:

Sometimes, we think, the military might have taken him to a prison on an island, because some people who returned informed us that they saw him on an island, but we doubt this. Whether true or not; while some said that there are many people on an island in Kalimantan in the middle of the ocean and he couldn’t get out because there are too many crocodiles surrounding them. We think the ICRC should visit that place to find out. (Siblings’ of missing man, Dili.)

I'm saying this because many times they've shown in movies, hidden places on islands with secret prisons and they were gone for many years and Red Cross was able to find them. For many years they kept lots of prisoners in those islands, we heard the stories, please find out or ask about them, where they kept them. (Children of missing man, Dili.)

Such myths appear to be an inevitable mechanism to sustain hope where there is no other evidence to maintain it. Ambiguity is also sustained by the local understanding of the spirit world, where a lack of contact in dreams or otherwise can be assumed to indicate that the Missing is still alive. Conversely, concrete information from the spirit can confirm death (see Section 5.3.1). Section 6.1.3 discusses some of the psychosocial impacts of this ambiguity.

5.2.2 Getting answers from authorities
The response of families living with ambiguity is to seek, or demand an answer:
An assessment of the needs of families of the Missing in Timor-Leste

All we want is just to find where they took him: if he is dead, show us where his remains are; if he is alive tell us where they are keeping him. We know for certain that he disappeared other than that we don't know. (Mother of missing man, Dili.)

...we are confused, to think that they are dead or alive we don't know, but we are sure that they are all dead. However, if we think they are still alive, where are they now? But if they were dead, where are their graves? They must show us, the Indonesian government has to tell us where they are now. So the families can feel better, and calm. (Focus group participant, Bobonaro.)

Very often the need for an answer is driven by the concrete obligation to do rituals, something that would be potentially dangerous for families if the Missing ultimately turned out to be alive:

I am waiting for the Indonesian government and the people who were leading at that time to come and inform me about the disappearance of my husband. If he has died, please inform me of it and I can do his ritual. It can allow my children and I live to safely and healthily. If I do the ritual without the real information, I will get sick. (Wife of missing man, Lautem.)

Families seeking answers concerning the fate and those seeking bodies demand an answer from the perpetrators, in most cases the Indonesians, as well as action from their own Government, who they believe must drive this process:

We don't want the Government to pay for our missing brother; we want the Government to make demands to Indonesia, to the Indonesian military, to show where our brother is now. Well, he died but we gained independence although we are very sad, at least the Government recognised this sacrifice. We don't demand that he comes back to us but show us, ask Indonesia to show where is that person, did they throw him somewhere, did they bury him somewhere or what? That is all we ask and we would like an answer for it. (Brother of missing man, Dili.)

The Indonesian army certainly knows. You can ask them to clarify the place where they were killed. They can show us their body but it didn’t happen yet. (Father of missing youth, Los Palos.)

One family demanded a process of engagement that is actually what is beginning to happen through the meetings of the inter-Governmental Joint Ministerial Commission (see Section 2.5):

A message from us, the families of the missing; we want that the Timorese and Indonesian governments should sit together to find a solution for those who are missing or died during Indonesian occupation until the independence of Timor Leste. (Brother of missing man, Dili.)

Others were sceptical that Indonesian perpetrators have any reason to come forward with information about the Missing:

Because for example if I steal your goat, I will not come and tell you that I have stolen your goat. The Indonesian army killed many people in Timor-Leste and I have no hope that they will recognize that they have killed this person or that person. […] So I do not trust that the Indonesian government will come to our government and say that they killed our people. They killed him, but they will not mention the name and point out the place. (Brother of missing man, Lautem.)

Indeed 20% of those seeking information, either an answer or the body, do not believe that the body can be found. In many cases, this is just an acknowledgement of the reality of those cases, such as those lost in the mountains, where even a willing authority will not be able to find remains.
An assessment of the needs of families of the Missing in Timor-Leste

However, given the high fractions of persons who disappeared following arrest and/or formal detention, it can be presumed that some data exists concerning such persons.

It should be noted however that cases perpetrated by Timorese bodies (such as Falintil or Fretilin) and some fraction of those perpetrated by Indonesian forces, can be addressed using information that is available within Timor-Leste. Whilst the F-FDTL, the Timor-Leste Defence Forces that are considered the successor to Falintil, have conducted a number of exhumations of fallen fighters for cases of Falintil combatants missing in action (MIA), some believe that the Timorese authorities could do more:

I was in the forest when they were killed. I was the commandant for Los Palos. [...] I don't know the place; I think they were not buried. The situation was fragile at that time. [...] Yes, maybe Lere Anan Timor Aluk and Mau-Nana know them. All the leaders know them. [...] We don't know the burial place and the people that I mentioned their names know the place and how they died. They know if they were buried or not. Xanana also knows the place. (Participant in focus group of ex-Falintil fighters discussing fallen comrades, Lautem.)

5.3 Spiritual issues

Timorese cultural conceptions include a spirit world that is as real and present as the physical world. After someone's death it will be unsurprising to the family if they have contact with the spirit. This will often be through dreams, but can also occur more explicitly, for example through the spirit possessing a family member or other physical manifestations. A lack of contact from a spirit may be taken as evidence that the missing person is still alive, and so unable to communicate spiritually. Of the families met, more than half had had contact with the spirit of the Missing; in 60% of cases this was through dreams, while 23% had a waking experience of the spirit, either through possession of a living person or some other manifestation. 10% had previously had contact with the spirit, but this had ceased once rituals had been done, with the assumption that the spirit was then at peace. The implication of this understanding of the spirits is that mechanisms to address the Missing issue do not only serve the living, but are perceived as serving the dead, through allowing the spirits to rest in peace.

One of the most important obligations of a family to a relative who has died is to ensure that appropriate ritual is done, and the body is buried. A failure to do this can result in the spirit causing problems for the family, including causing sickness and death in both farm animals and family members.

Our custom is like this: if we forget him, his spirit will always come but after we think of him and make his ceremony to bury him we believe that his spirit will never come again because he has found his place. (Brother of missing boy, Lautem.)

This dilemma lies at the heart of what faces families of the Missing in Timor-Leste. Where death is presumed, it is the duty of the family to bury the body with appropriate ritual, or if the body is not available to use a substitute that can be imbued with the spirit of the Missing and buried in place of the body (see below).

Families have seen the impact on the family of the malign spirit of a relative, where the body has not been found and rituals remain undone:

Yet in [my sister's] dream the spirit of my brother came and said, "My house was there, you can go there to take my body and my things to here," and we did not follow this and we did not know the place. My elder sister also died. [...] Yes, he [the brother's spirit] was angry. Therefore, just now I have told you that all of the rest of the bodies have already been collected but my brother's is still left. (Brother of Falintil MIA, Lautem.)
Because they [the spirits] take over the place and we cannot keep any animals because many died and only a few of us were left alive. For this reason we always get sick, we cannot domesticate our animals properly and we cannot live in peace, because the spirits are too strong. [...] [They are the spirits of] those who died without knowing where they are buried. [...] You know, us Timorese, how we deal with the spirits. We know they died, but just think we did not get to bury them, and they died disgracefully, because we were not able to do any rituals: that is why they always come to disturb our family. (Brother of missing man, Bobonaro.)

Some of the family died because of this case, some were suffering a lot, and others died as well for this case. We just talk with their spirits to defend our life. We said, "We cannot remember you by ourselves but we can do it through the government because you died in the war to liberate the nation, we also wait for a solution from the government. If the government gives a solution, we will do the rituals. We are not forgetting you but we still await action from the government." we said this to their spirit. (Falintil veteran talking of missing comrades, Lautem.)

And in one case, sickness in the family prompted the search for the body of the Missing:

...one of my sons was sick. We brought him to the hospital in Baucau, and he remembered that [finding his father's body] is something important that we should do. Maybe his sickness is the impact of my husband being missing. Therefore, they went to find his body... [...] we were looking for him because my child was sick, if he had not been sick we would not have found [the body]. (Wife of missing man, Lautem; recently exhumed a group of bodies believed to include her husband.)

When the spirit is placated, problems cease:

Yes [there were problems], his spirit was appearing and made problems before we did the ritual but there were no problems again with his spirit after we did the ritual. [...] the spirit of our ancestors also will not be angry with us again. His spirit also will not be angry with us because we have sent him to the spirit of our grandfathers through the traditional process. (Uncle of missing man, Lautem.)

It also appears that some of the emotional and psychological issues arising from what a Western approach would consider trauma and loss are ascribed to the action of spirits. Here a family member talks of life “having no movement”, something that could describe the stasis often implied by ambiguous loss: here this is blamed on the spirits.

Our life was not running over from time until now because since his loss we were suffering. We raised chickens, pigs and all animals but they always died because of his spirit. The spirit of the victim made our life have no movement. Maybe he [the spirit] sits alone and thinks, ‘you get a good place to live but I am suffering’. As a result I do not have anything, including money, in my life. (Son of missing man, Lautem.)

5.3.1 Information from the spirits
Information about the fate of the Missing and the location of human remains can also be found using indigenous approaches, both through local spiritualists and from the spirits themselves. This woman received information from the spirit of her husband about the bodies her family had recently exhumed:

I did not believe it [was his body] because in my dream one of the spirits of the three skeletons said to me that we have waited 50 years but nobody exhumes our bodies, but he is not my husband. [...] I never had contact or saw him in my dreams. When we took his body, I saw his spirit in my dream. I was bringing a flower to him and he said “Why did you take our body and why did you light the candle and bring some flowers for us - we don’t
need it‖, but it is not the face of my husband’s spirit. (Wife of missing man, Lautem; the family has exhumed the bodies of a small group they believe may include her husband.)

Another interviewee reported how the spirits can directly aid in identifying an exhumed body:

You know our customs. If there were two or more people together [in the same grave], we will speak many ritual words and mention the name of the person that we looking for, such us: ‘Candido are you there?’. Even though he is dead when we go there, we should call or mention his name. When we mention his name among many bodies, we will get the symbol or signal from one body. This tells us that this is his or her body. […] the spirit can show itself. (Son of missing man, Lautem.)

While another knew of a local spiritualist who could make identifications:

It makes me think if one day we will sit and we will go to search for our own we could find him. A man named AF, I saw him going many times to Akadiruhun he's the matan dok [one who sees far], a bold man, and he can do this. He can see and tells you what he saw, and then we can take a blood sample to confirm if it matches with it like they do it in Hera for the 1991 cases. (Children of missing man, Dili.)

In the latter case, the family claimed that the matan dok would take blood from a relative of the Missing and drop it onto the bones that had been found; this would permit him to confirm if the bones come from a relative of the one whose blood was used in the test. This would appear to be a traditional response to the use of blood in DNA tests, even though such forensic approaches have not to date been widely used in Timor. (The reference to Hera is to the work of the International Forensic Team working with bodies of the victims of the Santa Cruz incident and using DNA for identification.)

One implication of spirits visiting family members is that they can themselves pass information, and in some cases spirits can tell what has happened to them, and this can serve to reduce ambiguity about the loss:

After Independence, yeah, he came in my dreams, but never before. In my dream he came from Maubara saying that they dropped him from a helicopter. (Sister of missing man, Dili.)

One family had seen the possession of living family members by the spirit of a missing son. In this way the dead boy was able to inform the family of his fate:

This is something you may not believe, it is not only me here, and these spirits are tired. My brother was half-alive when they dumped him in the lake at Tasi Tolu. There may be a truck load of people who they threw into the lake. My brother said there were many people who were still alive shouting their parents’ names. (Brother of man missing in Santa Cruz incident, Dili, reporting what his brother’s spirit had told him.)

Another woman was told by the spirit of her missing husband, in a dream: “we were thrown into the sea, so you can put some flowers.”, both confirming his death and explaining why a body cannot be found. Such information from spirits can confirm death in some cases, and potentially allow the family to begin searching for a body. Such information can allow families to end the ambiguity they face, and move on with their lives.

5.3.2 Promises to the spirits
Because the spirits can be ever present, they are aware when they are being talked about. A number of families were concerned that in asking about family needs, they would say that they wanted to find the body and build a grave, and that such statements would be perceived by the spirit as a promise. If such a promise was broken this could potentially be dangerous for the family. As a result some families did not want to talk of such things, while others preferred that the name of the Missing was not mentioned to avoid provoking the spirit:
An assessment of the needs of families of the Missing in Timor-Leste

For that reason, if you could tell your colleague that there is nothing to do be done any more by given information, because we have to be careful with the strong spirit of our missing brother. Just talking like this I know exactly what is about to happen. So I feel like the spirit is around me at present and I will not let it take me over. Talking about the job you are doing, just go ahead with it because the spirit is not in the mood to play games with you people. […] If you are doing the right thing, the spirits will help you people. […] You are free to go anywhere because the spirits are aware of what you are doing. (Brother of missing youth, Dili.)

According to our culture if you talk about it, it means that you have to do it, right? Yes, you are right. We cannot just talk; we have to act because of the spirits. They hear what we are saying and this is not good for what we believe. (Brother of missing man, Bobonaro.)

One family considered that the work of CAVR was dangerous for precisely this reason:

We are mentioning their name here, sometimes we could all get sick in the future because their spirits have been silent but the government always comes and disturbs us to mention their name. It means that we can get sick. […] When CAVR had not yet come here in the past we had no problem, but when CAVR asked us to register all of their names, we faced many problems. It can happen, because they are dead. (Son of missing man, Lautem.)

In summary, the world of the spirits drives the needs of families of the Missing more than any other single factor. Almost no families were met who dismissed the potential role of the spirits of the Missing in their lives, even among the more sophisticated urban elite in Dili. The need to placate the spirits is a fundamental one, and one that if not satisfied can lead to sickness and worse in the family. More than this, several families reported that the spirits of the thousands of people who remain unburied and subject to no ritual can impact on the fate of the nation: they ascribed recent violence in the country (in 2006, and the attacks on the Prime Minister and President in 2008) to the malign influence of such spirits. This is discussed further in Section 10.4.1.

5.4 Ritual and burial

The missing and the dead of Timor’s conflict are actors in the lives of those who survive them. Families live with the obligation of ensuring that the spirits of the dead are allowed to rest, through the appropriate treatment of human remains and the performance of the rituals that accompany this. Return of human remains, as in other contexts, is a principal need of many: traditional burial demands it. However, there are alternative rituals in which a substitute can be made for the body where death is known or presumed and attitudes to this will be discussed here. As a result of such rituals in Timor, the grave and the body are not synonymous and families can make a grave without having a body, and indeed whilst some ambiguity about the fate of the Missing remains. As a result the needs for ritual and burial encompass a range of demands, from the need for a body and the need to do ritual - with or without the body - to the need for a physical place where families can go to remember their relative, and the financial resources to make both rituals and a grave.

5.4.1 Need for a body

<table>
<thead>
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<th>Attitude to body</th>
<th>fraction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Seek to recover remains</td>
<td>0.86</td>
</tr>
<tr>
<td>Don’t need body</td>
<td>0.10</td>
</tr>
<tr>
<td>Body destroyed or lost</td>
<td>0.02</td>
</tr>
<tr>
<td>Body found or gravesite known</td>
<td>0.02</td>
</tr>
</tbody>
</table>

Table 11 Attitudes of families met to the body of the Missing.

Families’ views about the bodies of the Missing are summarised in Table 11. It can be seen that an overwhelming majority seek to recover remains. However, of those who seek to recover a body,
25% do not believe that remains are retrievable, and so this represents a statement of desire, rather than expectation. This nevertheless confirms the importance to families of retrieving remains.

We are asking the government to take action for the people who were killed. We do not know the place of the incident but they must take action over the bodies of the victims if they are still in Timor-Leste because of our tradition that you know too. With the ritual process we can bury them in the cemetery to protect us all from sickness in the future. We need to tell you that it was nearly 10 years ago, but we do not know if he died or not. Some people said they were still alive and others that they have died. (Brother of missing man, Lautem)

It is very important for us to find the body and we never forget it but just now, we said that we could do it when we are able. We cannot forget them. We are always thinking about them in our mind. (Son of Missing man, Lautem.)

We just want to see the body so we can bury it with proper ceremony. We know he died but it is so difficult to find the body. […] if he is dead, we just want to have his bones for normal rituals like the flower ceremony and other funeral activities. Minimally, we want to access the whereabouts of his bones. (Wife of missing man, Dili.)

This last statement also demonstrates that, even though most families presume the Missing are dead, the body does serve as the most concrete evidence of the fact, and most effectively ends ambiguity. Burying the wrong body in error is perceived to be dangerous because of the impact from the spirits:

According to our culture, to recover their bones we have to know for certain, if they are the real ones, or else our children will suffer or get sick; they or us could die as well. (Focus group participant, Bobonaro.)

The challenges of addressing the needs for remains arise from a lack of information about the location of bodies, even in cases where families themselves were present at the time of death:

Most of the people have recovered the bodies of the dead but those of us who have no family [because most of their family members died in the war] have not yet done it. […] We did not get any bodies or bones. Some of them were buried in the forest but we have forgotten the place now. In the north, most people were dying in Bandole… I left my own son and cousin in Bandole and Maubara. (Brother of missing man, Bobonaro.)

Such burials are not considered proper, since they were made without appropriate ritual, usually as families continued to be pursued through remote areas by Indonesian forces.

The need for a body is also motivated by the need to acknowledge and recognise the contribution the dead are perceived to have made to the struggle for independence, especially where they were fighters:

We need his body because the culture of Timor-Leste demands that all of the bodies should be brought to Metinaro. Now, all the bodies of the Falintil fighters have been taken but my brother’s body is still elsewhere and we don’t know where it is. If we don’t do this, we also will get sick and could die. […] we really need his body for ritual process and to bury it. It’s also ok if his body is not brought to Metinaro but the important thing is we bring him to be buried in his original village. (Brother of missing Falintil MIA, Lautem)

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12 Metinaro is the HQ of the successor of Falintil, the F-FDTL, and of a heroes’ cemetery in which the remains of resistance fighters are being interred, many of them following exhumation from graves in which they were buried where they fell (see Section 2.5).
Show us where our missing family member is. It was a long battle so that families today can live in peace. It would be good if they found them, and it would be an honour for us because at least the sacrifice was not in vain. He fought for one cause and nowadays too many heroes appeared after all that was achieved by these people. That's why I'm asking the Government where are they? If they're dead find them and collect their bones because they gave their life for the nation, they didn't fight to get a better position, but they fought to free this country. (Focus group participant, Dili, referring to those killed at Santa Cruz, 12 November 1991.)

Where rituals have already been done and a body is later found, this appears not to be a great problem:

We didn't find their bodies until now. If we register the names and you guys could find their bodies, we then need to re-conduct the ritual as we did for the bodies that we have found. (Focus group participant, Manatuto.)

This explains why so many of those who have already conducted rituals still hope that a body might one day be found.

A number of families expressed the need for a grave, by which they mean a physical place, indicated with a concrete marker, usually a cross. Such structures are required where a substitute for a body has been buried, and can even be built where there is nothing buried in the ground, but only a ritual done.

We don't even have any reminder left of him, so I'm asking now for my children if it's possible to help to construct my father's grave mainly because of our tradition to collect his remains in one place in order to let him rest in peace. It's something we would like to see done, for us, his children. If you don't think of us that's fine but we can only remind you that our father died because of one cause: defending his own country. (Children of missing man, Dili.)

The grave then becomes not just a record of death and a way for families to move on from their loss, but also a place of acknowledgement and recognition for people who very often are perceived to have been forgotten and whose contribution to independence has been neglected. In this sense such a grave is linked to the concept of memorialisation, but in a more private way than the traditional public memorial (see Section 9.3).

A minority of families reported either that they don't require the body, since rituals have been done, or that the body cannot be retrieved:

Yes, it is no problem [to not get his body]. He never shows his spirit because we have followed all of the customary rules to do the funeral ceremony. In the windy season we can get sick but we worship the spirit of the dead to save ourselves from illness. It is already more than 20 years so we should think of him. When we make a ceremony in the sacred hearth we should mention his name and give him what we prepared there. In the windy season, the older people ask his spirit to help his grandchild to be healthy all the time in their daily life. This is the habit of our customs. (Son of missing Falintil MIA, Lautem.)

We did not know where he was shot. We don't know, maybe he was eaten by dogs we don't know, because at that time we were still children and we didn't know. The people who were with him at that time are still alive but many of them had gone to Viqueque, many of them are still here. His body was eaten by dogs at that time because we did not know to collect his body. (Nephew of Falintil MIA, Lautem.)
5.4.2 Exhumations
The only formal exhumation processes that are ongoing are those led by the F-FDTL in search of fallen Falintil fighters, the IFT’s search for bodies of the Santa Cruz victims, and the Serious Crimes investigations of 1999 cases. The UN Serious Crimes operation has exhumed bodies of victims with a view to collecting evidence for prosecutions. However, a number of families were highly critical of this process, saying that bodies had been taken many years ago and not returned, and with many reporting that they had received little information about the status of investigations. In one case in Bobonaro a mass grave was discovered, as reported by the mother of one of the victims:

...we just called his spirit. We met with leaders and we discussed from morning until afternoon. They could not take the bodies out because the hole was very narrow. Therefore, the administrator said, “I am going to be responsible for all the bodies in the hole. If you have the ability in the future, we can make their grave together.” I told him “when they were still alive, they did not want to sleep together with other people.” Therefore, I do not want to make their grave together in one place. A foreigner came and told me to take him but I said that I have no ability. You can take out the other bodies inside the hole except my son’s body; I have taken his body (just called his spirit and made the ritual). I did his ritual two years ago because I was afraid of getting sick and dying. Therefore, I do not want to mention again his name. (Mother of missing man, Bobonaro).

In this case the woman acknowledged the death of her son and performed rituals, but was not able to retrieve the individual remains of her son. This confirms that in many cases it is the rituals that are the most important, and that sometimes these can be done without the need for remains.

For cases outside the remit of Serious Crimes or the IFT, families must make such efforts themselves. Some families have made their own exhumations, and successfully recovered remains. Such a process is usually based upon either information from the families themselves (if they were present when the person died), or from witnesses.

We are interested to find his body; we were looking for it for about one month. We found many bodies in a hole and I only know his clothes, but we did not know which was his body, so we called his spirit in the traditional way to make his ceremony and grave. [...] Now it is not possible to find his body because there are many dead put together and it is difficult for us to identify him. We have called his spirit and we have already done his funeral ceremony. (Brother of missing man, Lautem.)

In the following case, a family received information from witnesses that led to the discovery of a grave containing some, but not all, of the bodies of those taken at the time:

We have taken his body. It has been put in L sub district; they want to bury them, but we still await the decision from the government as to which place is suitable for their cemetery. There are three bodies together so we don’t know exactly which one is his body and we have not yet made his rituals. Ropes still tied the bodies. [...] Of course it’s very important that the government identify them and we would like to bury them separately; they were killed by the Indonesians and died for our country and for independence. [...] Most importantly we need the government to identify the body and choose which place for us to bury their body. (Wife of missing man, Lautem.)

In this case, the family appear convinced that one of the bodies is that of their relative, but seek identification of the three individuals found. At the time of writing there are no resources available for such a process and remains are stored in district offices. In another case the wife of a missing man searched a nearby hillside and found the bones of what was likely to be a number of individuals: she buried these in the family plot on the assumption that these included at least some of the bones of her husband. The extent of the deaths during the early years of the conflict, and the
fact that they were in particular regions of the country has led to other communal approaches to human remains. In one community, on one day every year they go to nearby hills and collect human bones that are lying on the ground: these are then honoured in a collective ceremony.

The need for a broad process of exhumations is clear, but no resources or even campaign for such a programme exists. The dangers of families making ad hoc exhumations and the potential for misidentification and inappropriate treatment of remains make a compelling case for a managed exhumation and identification process supported by the authorities.

### 5.4.3 Rituals for the dead

We feel sad because we lost someone; we feel sad because we didn’t get his body and grave until now. Based on our custom, when a person dies we should make a ritual. When anyone dies in this village, we should kill various animals (pig, buffaloes etc) for the funeral ceremony based on our custom. When we make a ritual all the relations and family will come and participate in the ceremony. We feel sad because he was lost suddenly and we don’t know the place [of his death] until now. (Father of missing man, Bobonaro.)

Attitudes towards the death of a relative whose fate is ambiguous, as well as the decision to make a ritual is subject to the obligation to honour the dead appropriately (and the fears of failing to), as well as to social pressures from the community and other families in the same position:

We made his grave because we feared getting get sick and we saw that many people have done this so that we were afraid of all that. We made his grave but we are not sure. We just called his spirit. We made his funeral ceremony in our original sub-village. We did it based on our custom but we did not know if he was still alive or not. (Father of young man taken as one of the Tonsus from Los Palos.)

We did [the ritual] but we did not get his body. We just called his spirit and made his ritual, and we have made his grave. We have done it but we do not know if he is still alive or not. No one came and told us that he is still alive or has died. All of the [victims'] families have also done the ritual, and since we were also afraid of death and sickness, we have done his ritual too. (Father of missing man, Lautem.)

Thus, even where ambiguity remains some families will make rituals, and make a grave that will usually contain a substitute for the body. Others make the presumption that the Missing are dead, often reinforced by a community understanding of the fact:

Because it is many years and there has been no information we have done the kore metan [black colour] ceremony, with flowers. Those who are missing are considered dead. As we separated in the bush we therefore conducted a kore metan ceremony. We did the ritual based on our traditional culture because as they are missing and we never meet them again we had to do something otherwise their spirits would be painful and we would have many diseases coming, many difficulties would come to us if we didn't do the rituals. (Focus group participant, Manatuto.)

In other cases families were adamant that they could only make the rituals after death has been confirmed or the body has been found:

We have thought of making the rituals according to our tradition but we're scared of the punishment [i.e. fear that the spirits might haunt them], like if we pick any stone is it him or not, if we pick any bone is it his or not? We live in doubt, so our family hasn’t sat together to find a proper matan dok [traditional spiritualist] to seek for answers. We need an expert who knows how to do it properly …if we find someone like in the first category, we can go ahead with the ceremony. If we make a hasty decision, it's ok too but we would face the
An assessment of the needs of families of the Missing in Timor-Leste

consequence with the spirit. But of course we take flowers to the cemetery when it comes to All Souls Day or when someone in the family dies we can recommend to that family soul to take our message to him… but to actually mention his name as a dead person, not yet. (Children of missing man, Dili.)

We have two reasons [not to have done the rituals], first because we still think that they may still be alive, second because we don’t have money to do all these things. These are the two reasons that make us confused to do it. (Focus group participant, Bobonaro.)

And so it can be seen that for some families fear of the spirits, by assuming death, prevents ritual, the families’ ambiguity having spiritual implications.

Families of the victims of 1999 have generally been less reluctant to do rituals than the families of those missing from earlier in the conflict (see Error! Reference source not found.b). However there are families of 1999 victims who are reluctant to make rituals whilst ambiguity remains:

...one or two [have done the rituals] I must say but many have not yet because they're still waiting in case someone will come and tell us or show us where they buried them or give any clue of what had happen to them. (Coordinator of victims’ group, Liquiça.)

Others have demanded that victims be recognised before they can consider making rituals:

Some families of the [Tonsus] victims have made the ritual ceremony and burial, making a grave because in some cases the spirit had contact with them. But I don’t want to make it, I want the government to recognize him and after that I will make his ritual ceremony. (Wife of missing man, Lautem.)

While those who safeguard the traditions, spiritual and otherwise, of the community, made clear the implications of failing to do rituals:

There is no other way [than to do the rituals] – this is the only way to solve the problem [of the Missing]. If this is not done babies will get sick and the community will be unable to stay in peace, it will make problems. (Traditional spiritualist [lia nain], Bobonaro.)

Table 12 summarises the fraction of families that have made each type of ritual, as a function of their attitude to the fate of the Missing.

<table>
<thead>
<tr>
<th>Ritual done</th>
<th>Fraction by perceived fate</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>dead</td>
<td>ambiguous</td>
</tr>
<tr>
<td>None</td>
<td>0.27</td>
<td>0.70</td>
</tr>
<tr>
<td>Stone or other substitute body buried</td>
<td>0.35</td>
<td>0.20</td>
</tr>
<tr>
<td>Rituals made, but no grave</td>
<td>0.24</td>
<td>0.05</td>
</tr>
<tr>
<td>Church ritual only</td>
<td>0.03</td>
<td>0.05</td>
</tr>
<tr>
<td>Body buried</td>
<td>0.08</td>
<td>-</td>
</tr>
</tbody>
</table>

Table 12 Rituals performed as a function of presumed fate of the Missing.

Rituals have been done by a little over half of all families met. The reason for not having done a ritual are summarised in Table 13.
An assessment of the needs of families of the Missing in Timor-Leste

Table 13 Reason family has not made ritual.

<table>
<thead>
<tr>
<th>Reason for not having done ritual</th>
<th>Fraction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cannot do without knowledge of fate</td>
<td>0.44</td>
</tr>
<tr>
<td>Financial problems</td>
<td>0.20</td>
</tr>
<tr>
<td>Not discussed</td>
<td>0.12</td>
</tr>
<tr>
<td>Cannot do without body</td>
<td>0.12</td>
</tr>
<tr>
<td>Presumed alive</td>
<td>0.08</td>
</tr>
<tr>
<td>Don’t know place of death</td>
<td>0.04</td>
</tr>
</tbody>
</table>

It can be seen that whilst ambiguity is the greatest reason not to do ritual, the simple lack of financial capacity to do rituals that are expensive prevents a fifth of families from reaching closure in the indigenous way. Families must feed the extended family and sometimes the entire community as part of a funeral ceremony, and in some cases where a body is accessible reburial requires exhumations, where labour must be paid for and a grave constructed.

They will find a stone to replace the remains. No, [they haven’t done it] not yet. They cannot afford to do it. They need money to do it and to do the rest of the ceremony, rituals…etc. […] They need lots of money because we have to kill a cow, and other expenses. That is why I said before, to make the grave we need material like cement etc, it is hard to do it without money. That is why we delayed up to now to do the rituals. (Brother of missing man, Bobonaro.)

I received a medal but I did not get compensation. If I get compensation, I will save it for the ritual ceremony. (Wife of missing man, Lautem.)

I am not able [to do the rituals]. No one ever recognized me as the family of a victim. I just think my father is missing but I cannot do anything because I am not able. I don’t have food for our daily life so how am I able to do this ceremony? (Son of missing man, Lautem; he believes with the assistance of a local spiritualist he can find the body, but need resources to do this.)

All of these problems still await the government. We just talk with their spirit but we did not do any ritual because they died to liberate the nation. […] We can do the ritual if the government gives us support for the ritual process because we need many things for the ritual process. When we make the ritual, we need to call all of the family relation to come and participate. (Group of ex-Falintil, Lautem.)

5.4.4 Substitute rituals

The most common approach to a ritual for families where they do not have the body of the Missing is by using a substitute, often a stone taken from the place of death, in a ceremony known as foti fatuk (“raise the stone”, see Section 2.2). The stone replaces the body and is buried in a coffin, as if it was the body. It needn’t be a stone, but can be something from the place of death, such as the soil, or a personal item, such as a piece of clothing.

We tried to do the ritual in 2006, we were looking for some relatives in Viqueque for a week, just searching every site that we believed the massacre happened but we did not find the body; at one point, our families agreed to take a stone and other materials from the place of the massacre to represent the body of the missing. (Wife of missing man, Dili.)

I have done the ritual because I fear the illness and death of his grandchildren. I just took his shirt and made his ceremony, after that I buried his shirt as his body. (Son of missing man, Lautem.)

We just took betel-nut and betel pepper [Bua ho malus] and money in place of his body to make his grave, but we did not get his body. We always put flowers there every All Souls’ day. (Father of missing man, Bobonaro)

Some however rejected this approach, due to either personal preference or regional differences in culture:
Brother, our culture is not like that, because the Timorese cultures are different. Now, stone is not the same as the body of a human. Stone is stone, wood is wood, a body is a body; the bone of the buffalo is different, the bone of the goat is different, the bone of the dog is also different and we [humans] our bone is also different. Therefore when we do that we will always die. [i.e. if they make a ritual with a stone as the body of the victim, they will die] Therefore, we do not want to do that. (Brother of missing man, Lautem.)

Another family said that, even though they had done the stone ritual, they were still having problems they associated with a malign spirit and as such were still keen to find the body of the Missing:

…but if I get his body, I think it is better. As I told you before that, I have done the ritual of the buried stone as his body but we always get sick. If there is any support, I will look for my father’s body for more than a year until I find him. If not, it will be a problem. (Son of missing man, Lautem.)

5.5 Legal and administrative issues

In other contexts, particularly more developed ones, the issues of property inheritance and remarriage are complicated by the lack of a legal status for those who are absent, but not officially dead. Families are reluctant to declare loved ones dead as long as they maintain some hope they will return. In Timor-Leste such problems were rarely encountered, largely due to the informality of most areas of life in rural areas: land and other property will not necessarily be registered and those left behind can remarry with the consent of the church or the community. No family was met who raised such issues during this study. The only context in which a family resented the assumption of death was in the context of the work of the Veterans’ Commission where they refused to accept a medal because the authorities stated that their loved one was dead rather than Missing, as they understood (see Section 10.3). There is however one other reason to ensure that proper legal status exists for the Missing and that is the issue of recognition that remains crucial to many families (seen Section 9). If the Missing are to be acknowledged by the state, whether through memorials or some other valorisation process, then it is appropriate that this status be defined in law.
6 Psychosocial and emotional needs

I felt like my soul flew away from my body. (Wife of missing man, Bobonaro.)

One cannot separate the psychological aspects of experience (i.e. thoughts, emotions and behaviour) from the wider social experience (relationships, traditions and culture) (Psychosocial WG, 2003) and here they will be considered together. Whilst mental health and potential posttraumatic stress symptoms are clearly an area of interest when attempting to understand the response of victims to disappearance, in the Timorese context the length of time that has passed since disappearance may impact on the extent to which such issues remain relevant. Nevertheless, efforts have been made to understand any impacts linked to trauma. Families of the missing in Timor are mostly found to suffer from normal emotional distress after extremely upsetting events, rather than psychiatric disorders. In the semi-structured interview that drove this study (Appendix I) human capacity was probed by understanding the extent to which the stress of disappearance and coping with the resulting challenges was impacting on the family, and in particular the most vulnerable individuals within it; efforts were made to understand the psychological (cognition, emotion, behaviour) and physical (i.e. economic) impact of disappearance. Social ecology was understood largely through the impact within the family and the community and any changes that the disappearance had precipitated. The responses to these questions were formulated within a cultural environment that assumed the local values of the persons being questioned, and often gave information about the cultural specificities of that impact. It is also key to understand that families and communities have resources, “resilience”, to address some of their needs, and an effort was made to identify these, notably positive coping mechanisms that offered emotional support.

In contrast to the Nepal study (Robins, 2009) it has been seen in these data that the impact of social context on the families of the Missing is less important a factor. This appears to be a result of the fact that Timorese culture, whilst still patriarchal, seeks to define roles, particularly those of women, in ways that are less dependent upon others. As a result, women articulated problems in the family and community, and emotional issues generally, less often than economic issues. Additionally, it was clear that the methodology of this study was less effective in accessing the most intimate thoughts of women and others who may be socially marginalised than in the Nepal study: almost none for example discussed impacts on relations within the family. It is thus possible that this study under-estimates issues arising from both marginalisation and emotional impact generally. Methodologically, asking such questions was not straightforward: some of the issues discussed were difficult to probe deeply. It was understood that women were most likely to be affected emotionally and that it will be difficult to gain access to such issues. It is however clear that despite these efforts, the significant barriers to gaining trust meant that frank discussion of such issues was not everywhere possible. This study can conclude however that psychological factors are the most important for a small minority who remain significantly impacted despite the length of time that has passed. In particular, those whose loved ones were killed or are missing as a result of the violence of 1999 require specific interventions to address their needs in these areas.

One concept that has been found to be useful in understanding psychosocial impact generally has been that of the “intervention pyramid” (IASC, 2007). At the top of the pyramid will be a small fraction of the population who will be deeply affected and will require specialised services; at the bottom of the pyramid will be those for whom re-establishing security and access to basic needs is sufficient to retain wellbeing; the majority lie in between and may need support, from their community or others, to ensure they are not adversely affected. The experience of this research confirmed the validity of this approach. It is worth noting however that even where a need for specialised services is identified almost none of the families met here has access to such services. One of the challenges of developing interventions in such a context is to build on local capacities to provide support whilst attempting to improve access to services that are likely to be scarce and only available in the capital.
6.1 Emotional and psychological issues

"[...] ambiguous loss is the most stressful kind of loss. It defies resolution and creates long-term confusion about who is in or out of a particular couple or family. With death, there is official certification of loss, and mourning rituals allow one to say goodbye. With ambiguous loss, none of these markers exists. The persisting ambiguity blocks cognition, coping, and meaning-making and freezes the grief process." (Boss, 2006: xvii).

Contributions to psychological impact on families of the Missing will derive both from the trauma of the war and the event of disappearance, as well as the long-term effects of the ambiguity of loss. The aim of this study is to identify clinical indicators of ill-health and their scale, but not to draw conclusions about the presence of psychopathology, which is beyond its scope.

The time of disappearance was often associated with other impacts on the family, given the context in which they occurred. The majority of persons went missing either while families were fleeing through the hills in the late 1970s or early 1980s, or as a result of arrest by Indonesian forces. In both circumstances the disappearance was accompanied by genuine fear for the lives of other family members, and these traumatising impacts have led to claims of endemic levels of depression and PTSD among the population of Timor-Leste in the years immediately following the end of the conflict (e.g. Modvig, 2000; Firoz et al., undated). During this research this was confirmed by the coordinator of a group of families of 1999 victims who had had some contact with agencies working on such issues, and emphasised the impact on children:

I think it's important for both [adults and children] because children they saw with their own eyes what had happened, then CAVR called them to tell their side of their story, to dig, to remind them again what they had seen in the past. Well, those incidents happened a few years back but sometimes they are still fresh in the child's mind so it opens again the whole picture which they tend to forget. Often these children are crying for no reason or they avoid looking at people, that's my understanding of trauma. (Coordinator of women's group Liquiça.)

Children were excluded from being met for this study, to avoid any risk to minors, and so this comment cannot be confirmed, but other adults talked of trauma. Almost no families have had any access to support with such issues.

There has been a sustained critique of the relevance of trauma based approaches across cultures (e.g. Summerfield, 1996; Mezey and Robbins, 2001; von Peter, 2008), in favour of the privileging of context, indigenous understandings and interventions rooted in the affected community. This was made particularly clear during this study, due to the very strong indigenous understandings of both trauma and other emotional and psychological impacts of conflict, notably involving traditional spiritual approaches. An example of this was found in a community in Bobonaro: an ex-Falintil fighter whose family was killed during the conflict had extreme psychological problems, including shouting randomly, being aggressive and running around the village naked. The community understood his problems as a result of his failure to perform appropriate rituals for his dead family members and to ‘release the power’ of amulets he used to protect himself during the fighting. As a result of his illness he was no longer capable of doing such rituals; in the absence of any treatment, other than occasional contact with a traditional healer, the community understood that his problems would never be addressed.

An additional reason to query a trauma-centred approach to disappearance is evidence that the impact of disappearance is very different from that of a single, traumatising event, being of a chronic nature that has emotional, psychological, economic and social consequences (Blauuw and Lahteenmaki, 2002). The net impact on families and individuals of having a missing relative will be the sum of these effects, subject to the resources of individuals and communities to cope. The ability of individuals to withstand the impact of traumatic events has been called resilience: “good outcomes in spite of serious threats to adaptation or development” (Masten, 2001, p.2), and
there is a large literature discussing resilience in the face of both conflict and bereavement (e.g. Bonanno, 2004). Any intervention should aim to work to support and promote such resilience.

6.1.1 Present impact
One of the major challenges of measuring the impact of extreme events on individuals is finding indicators that are robust against the many challenges to validity found in such research. The nature of this largely qualitative study is that families of the Missing will themselves define the impact in their own words, wherever possible. However, a simple indicator of the emotional impact of discussing their missing relative with families will be used here, namely whether or not families became upset to the point of crying during the interview. Whilst crude, this does offer a quantitative route to understanding the impact today of having a missing relative. 31% of those interviewed cried during the interview, and of these, 5% (3 interviewees) became sufficiently upset that the interview was halted. Whilst two of these three were cases from 1999, one was from 1979, and yet three decades later a discussion about the Missing was able to render this sister of a victim almost unable to speak.

Given that families' attitudes to the fate of the Missing appear to be quite a strong function of when loved ones went missing (see Figure 5a and b), it is relevant to attempt to extrapolate this to psychosocial impacts, to understand if these also have a time dependence. Figure 6 shows the fraction of interviewees who became upset to the point of tears plotted as a function of date of disappearance, with error bars representing the statistical uncertainty on each data point.

![Figure 6 Fraction of families who became upset to the point of tears during the interview, as a function of date of disappearance.](image)

This appears to show that families are less likely to be highly emotionally impacted by the events of the disappearance as time passes. It is worth noting however that even for the oldest cases (1975-77) a quarter of families interviewed became upset to the point of tears during the interview process, demonstrating that even after 3 decades emotional impact remains significant. Ten years after the events of 1999, 70% of families are moved to tears by discussion of the issue.

6.1.2 Symptoms
The families met demonstrated a range of symptoms associated both with the impact of trauma and of ambiguous loss, including sadness, depression, sleep disturbance and dreams of the missing, anxiety and hypervigilance; during interviews there was evidence of avoidance in some families. 38% mentioned one of the symptoms or phenomena discussed here, but given the reluctance with which families talked of such issues, it likely that this represents significant under-reporting. The most commonly mentioned emotional impact of having a missing relative was
sadness or depression, reported in 11% of interviews. In most cases this did not appear to impact significantly on function, but permeated much of life:

We live normally, but still we are depressed; the leaders can say many things but still we, the small people, feel sad. They can say many things, but we have many family members missing since 1975 until now. This family lost many of its members. (Focus group participant, Manatuto)

We were very sad for our loss because the person we cared for was taken away just like that. He was like our rock whom we held on to… then all of sudden he went missing; there is no word to describe it, we were very sad at that time. He was the one that could support our life, bring food to us, give us education, etc, but we lost him and we lost our hope. (Mother of missing man, Dili.)

My brother's disappearance gave so much pain, unimaginable pain. (Sister of missing man, Dili.)

In 5% of interviews families spoke explicitly of depression, most often when a family member had been treated for mental illness:

Yes, I am very sad and it seems like I am crazy; I went to the hospital in Dili but it was the same so I came back to the hospital in Baucau for treatment. One of the doctors from abroad gave just one pill for me to eat and in an hour I was dead. But after that I got up and was then back to normal life until now. When my husband and my son died I was sad but it was only at the time because they were sick. But my son was not sick he had good health and they brought him to kill him, and after I made his ritual I felt happier. Before I made the ritual, I was very sad for my husband and my children. When I came back from the forest, I was suffering a lot mentally and then I underwent treatment for three years. (Mother of missing man, Lautem.)

She looked for my missing father but never found him. My mother was so depressed, she died from mental depression, she was not too old when she died. (Daughter of missing man, Manatuto.)

Sleep disturbance was reported by a small number of families:

...it is always disrupting our sleep. Because our family went missing and we have never seen them with our own eyes. (Focus group participant, Bobonaro.)

The most common impact of the disappearance on sleep was dreaming of the missing person. This was almost universally considered to be a manifestation or visit of the spirit of the Missing (see Section 5.3), with 31% of families reporting they had been visited by the spirit in dreams; in many cases the spirit passed information to the family member in the dream. This is an example of the well documented phenomenon of repeated dreams related to trauma being subject to an indigenous interpretation that coincides with local perceptions:

I'd like to forget about them but it's impossible because they come in your dreams and haunt me because something hasn't been done for them. It's like they're coming to remind us about it... (Brother of two missing men, Dili.)

In the literature, the impact of trauma is usually reported to involve nightmares that replicate the incident of trauma, although Esposito et al. (2004) suggest that in a majority of cases the content of dreams refer to the respondent's current situation. Dow, Kelsoe and Gillin (1996) have reported that PTSD patients are more likely to dream about past events, while control groups and the depressed have more contemporaneous dreams; this may be evidence that the families of the
Missing are healthy, or suffering from depression, rather than from PTSD. Many of the dreams appear quite practical. In this case a missing father gave money to his daughter in a dream, which the daughter interprets as an articulation of the family’s need for economic support:

One month ago, I dreamt that my mother and I went to Metinaro and met my father there. In our meeting, he gave me $5 but I refused it. I asked him “you went missing and you give me just $5?” [What does it mean?] Asking for help; cement and wood maybe, or money to repair the house. (Daughter of missing man, Manatuto.)

It seems likely that this represents simply the entanglement of the two dominant anxieties of the family, namely the loss of the father and their daily struggle to support themselves. Many of the dreams reported were very graphic, but not frightening; often mundane encounters with the Missing:

...he came alive in my dream, that moment we were attending a meeting in Comarca, the time that they started the exhumations, he came and said, ‘sister, what are you thinking of?’ I did not answer, then he said, ‘I can tell in your face you're thinking of something, now come I'll take you somewhere’. It was a graveyard but I didn't know which one, Santa Cruz or another... We got there, then I sat; he opened the cover and I saw him inside the grave smiling but his face was covered with dust. (Sister of young man missing in the Santa Cruz massacre, Dili.)

Again, this appears to just be an expression of the concern over not knowing the brother's resting place. Other dreams appear to express a degree of guilt in families:

He came in my dream; he was angry me because sometimes I did not think about him and no-one ever visited us to talk about his case. [...] He said to the older people A and F, "if I die do not forget me." (Wife of missing man, Bobonaro.)

An ambiguous loss approach would reject seeing dreams as evidence of psychopathology, but as something that needs to be normalised on the terms of the person affected. Ambiguity and ambivalence about the missing person will surface in dreams as in everyday life, as long as uncertainty persists.

Avoidance, or emotional numbing and detachment, was also seen in families. At the time of disappearance the dangers of openly expressing the normal emotions of grief and mourning discouraged it, and this potentially served to initiate habits of avoidance. One woman talked of how the family could not show emotions at the time, due to fear of the Indonesians, and how the family “had to keep it in”. One family, who lost three members in inter-Fretilin fighting, talked of being forbidden to mourn:

At his funeral, they didn’t even want to see us showing sad faces, we did not cry, and we were not allowed to talk to each other during his funeral. (Son of man killed by Fretilin, Manatuto.)

It is hard in an interview of an hour or 90 minutes to identify avoidance, but families were met who tried consciously to avoid reminding themselves of their loss, by not displaying any pictures of missing loved ones for example, or by not meeting family members who may seek to discuss the issue; 8% of interviewees showed such behaviour in at least one family member. The father of one missing youth met in Lautem talked to the researcher while his wife displayed exactly this avoidance; not joining the conversation but unable to ignore the discussion entirely. In the end, she took up a position behind a curtain, pretending to sweep, distant and apparently hidden from the discussion but trying nevertheless to hear. Her husband confirmed that her mental state had deteriorated as a result of the disappearance of their son, and that she avoided reminders of him:
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We got [sick]. His mother sometimes sees him in her dreams and she always remembers him. She suffers a lot when she meets his friends, therefore, she never goes anywhere because it is dangerous when she meets some of our son's friends on the way. I only have one son, so that she thinks of him too much. [...] Because of that, she always gets sick. (Father of missing youth, Lautem, talking of his wife.)

‘Thinking too much’ (as used in the quotation above) is a Tetun language term [hanoin barak] generally perceived as an expression of anxiety or depression (Silove, 2008 and see Section 2.2.2). During interviews it appeared to be used to describe a state where sadness cannot be kept at bay and becomes intrusive. A number of families used this phrase to describe their emotional state:

Her [Mother of the Missing] life is very sad. She always feels sad when she goes to the fields. She thinks too much. Her illness is that sometimes she thinks too much, she can get a headache. (Brother of missing man, Bobonaro.)

If he was still alive, I would never think too much. I am sad because I lost his body and supporting his study was useless. I am thinking too much because I lost his body and his studying. (Father of missing man, Lautem.)

She [mother of the Missing] was sick because she always remembered her son. She said, "Where is my son now" and she didn't know if he had died or not. We don't know if they are still alive or not. She always gets sick because she thinks too much about her son. (Father of missing youth, Lautem, talking of his wife.)

In the latter case, the individual became distressed even at the mention of her son's name; she was also subject to visible tremors in her limbs. The husband described her as “mentally disturbed”, and explained how she used to take her son's clothes and go looking for him, years after he had disappeared. In the case of families of the Missing it would appear that ‘thinking too much’ is caused by the fact that a loved one is missing; it is the absence that provokes the intrusive thoughts. Repeated thoughts of the missing, perhaps synonymous with hanoin barak, and a known symptom of ambiguous loss (Boss, 2006) were mentioned by families:

This sister said that since it happened they can never stay calm, it is always disturbing their lives and affecting their daily activities, although it has been ten years now it is always in our mind. (Focus group participant, Bobonaro.)

Somatism was reported in 6.5% of interviews (as seen above in the discussion of hanoin barak), but again this is likely to be under-reported. Family members in many cases understood that the stresses of losing a loved one were responsible for sickness, explicitly making a connection between physical symptoms and the mental anguish they were suffering:

I received treatment here but it cannot help me. Therefore, I went to hospital in Los Palos and Dili but I cannot get good health because I always remember my child. [...] if my heart is a shirt I can throw it so far but I always remember him in my mind. (Father of missing man, Lautem.)

She cannot walk because of lots of sorrow, sadness because of her lost son. (Brother of missing man, Dili, talking of his mother; when she was visited she had been bed ridden for many years; with the assistance of ICRC, the researcher managed to secure her a wheelchair and physiotherapy. The cause of her disability remains unclear.)

I feel sad for his being missing until now but if I think about it so much sometimes I get sick, and I am very tired because I am do my entire job by myself. (Wife of missing man, Lautem.)
In some cases, death was attributed to the sickness originating in the loss of the missing person:

His father cried and began getting sick as soon as he returned from trying to bring back our son. In addition, he did nothing, and then one day he returned from work and he died. He thought about his son a lot, you know taking care of your son and then these Indonesians came and just take your son. [...] He cried like a child, he became depressed until he got blood pressure problems, and then he died. (Mother of boy taken aged 15 years, Manatuto.)

Beyond the somatically understood physical symptoms are the range of phenomenon that interviewees linked to the impact of spirits, including illness and death. These are discussed in terms of indigenous understandings in Section 5.3, but are clearly something that likely also lies in the domain of the psychosomatic.

### 6.1.3 Ambiguous loss

The ambiguity of loss described in Section 5.2.1 can lead to significant emotional and psychosocial impacts. A range of studies (see Boss, 2006; Boss: 2004) indicate that situations of ambiguous loss predict symptoms of depression, anxiety and family conflict. This research base has been used to develop a clinical theory in which the stress of ambiguity is seen to impact mental health and well-being, subject to the resilience of individuals and families. In the literature, the need of families of the disappeared for closure to end the ambiguity of loss emerges, despite the fact that in most contexts this is something denied families. The ambiguous loss model confronts this perceived need for closure:

The goal is to find meaning in the situation despite the absence of information and persisting ambiguity. Here, resiliency means being able to live with unanswered questions. Instead of the usual epistemological question about truth, we ask, ‘How do people manage to live well despite not knowing?’ (Boss, 2007: 106).

This directly contradicts conventional practice with families of the Missing, where a demand for truth from perpetrators drives advocacy. Interventions based on an understanding of ambiguous loss offer a way forward for those families who may never receive an answer concerning the fate of their loved one, as seems likely for most of the families in Timor-Leste. The aim of intervention is to strengthen family resilience. Boss’ work (2004) with families of the victims of the 9/11 attacks in New York City represents an effort to apply ambiguous loss theory to families of the missing. The fact that death can only be assumed for families of the Missing, sometimes with no details of time or place of death, makes acceptance of the fact of death problematic. Where families have no proof of death the loss is denied, grieving processes are frozen, family roles are confused and tasks remain undone.

In the data reported here, only a minority of families has significant ambiguity about their loved one, with more than half accepting that he or she has died. However, as discussed in Section 5.2 there were clear emotional impacts on those who continued to live with ambiguity. The issue of families who were immobilised by their loss was seen on several occasions. The parents of two youths from Dili missing since 1995 were sad and withdrawn when they met the research team; the father had lost his job some years earlier and had not worked since. When asked what could help ease their suffering they replied only that “You may shout out a hundred times and you will find yourself as you are.”, suggesting that they had no hope that there was any route to addressing their problem. Their attitude was one of passivity and resignation: “We will just wait for the government to come to help us. We will just wait.”

A similar attitude was seen in other families, sometimes justified by a fatalism linked to both a fear of reaction at the time of the disappearance and a belief in God:

It was a big loss. Imagine someone in the family taken from your side and that person never returned, with no news from any source. We are thinking this must be God’s work.
and we can’t argue with God. So, we live it as it is because at that time if we claimed or made a big thing out of it we could also face the same thing as him. Better to keep quiet. We just stopped and waited, because it was dangerous to look for him. (Brother of missing man, Dili.)

This is similar to blaming the spirits (see Section 5.3) for what appears to be a typical response to ambiguous loss: “The spirit of the victim made our life have no movement.” The family constructs an indigenous understanding of their frozen grief and the cause of their immobility. Here, however, assigning responsibility to God appears to be the beginning of a process of acceptance. In many cases contact with spirits can help families in coming to terms with what has happened and ending ambiguity, as discussed in many cases in Section 5.3.1. Spirits can also aid families in responding in a healthy way to their loss, as described by this mother:

... in a dream, he came with flower in his hands and asked me not to wait or to remember him too much. I have followed my way. I pray to God. (Mother of missing boy, Manatuto.)

Negative coping was seen in family members who had allowed the issue of their missing loved one to dominate their life, and for whom addressing the ambiguity with which they lived verged on an obsession. The challenge is to make interventions with the minority of individuals who are trapped in a cycle of negative coping, waiting for the loved one to return decades after their disappearance and unable to move forward with their lives. Such intervention is likely to begin with the use of existing communities, either with the family or groups of victims, and ideally to use para-professionals drawn from the community to counsel those who are unable to cope well, seeking hope in other parts of their lives that can sustain them.

6.2 Family and community issues

Families consist of individuals whose well-being is dependent upon the social world in which they live. As a result the impact of having a missing relative on relations with family and community can be crucial, both in providing support to those living with the stresses caused by disappearance and in potentially adding to those stresses where disappearance leads to fractures in relations. In particular here efforts have been made to understand the challenges faced by women impacted by disappearance and in particular wives of the Missing.

6.2.1 Family

Timorese culture is patriarchal and whilst women traditionally move to their husband’s family home on marriage, during this study many women were met who were living alone. The freedom of a woman to choose where and how she lives once her husband is dead or missing is function both of tradition and of personal circumstance. A family in Manatuto explained, in their culture, the constraints placed upon a woman whose husband was missing:

In our culture when you are married, the woman would be engaged in a kind of payment [bride price or barlaki] traditionally. As A’s ‘payment’ was fully paid then when he died his wife could return to their house with her family and we have not been really close since then. Their son is the one who always comes by to our house; he now works as a health officer and sometimes he come by to look after us. [...] When the conflict occurred, A’s wife fled in a different direction from A and his family. When people came down from the mountain, she remarried with another man. [...] Once we have done the barlaki payment, if the husband dies, she can remarry but it must to a man within the circle of family. (Mother of missing man, Manatuto.)

This family still maintains relations with the son of the Missing, even though they are estranged from his widow who has married outside the clan; it seems that the social impact on the (now remarried) widow of the family split is slight. In extreme cases families were divided following the disappearance, with some blaming their own family members for initiating the disappearance:
I felt terrible, I could not sleep at night, [there were] family quarrels. I felt complete desperation. From the family, my husband's side wanted us to die too; they did not want to see us alive. (Mother of missing man, Dili.)

Another family, related to a senior politician of the liberation struggle, reported that the wife of their missing brother had been working for the Indonesians and had provided the intelligence that led to his arrest and disappearance; they desperately want to see her tried and punished. Their brother's children are now abroad and alienated from the family, they perceive that the wife not only took their brother away from them but also his children.

The coordinator of a group of largely women victims in Bobonaro reported that women do have problems within their families, often around issues such as land, money and children, but are reluctant to talk about them outside their peer groups. This was echoed in some of the interviews with women:

I suffered a lot, family quarrels… vengeance between us; mostly from them, it was something unimaginable. They had a plan, to make us and the boys all vanish, they do not want us. […] There's no such thing as peace for us since my husband disappeared. The family wanted to take over our house and the few possessions that my husband left us. (Mother of missing man, Dili.)

Approaches to intervention over such problems must be rooted in the communities concerned and are likely to depend upon groups close to the impacted women (such as the family associations) intervening subtly with families and communities in ways that do not result in further alienation of the women concerned.

6.2.2 Community

The conflict in Timor was not simply between a foreign army and native resistance but included intimate enmities such as fighting between Timorese political parties, factional fighting within Fretilin and significant numbers of Timorese fighting on behalf of the Indonesians against their own compatriots. Despite this however, very few problems within communities were articulated by families of the missing. The following statement reflects the prevailing mood among families, particularly those missing from earlier in the conflict:

There is no problem in this community; the civilian defence units [Hansip, an Indonesian militia raised locally in Timor-Leste] included my own uncle because he is my mother's brother. We are from one family. (Son of Falintil fighter missing in action, Lautem.)

The limited support for judicial process among the victims is also evidence that a mood of reconciliation, if not forgiveness, characterises responses. Perhaps the principle exception to this arose in families of those who became victims in 1999, in which violence was often perpetrated by neighbours who were militia members. In many cases those responsible for killings and disappearances fled to Indonesia, and thus are not present to incite conflict in the community: families still seek justice and prosecutions of these individuals. The Community Reconciliation Programme (CRP) of CAVR aimed to address remaining problems within communities arising from the violence of 1999 and although not well known among interviewees (as for CAVR's work generally), the CRP was praised by some as a tool of reconciliation (see Section 10.2).

In some families, women, particularly wives of the Missing, were seen to have problems with their communities. Both family and community resent the fact that they do not dress as expected, i.e. as widows, and such women cannot dress as any other woman would. Issues over their identity in a society where women's roles are narrowly defined can be problematic:

[When asked if she is a widow] I will say that, I do not know about the life of my husband but I know that he is going to school. This is the information from the Indonesian government and some of the leaders. I do not know about the death of my husband or any other information beside his going to school. […] I do not know the opinion of the
community but I, his wife, do not know it [his fate]. (Wife of missing man, taken in Tonsus incident in 1976. Lautem.)

In this example the community believes the missing man is dead and does not understand why the wife does not accept the fact.

It was reported that there is always gossip about women whose husbands are missing, notably around the issue of remarriage. There is usually no legal or cultural bar to women remarrying but considerable stigma within the community. Where wives of the Missing did remarry it was seen that they usually moved away from their community, starting a new life with their new husband, and thus avoiding the disapproval of their neighbours. After discussing with one woman, prominent in a family association, whose husband was missing, who reported she had no intention of getting married again, the researcher met many in the community who said that they had heard she was indeed remarrying. This appears to be exactly the sort of rumour and gossip that can make life difficult for wives of the Missing. It is not usual for women to be without a husband and so remarriage is expected by the community, even while it is stigmatised. For many of the women, however, the ambiguity of their husband’s status means that remarriage is not an option. The coordinator of one of the women’s groups stated that she did not care what others said and confronted those spreading rumours; she hoped this was a lesson to others. Within one of the women’s groups concern was seen that once a woman remarries she will devote herself to her new husband, perhaps move away, and anyway drift away from a group of whom she will no longer be a complete member. In this sense such women almost served to stigmatise their peers.

One woman met in Bobonaro was living in the worst conditions the research team saw, in a barely habitable shack with her four children. Her husband had been killed in 1999 and yet 3 of her children were under ten years old. Whilst she was reluctant to talk, it appeared that she had ‘remarried’ several times since her first husband’s death. In fact, all of these relationships appear to have been motivated by a need to find a provider, and that these men had quickly left her. Whilst she did not mention any problems with the community, it is clear that such a woman would have problems with the community’s perception of her, and this may well contribute to the lack of support she was able to receive, both economic and otherwise, from the community.

In one district a good example of the sort of stigma to which wives of the Missing are subject was seen during an interview with a woman whose husband was missing, who lived on the outskirts of the principal town. Whilst she had limited contact with the women’s group in the town, she reported:

I sometimes go and talk with them [women’s group]. We never get anything from them. They opened a cooperative shop but I don’t know if it makes money or not, and we have got nothing up to now. The smart people corrupt all the money. (Wife of missing man.)

She was supported in this assertion by community members around her; during the research the team had become aware of the hard work done in support of victims by the women of this group, and that someone who could also have benefitted from this was held back by such attitudes reinforced the idea that prejudice existed against them.

6.3 Coping mechanisms

One of the most important coping mechanisms is the knowledge that a loved one died, or is missing, for a cause that is deeply believed in:

I am happy with the situation, I am sad because I am missing a son but I am happy because through their struggle many people can now sit and smile. (Father of missing youth. Dili.)

In Timor-Leste the independence struggle remains something perceived as wholly good, and as a result all of those who died in the conflict are seen by their families as having given something to
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the nation. This drives the need for families to see their sacrifice recognised officially (see Section 9). The Church is widely perceived as a pillar of the newly independent nation, and indeed gained greatly in credibility through the time of the conflict. In many areas the Church and priests are a significant support mechanism for families.

I was educated by the priests and that way I've strengthened my faith and both me and my wife, she is the daughter of a catechist or clergyman, so we were prepared for any burden that life might give us. So it is all up to God... if you look back to the Bible for example God gave it and God can take it back. (Father of missing youth, Dili.)

Many families told of experiences during the conflict where priests were not only able to offer spiritual and emotional support, but one of the only Timorese bodies able to provide financial support. Even where the wider family were afraid to support a family who had been victimised by the Indonesians, the local priest could offer both consolation and concrete assistance.

At that time my mother was depressed with psychological problems, because at that moment my eldest sister was 14 years old and my mother was pregnant with my youngest sibling. This situation forced her to think how to support us, and emotionally she was extremely depressed. At that time a priest came to our house to help. Our relatives were afraid to come near us because they considered us a problem. One of the relatives that always supported us was an elder sister of my mother who lived in S, Manatuto. She was the only one who encouraged my mother to go on. The one who helped in consoling my mother was the priest. This priest finally supported my eldest brother to go to school in F. Later, a priest came and supported one of my siblings to go to school in M. (Wife of missing man, Dili.)

Given that educating children is one of the chief concerns of those with economic difficulties (see Section 0), such help is invaluable for families.

Family Associations exist in only a few urban centres and are thus largely inaccessible to most. However, where they do exist they can be hugely important. In Maliana the *Nove nove* group provides solidarity to women in the most important way, by providing a place they can spend their day with others in the same position, and the potential for income generation through their cooperative shop. The group of women met there were visibly stronger and showing greater solidarity than any other group. The contrast between the confident and independent women of *Nove nove* and typical isolated female victims in a rural area was dramatic.

In many isolated communities the experience of the conflict, in which many families lost loved ones, binds them together and provides support:

We the combatants, we the ones who still remain alive in the village since 1975 until now, for us things are the same. We are a small number of people and families, we never leave each other, we never fight with each other but we actually support each other and we love each other. Our people, they all died and only a small number remained. (Brother of missing man, Bobonaro.)

My mother just walked around, she was with my younger sibling who was only two months old when my father went missing. Some neighbours talked to her, telling her to care for her children and requesting her not to sink with the sadness. (Daughter of missing man, Manatuto.)

The coordinator of one of the women’s groups, with reasonable access to Dili made comments on the psychosocial support available in the capital from specialised agencies:

Sometimes with people's feeling we can approach Pradet, other times Fokupers can arrange counselling for them or make activities for them, so I guess these kind of activities

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Pradet and Fokupers are both Dili based agencies who have offered psychosocial support to victims. Pradet Timor-Leste (Psychosocial Recovery and Development East Timor) works to deliver services to community members experiencing mental illness and trauma, often arising from violence and embraces the
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are good for them but when they stopped of course all the bad memories also returned to their mind. I think they need some kind of regular activity or some ongoing job that will keep their mind busy. Fokupers has done activities to help them with the problems they've been through like I said before counselling or sharing the pain, sorrow or sometimes laughing over something, etc...The experience with the group is quite interesting and helpful but at the end of the day things are back as they were, so all takes time to heal. (Coordinator of women's group, Liquiça.)

Her comments about the specialised psychological services offered by Pradet and Fokupers are interesting, however it is likely that services are also required that can assist the community to support family members who need it. Beyond this support to families living near Dili, and the small numbers who reported receiving drug treatment at hospitals in urban centres, no formal therapeutic approaches were encountered in this study. The mention of "activities" and "sharing" resonates with experience of both the Nepal study, and of the lessons from the ambiguous loss model. Those impacted by ambiguous loss need to reconstruct meaning and identity in like-minded communities, i.e. those that share their experience. This can best be done by creating spaces where affected families, and women in particular, can meet free of their communities' stigma and prejudice; exactly the sort of activities where sharing can occur, as mentioned here.

6.4 Potential psychosocial interventions

From the issues raised above and the discussion of coping mechanisms, a path can be seen towards a comprehensive psychosocial intervention with families of the Missing. The priorities were stated by one family member:

...right now I would like to ask for rehabilitation, legal and social. Some people suffered until now, I'm an example of that. I've been bashed in here, and now I'm still suffering from that; if possible I need that kind of treatment for my health, mainly psychological. It's not only me but many other who suffer from the past and they're not identified so I would like a team that can do this type of work. (Focus group participant, Bobonaro.)

The importance of exploiting or creating communities where a sharing of experience can occur has been seen in other contexts with families of the Missing (Robins, 2009). It has been explicitly noted as part of Timorese culture, among the Fatuluku:

"...Fatuluku communities also engage in versions of what might be termed psycho-social or community healing, especially through the fulfilment of social obligations and expectations that were neglected or truncated during the Indonesian occupation. In myriad conversations and narratives of suffering recounted during social gatherings and informal night-time discussion, Fatuluku groups gradually come to terms with their personal histories of loss in cathartic appreciations of one another's experience and struggle." (McWilliam, 2008: 224)

Extrapolating from this and from the statements of families above, one can list the needs identified:

- Creation of a space free of stigma for activities for affected women, such that women can take 'time out' from the stresses of communities that do not understand their problems and share the company of their peers. The Nove nowno group in Maliana can serve as an example.
- Mobilisation of family associations, and others with appropriate networks (such as the Church). With expert support, such groups can assess and intervene over emotional and psychological issues. Technical support is required to respond appropriately to all

term 'psychosocial' as a comprehensive way to describe its approach to service delivery. Fokupers (Forum Komunikasi Untuk Perempuan Timor Lorosa’e, or East Timor Women's Communication Forum) is a women's NGO which concentrates its efforts supporting women who have suffered forms of violence, particularly domestic and sexual violence.
the psychosocial needs of families, but this must be done in a participatory way with the concerned victims and communities.

- Specialised psychiatric services for the small minority who are identified as being significantly disabled by mental illness, and a mechanism for the identification and referral of those suffering from such problems.

Other issues that impact on psychosocial well-being, notably the legal and the economic, will be discussed below.
7 Economic needs

Looking at their economic problems, I think some families maybe do not even eat every day and they are just so poor, their houses cannot stand against the rain or wind. (Coordinator of women's group, Liquiça.)

A large majority (83%) of the Missing are men, the traditional breadwinners in Timorese society, and of these 75% were married and 67% had children when they disappeared. The average age of the men missing at the time of disappearance was 30 years (see Figure 3), indicating that these were individuals who had families and were at their most productive in terms of supporting the family. The result of the large number of households where there is deficit of men of working age is a challenge to the livelihood of those families. Families that were coping may begin to struggle, and families that were already struggling are plunged into extreme poverty. As a result, the economic challenges faced by families of the Missing are similar to those of other poor families in Timor, particularly where family livelihood is precarious. Economic support remains the leading priority of the families met in this study (Table 8).

It is also the case that most families of the Missing have had many years to develop coping mechanisms to compensate for the loss of working men. For those who went missing in the 1970s or early 1980s, sons (where they have them) will have grown up and be contributing to the family income. Many families however shared stories of the problems they faced at the time of disappearance:

When I was growing up she started to send me to school but when I saw that she had no way to support my studies I took a decision that I have go back home because there was no support. We could have finished our education if our father was still alive and could support us. It is difficult for us to get a uniform; to go to school and pay for it was impossible. Therefore, I took a decision that it would be better if I stayed at home. I just finished my primary school because of all the suffering that we faced. [...] I thought at that time, "Better I stay home and do farm work to feed my mother than go to school, because I am the sole son." [...] We suffered a lot at that time. We did not have a house to live in, who was going to do that for us? So, I decided to stop my study. When other people ate corn, we ate yam, when others ate rice, we ate corn. (Son of missing Falintil fighter, Lautem.)

Yes, when my father went missing we were so young and of course our mother could not do anything. She tried to educate us, support us in education and she has done a lot to support us in life. This is what we faced during these years since 1983 until we grew up and found jobs to support her. Until now, she has no job, she is just waiting for our help to survive. (Son of missing man, Dili.)

I did some part-time business selling fried bananas and sometimes cultivated a garden plot; my children sold the vegetables from the plot to buy note-books, school uniforms and shoes. (Wife of missing man, Dili.)

One of the priorities and indeed the first thing sacrificed by families as a result of poverty was education. Today, there are problems that persist, even for the cases where the disappearance happened many years before:

Yes, problems always appear. For example, if we get married, if our father was still alive he would give a dowry to support us to give to the parents of the woman's family. [...] I was responsible for everything to support my daily life. When the other families' members were married the parents of the lady will come and ask for a dowry from the father of the man but for me, the parents of the lady come and ask money from me because I have no father now and I am responsible for my life. (Son of missing Falintil fighter, Lautem.)

Where women are left heading households, they must find ways to feed themselves, most often continuing to try to farm, despite the challenges involved. Two women living alone in rural Manatuto, one whose brother was missing, had to work the fields themselves, working with other women in a cooperative style; they were unable to keep animals since there was no man to look...
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after bulls. Another woman living alone received some assistance from the Government, but was forced to sell much of it to educate her children:

I am a poor widow, I sold everything I had. A long time ago, the government helped us with some roofing zinc to build this house. I sold some of the material to other people. They also helped us with cement and I sold the cement to pay school fees. (Sister of missing man, Manatuto.)

In our daily lives we do whatever we can to bring food to our children. We manage as best we can to send them to school but when we're short of money we stop them from going to school. (Focus group participant, Bobonaro.)

The most extreme cases were those where men went missing in 1999, and women remain with younger children in households that are often female headed.

All my children are at school but their clothes and their daily food are difficult for me to provide. The paddy also provided only a poor yield this year. We are suffering a lot with food this year. Our house is unchanged since 2000, we want to rebuild it but we cannot. My father also is already very old. (Wife of missing man, Bobonaro.)

I'm 64, I don't have any more strength to do all that. I stay home, looking after my house. We are three in the house, an aunt of mine who is old - I'm taking care of her, my daughter and another girl. I don't have any man in the house, no husband or brother. When we don't have a man in the house of course we have to do everything even though you are old and sick, you have to survive, to live. (Focus group participant, Bobonaro.)

In some cases the families are also burdened with other impacts of the conflict, such as the children of other relatives who died:

Yes, since the death of my brother his three children, the two old ones staying with my sister in law and we all contribute to look after them. The young one is with me since the father has gone and I take full responsibility for his life even though I am a widow. I have to struggle to find food for both of us. [...] It is very hard to cope with three children going to school. There is never enough money and many times I cannot satisfy them, you know what kids are like. If they ask to buy this or that and I can't afford it. To get food is very hard, food is hard to buy for them… We are living in a house in poor condition… (Wife of man missing from 1999, Bobonaro.)

7.1.1 Economic priorities

The three priorities mentioned by families in terms of livelihood were education, food and support to enable appropriate rituals to be done for the dead and the missing from the conflict.

School fees to support children were the most often mentioned economic need, raised by 18% of families. Even where education at a public school was free, uniforms and school supplies were difficult for many families. Where children were at secondary school, for families living in rural areas that often meant they had to live away from home, with relatives or others, incurring additional expenses.

We think like this. Some of them already study in high school. We need them to continue their study to university but we are not able to support them. Therefore, they have to stop their study after they graduate from high school. We don't have a father to support us. (Woman whose family were killed in the early days of the conflict, Bobonaro.)

We lack everything in this family, like sending our children to school but we have no ability to support them to go to school. Therefore, you can tell our suffering to the government to
support orphan children. [...] When our child goes to school, we need to buy clothes, books and pencils. (Wife of man missing from 1999, Bobonaro.)

Where education is no longer affordable, children are sent to work to contribute in any way they can to the family income:

I don’t have money to support my children to go to school in Maliana. Therefore, they stopped their pre-secondary school at examination time. I am unable to pay for them because they went back and forth by motor rickshaw [ojek] everyday, which was expensive. They just stay at home now. [...] One of my children is selling clothes in Dili, he is 15 years old. (Wife of man missing from 1999, Bobonaro.)

Food was mentioned by 10% of families met; for them it remained a struggle to feed the family. The most impacted are the old, living with no support, often as a result of the loss of sons, who would have provided for them. For such households, food security remains precarious.

No, I am not sick but I have lost weight. I have too much depression and not enough food; we have food but not nutrients, no money to buy onions. We only eat porridge. If we have 10 cents or a quarter, we buy only mustard leaves. (Sister of missing man, Manatuto.)

In one case, a couple were eating wild roots until a pension (awarded as a result of their son’s death fighting with Falintil) was received:

Before we received money, we were eating wild yam, potato, cassava and poisonous bean. [...] Now I am receiving money from the pension, I can use it for my daily needs. (Old father of missing man, Lautem)

Those who are now old were often those who suffered the most during the early days of conflict, while fleeing in the mountains. A minority receive support as a result of their or their relatives’ role in the resistance. Many however, were civilians who despite their extreme suffering at the time, and loss of many family members, remain ineligible for support through the veterans’ policy (see Section 9.2).

11% of families mentioned the need for support to perform the rituals for the dead and the Missing. In many cases the sole reason this has not been done is the expense of feeding those who must be invited to the ceremony and construction of a grave:

I am not able to do the ritual ceremony, and so we are still waiting. It’s also difficult to find our daily food. We were only able to bury him but we did not make his ceremony because we don’t have the capacity and also lack food. (Wife of missing man who recently exhumed a body she believes to be her husband, Lautem.)

If there are any opportunities from the government to support us, just support us with some money to prepare for the ritual if we will take his body in the future because we are poor people. The important thing is money to buy buffaloes, goat, and a pig for his funeral ceremony. (Brother of missing man, Bobonaro.)

All of these problems still await the government. We just talk with their spirit but we did not do any ritual because they died to liberate the nation. [...] We can do the ritual if the government gives us support for the ritual process because we need many things for the ritual process. When we make the ritual, we need to call all the relations to come and participate. (Group of Falintil veterans, Lautem.)

I am not able [to do the rituals]. No one ever recognized me as the family of a victim. I just think my father is missing but I cannot do anything because I am not able. I don’t have food for our daily life so how am I able to do this ceremony? (Son of missing man, Lautem.)
7.1.2 Economic support: towards a reparations scheme

Sources of economic support during the conflict for families included relatives, the Church and officials of the government, even during the Indonesian occupation:

Some of our uncles also helped in paying our school fees. Support also came from our father’s allowance since he had been a teacher but the salary was cut; my mother went there and discussed with Mario Carascalão as he was the highest government officer then and he stopped them from cutting the salary. Help also came from the Catholic Church (Bishop Belo) and Padre Domingos supported T. to attend junior high school in Maubisse and later returned to Dili when he graduated to senior high. Padre Domingos supported J-M to go to Fatumataca (Technical High School); later he entered Priest College, and then I met Mario Carascalão to support my children. (Wife of missing man, Dili.)

Since the end of the conflict policies have been elaborated providing potential support for families of conflict victims, both through payments and pensions for veterans (see Section 9.1), and from the social assistance programme of the Ministry of Social Solidarity (MSS). 6.5% of families met had received compensation as part of the valorisation process, and 13% were receiving pensions: these are discussed in more detail in Section 9.2. It is worth noting that whilst such payments have a dual role, representing both recognition and economic support, it is for the latter than poor families most value them. These payments had mostly begun rather recently, typically in the 6 months prior to the research being undertaken. Only one family reported they had received support from the MSS. There is little understanding however among beneficiaries of the two schemes as to which is assisting them. A large number were met who expected payments but had not yet received anything:

The government said there would be money for us to support the orphans to go to school, but we have received nothing. The money has never come. When I rechecked his name, his name was there but the money never came. We never found out or heard about it. I have looked after his youngest child and now he has gone to study at the National University of Timor-Leste but the government gives no support. If the government wants to give money, please send it to us to support the orphans that are studying now. He died not because he was sick but defending his country. He gave himself to his nation. Therefore, the government should remember us. (Brother of missing man, Lautem.)

Several families were met that had received a bank card to access funds that were expected to be paid in, but who were still waiting at the time of the research.

The main planks of economic support that could constitute a reparations programme emerge from the needs expressed here:

- Support to children of the Missing in education, such as scholarships, particularly at the secondary and higher levels;
- Assistance to female headed households and others unable to ensure their own livelihood, both in terms of economic support to address urgent needs, such as housing and food, but also income generation schemes that can ensure livelihood in the long term.

Income generation in rural areas would traditionally derive from land, but older people on their own are least able to farm, as shown in the statements quoted above. Such small scale ‘micro-economic’ programmes will likely require research into the typical capacities of victims; where

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14 This was illustrated by a story heard from Oecusse where victims of the violence of 1999 reported that they had received ‘compensation’ from the authorities, which they explicitly linked to their victimhood, but which was in fact support from the MSS, on account of their vulnerability.
people are old and/or infirm it is likely that only long-term payments of pensions or social assistance can ensure livelihood.

The dilemma for any reparations scheme is to support victims without excluding the many others living in abject poverty who are not victims of the conflict. As such, the most integrated approach is to assess vulnerability where victimhood is included as an indicator along with objective criteria that determine levels of poverty. Reparative support to conflict victims, such as the families of the Missing, could then be delivered as part of the social assistance programme of the Ministry for Social Solidarity (MSS). Whilst for some it may be important that a link is kept between the reparations and the suffering of victims from conflict, for victims themselves it would seem sufficient that the state is supporting them, since in most cases they seek that the state recognises the family’s contribution to independence; it seems unlikely that they would object that this was delivered as social assistance.
An assessment of the needs of families of the Missing in Timor-Leste
8 Justice and accountability

More has been said and written about justice for the families of the Missing and other victims in Timor-Leste than any other need, most often without any consultation with victims themselves. The debate over justice for crimes committed during the conflict in Timor-Leste has become highly polarised, with the leadership staking out a clear position that retributive justice must be subordinated to broader understandings of the term, driven by the desire to maintain good relations with Indonesia:

“NGOs say, on behalf of victims there must be justice. For our process, real justice was that the international community recognized our independence and helped to achieve it. For all the sacrifices of our people, our obligation is to bring them real independence, meaning social justice and development. East Timor should not live in the past, but look towards the future.” Xanana Gusmao (while President), 24th Oct. 2004.

“The President [Jose Ramos Horta] also said that the establishment of an international tribunal to try serious crimes committed between 1975 and 1999 in Timor-Leste is not generally supported in East Timor, nor is it consistent with the position of both parties, but shows the ‘hypocrisy’ of some sectors at home and abroad.” (MSO Lusa 21 September 2009)

In contrast, NGOs, both within Timor-Leste and outside, have insisted on the need for an international judicial mechanism to counter the perceived commitment to maintaining impunity in both the courts of Indonesia and among the authorities in Timor-Leste itself:

“The best alternative to a revived and strengthened serious crimes process would be for the Security Council to implement the recommendation of the CoE report - to create an ad hoc international criminal tribunal for Timor-Leste, to be located in a third State. We urge you to use this moment of UNMIT’s mandate renewal to advance justice for the people of Timor-Leste in line with the Security Council’s earlier commitment, expressed nearly ten years ago in Resolutions 1264 and 1272. Failure to do so demonstrates to the people of Timor-Leste and the world that the UN supports a double standard of justice, undermining the rule of law and respect for human rights in Timor-Leste, Indonesia and internationally. [...] This position is widely supported by Timor-Leste’s citizens, especially by the Church, several political parties and civil society.” (International Federation for East Timor, letter to the UN Security Council, Feb. 18th 2009.)

The assertions in the above statements that the people of Timor-Leste both support and do not support an international tribunal appear to not be evidence based. This study represents the first rigorous empirical effort to understand the goals of victims of the conflict.

8.1.1 The meaning of justice

<table>
<thead>
<tr>
<th>Meaning of justice</th>
<th>Fraction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Answer regarding fate /</td>
<td>0.45</td>
</tr>
<tr>
<td>Return of human remains</td>
<td></td>
</tr>
<tr>
<td>Acknowledgment / recognition</td>
<td>0.32</td>
</tr>
<tr>
<td>Prosecution</td>
<td>0.27</td>
</tr>
<tr>
<td>Compensation</td>
<td>0.18</td>
</tr>
</tbody>
</table>

Table 14 What families regard as the meaning of justice (where more than one response could be given).

15 http://www.etan.org/et2009/09september/19/21tpres.htm
An assessment of the needs of families of the Missing in Timor-Leste

When asked what justice meant to them, families replied as shown in Table 14. There is little unanimity about what justice means to families, but a group of principles emerges, all of which appear important. The most important understanding of justice to families of the Missing is the truth about the fate or access to the body. Even where justice concerns apprehending a suspect, this is often a means to get an answer:

Justice means to capture or arrest the suspect; at least to ask them about where did they bring those people or did they kill them or not, and ask them why they captured them and why they took them away. (Focus group participant, Bobonaro.)

The second most important is acknowledgement and recognition:

...justice for the dead should be to truly know who was involved in the war. You should check them all. You should identify who did not fight, but now has a good position. The government has forgotten those who struggled and now recognises terrorists. They have become leaders now. Our wish is that you do not ask justice from the people but ask it from the leaders first. Who was involved in the war and who was not? Who died for the war and who did not? This is true justice. Justice is not only for the small people but also for the leaders; there is no justice. [...] It [justice] does not mean to catch the people that killed our fathers and grandfathers. Our wish for justice is to identify who was truly involved in the war. We need to make justice for it. We do not want justice to come and catch again the person who killed our fathers and grandfathers. We want to identify those who struggled. We need this justice. (Son of missing man, Lautem.)

A little over a quarter of those with an opinion considered prosecutions to be an important component of justice (see below). A broader understanding of justice than the purely retributive was seen in statements families made using terms such as “social justice”, echoing the language of the leadership, to describe their goals. One of the dominant attitudes towards justice was an understanding that ordinary people (ema ki’ik, ‘small people’) have little to say on the matter:

I don’t know what justice means because we are only small people. (Niece of missing man, Manatuto.)

I understand a little about justice. My uncles and all the illiterate people do not understand what justice is. Most people do not understand about justice. (Chefe de suco and father of missing youth, Bobonaro.)

Some had pessimistic attitudes that justice would come soon, and as a result emphasised other aspects, such as reparation, while waiting for retributive justice:

I think justice is very important but it is a long process, therefore I will not be here when it arrives or maybe even my children won’t even be present for it. I know justice is important but the most important above all is reparation, to repair people’s lives: that way that person can wait as long as he or she has something to hold on to. (Wife of missing man, Liquiça.)

Because of the spiritual context for many families, some saw justice as being for the spirits, and thus an intimate concept, within the family to some extent:

I understand justice, with whom we do justice. When we have justice, we will make justice for the living and for all the spirits. My father’s spirit also can make justice with me because I am his son and I am still alive, but did not look for him because I am not able too. It is true that he is angry with me. (Son of missing man, Lautem.)

8.1.2 Attitudes toward prosecution
Of those families met for interview 66% responded when asked about their attitude towards prosecutions; the views expressed by this group are shown in Table 15. It can be seen that even amongst those that expressed an opinion those seeking prosecutions are a minority.
### Table 15 Families’ attitude towards prosecution of perpetrators.

<table>
<thead>
<tr>
<th>Attitude towards prosecution</th>
<th>Fraction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Seek prosecution</td>
<td>0.40</td>
</tr>
<tr>
<td>Not useful to punish / better to forget</td>
<td>0.23</td>
</tr>
<tr>
<td>Justice is for leaders / depends on Govt</td>
<td>0.13</td>
</tr>
<tr>
<td>Justice not possible</td>
<td>0.10</td>
</tr>
<tr>
<td>Don’t know who to punish</td>
<td>0.08</td>
</tr>
<tr>
<td>Other</td>
<td>0.08</td>
</tr>
</tbody>
</table>

Many families however are firm in their desire to see perpetrators punished:

Now, we have independence we want to investigate and ask why you killed Timorese people that looked for food to eat. You can tell us why you shot unarmed people. If they died because they were both shooting, that is no problem, but they had no gun. They were civilians that wanted to find food to eat. Both my father and my sister were killed, including him [the Missing], but we did not find him. (Brother of missing man, Lautem.)

Some families see justice as the job of the two Governments, not least because many of the perpetrators are in Indonesia:

Because those people live on the other side and we cannot reach them, let the two Governments deal with the issue. We cannot punish them. For those who killed our family it’s because of the conflict, right? So, we the people, we cannot punish them and here we are talking about a nation called Indonesia, only the two countries can solve this problem. (Brother of missing man, Bobonaro.)

Those who saw judicial process as most important were relatives of those killed or missing in the violence of 1999. There was a significant number of families, led by those of 1999 victims who are mobilised into associations, who articulated the agenda for an international judicial process:

The small people demand justice, there has to be an International Tribunal for those who committed crimes against humanity. The leaders are against it, because they look into politics, for them if the International Tribunal is formed in Timor how are they going to face our neighbours? (Focus group participant, Bobonaro.)

There was also awareness that those who led and organised the violence, particularly in 1999, had not been punished:

Well, in Timor-Leste, only small people went to jail, but the head ones, they're all in Indonesia. For some that went to prison it was like a theatre with people playing up on the stage so we heard they went to prison but was it true or just rumours? (Wife of missing man, Liquiça.)

This reinforces how little information victims have received about the processes that have occurred, and is also perhaps a reference to the Presidential pardons that have seen all of those sentenced in relation to 1999 released from prison.

For those whose loved ones were killed by Fretilin or by pro-independence activists the issue of justice is a different one, with complications involving only those in Timor:

[Concerning Fretilin perpetrated cases] As patriots, those who were involved should open their mind to confess what they did in the past but I believe they may not confess because maybe they received orders from their commander. I don’t really know who was involved in this. (Man from Manatuto, many family members missing.)

I would like to talk about justice; we can see that we look more into pro-autonomy people, while pro-independence people also made crimes so I can see there is no justice. Every time we blamed pro-autonomy people but pro-independence people were also wrong. Is
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there justice for them or not? We're looking more into pro-integrationist cases instead of ours. (Focus group participant, Bobonaro.)

One family saw justice as something which threatened not only Indonesians, but Timorese penetrators:

For justice, we would better have a process of justice without punishment, because punishment means only that we destroy each other. [If we punish some Timorese], many Timorese were involved with the violence because Indonesia did not kill all those who died in East Timor, but Timorese killed Timorese. Of course, on the battlefield when we carried guns, Indonesians killed Timorese but those who had surrendered, these people who surrendered were mostly killed by Timorese. This means that if there will be punishment, then we have to put these people in jail. (Father of missing man, Dili.)

This shows an understanding that a broad judicial process will necessarily also target perpetrators from the resistance. Families were asked who should be prosecuted. Whilst most declined to answer, of those who did reply a greater number mentioned Timorese officials or known Timorese individuals, than mentioned Indonesians, apparently confirming the opinion of the above respondent. Similarly, when asked what type of judicial process they sought, the vast majority felt unable to reply, reflecting again either the lack of knowledge of the possibilities or deferring to the authorities. No family was met whose case had been brought before any court, reflecting the narrowness of the processes (exclusively the Special Panels in fact) that have taken place.

Many people saw the events as being in the past and thus not seeing a need for retributive justice, or this simply failing to address their real needs:

Like I said before, let it [justice] go because that was a consequence we faced of wanting independence, so many of us had to give their lives for it; it's all in the past now. They have reason to defend their nation, their integrity, as well as us here; we did the same, so just leave it to the past, it's all over now and let's face the future. The main thing we ask is to tell the truth: what have they done to them, to give clear information that we took them away. Here we ask to stop, we don't want any punishment, it's enough. The process is very long, let's see that whoever was responsible, he might have family and children, in case justice goes ahead, what will happen to his family? The best way is to finish with it, no punishment. (Mother of missing man, Dili.)

If the state wanted to bring to justice those who have committed crimes, by bringing them to justice will my son be brought back from the dead? If so, then condemn them to justice so my son is alive again! If not, then this person who will be in jail will live comfortably in jail, eating and sleeping in a good place and of course the state will care for these people in jail. (Father of missing man, Dili.)

Many talked with resignation, about the 'consequences of war':

...who will we condemn with justice? He died because of war. I can't force myself to go back and pick up problems, this conflict was for our homeland, for us to have peace and if you have such a goal, you have to suffer and die. So, he died and those of us who are still alive need to build our nation, to have peace among us, that is all. [...] No one [should be punished]. [...] All we wanted was independence and for that we had to take the consequences and aside of that we then can have peace. For those who died, let it be. (Sister of missing man, Manatuto.)

No [there is no need for punishment], because this was war, as we registered the names of those who died in the conflict, they died because of the consequence of the war. As my
relatives died we only did the rituals, there is no justice or trying to find out who was responsible. (Focus group participant, Manatuto.)

Others articulated exactly the reasons that the Timorese leadership seeks to avoid a judicial process involving Indonesians:

With regard to relations: for example if we want to condemn the Indonesian government we may gain a good result but [...] I see many opportunities being lost. Indonesia had done good things in Timor-Leste and raised many rich people and smart people if we compare to Portugal. (Father of missing man, Dili.)

And indeed the need for social justice for victims:

[We want] social justice; how to help the family of the Missing so that family members who are still alive can live in safety and peace. One part of social justice is about recognition; if the Indonesian government confesses that they are the actor of the massacre that would help us. Economically, social justice is about caring for the family of the missing person. If the East Timor government can give any social justice to the missing families, they died for this nation. Morally, both states should sit together. (Wife of missing man, Dili.)

Yes, justice should be done, if there is no justice it means our hearts are bleeding. You know, as a poor family and a widow, we don’t have anything around here. One question, and we have the answer, is why do we don’t know much today is because we didn’t have much money to support us to go to school, since we had no father; we had the capacity to go to school but who will pay the fees? (Son of man killed by Fretlin, Manatuto.)

Rather few families used the language of ‘healing’; one used it with reference to the benefits to victims not of prosecutorial justice, but of the truth that can end the uncertainty about the Missing:

If anyone spied on the victims or any leader signed a letter to capture them, I do not want the suspect to be punished but I need them to tell the truth because it can heal me mentally. I do not want to get angry and bring them to justice, but I need them to say that the Indonesian army killed your husband because of the mistake of the victim. When they tell the truth, there would be no other problem. I do not want the suspect to be punished but everything should be based on the law. (Wife of missing man, Lautem.)

8.1.3 Justice: a summary

In summary, families seek justice but define this in a range of ways, notably as recognition, compensation and the truth about the Missing, as much as in terms of punishment of perpetrators. What this shows firstly is that one cannot talk of a single victim agenda; this study indicates that victims have a range of priorities, including but not restricted to, retributive justice. The NGO position of demanding prosecutions and an International Tribunal represents the views of some victims, notably those in Dili and families of those dead or missing from 1999, but not a majority. A large fraction shares the position of the President and Prime Minister who prioritise addressing the needs of victims through what they have called a social justice approach, primarily reparative.
9 Recognition and reparation

Reparation refers to the obligation of the wrongdoing party to redress the damage caused to the injured party. Under international law, "reparation must, as far as possible, wipe out all the consequences of the illegal act and re-establish the situation which would, in all probability, have existed if that act had not been committed." (Permanent Court of International Justice, 1928) Reparation encompasses three main types of remedy: restitution, compensation and satisfaction. Restitution aims to restore the conditions that existed prior to a violation, something impossible of course where a missing person does not return, but where efforts can be made to address some of the impacts on a family. Compensation involves monetary payment for material or moral injury, while satisfaction addresses non-material injuries and may involve official apologies, assurances of non-repetition of the offence, judicial proceedings, and truth and reconciliation commissions. (Bradley, 2006). Reparation, whilst potentially providing material compensation to victims, is primarily about acknowledgment of what has happened and the responsibility for it. The financial component is a way of demonstrating this, and not an end in itself. Indeed reparation can be symbolic, rather than material. Here an effort has been made to confront the obligations of international law with the needs and daily realities of the families of the Missing in Timor. Whilst the CAVR report recommended a broad scheme of reparations, in practice essentially no process has occurred to date. It is hoped that this study can inform how such a process might be elaborated in Timor-Leste, and explicit recommendations are made in Section 11.

For families of the missing in Timor the issue of reparation was often mentioned simply as the need for economic support, or the duty of the authorities to provide such support, and was usually discussed in terms of recognition or acknowledgement of the contribution that the missing and the dead had made to the nation's independence. Thomas Nagel has said: "[Acknowledgement is] what happens […] to knowledge when it is officially sanctioned, when it is made part of the public cognitive scene." (quoted in Govier, 2003: 67). This public sanctioning of victims' suffering is crucial to victims in Timor: whilst the affected families, and indeed their communities, know their relatives are dead or missing, and believe that they have given their lives for independence, the remoteness most feel from the authorities in Dili (see Section 10.4.2), makes official acknowledgment of this crucial to them. Because many victim families, like much of the population, face a daily struggle to ensure their livelihood, this need for recognition was often linked to economic support. Reparation however can also be symbolic, and many families called for their loved ones to be recognised through the construction of memorials in their memory. The veterans' process has led to many families receiving medals, and fewer receiving payments and pensions; the medals were hugely appreciated, but the process remains disappointing for most families, not least because they also seek economic support. One family well understood the breadth of a reparation process, but emphasised their own priorities:

[Reparation means addressing] psychological problems, mental problems and reparation for economic life; how can we dignify the life of the family of the victims? Because these people didn’t die because of stealing or normal crime, they died for a national objective, for this we need to be recognized. (Wife of missing man, Dili.)

As many others, this family saw reparation (where it was understood the Portuguese word reparasauen was used) as literally a process of repair, addressing the damage done by disappearance. In this sense addressing any of the needs discussed in this study can be considered as reparative.

When asked what they understood by recognition of their situation, around half of all families gave an answer. As throughout this study, families themselves defined what process they considered to be classed as recognition. The answers given (more than one per family in a few cases) are shown in Table 16.
Typically, in addition to the truth about their loved one (or access to remains), families sought both recognition and economic support:

Firstly, something that can't fade with time: a monument that will stay, for those who died in order to always be remembered by everyone, [including the] next generation. Secondly, if the state seeks to help by giving something for me, of course I will take it. Just like if they think to give some pension for all the parents who have lost their sons, then of course I will take it. (Father of missing man, Dili.)

For those that have been gone a long time, we as a family, we're asking the authorities that this father of ours no matter what, whether he is dead or alive, he has to have some value for what he gave, therefore if the Government cares, it will look after us today or in the future... We don't demand high payment, it's up to the Government to think why this person died. If the person died to defend his sovereignty he needs recognition from the Government. (Children of missing man, Dili.)

Table 17 shows what families consider they have already received in terms of recognition.

<table>
<thead>
<tr>
<th>Recognition received</th>
<th>fraction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nothing</td>
<td>0.50</td>
</tr>
<tr>
<td>Medal</td>
<td>0.45</td>
</tr>
<tr>
<td>Pension</td>
<td>0.13</td>
</tr>
<tr>
<td>Compensation</td>
<td>0.07</td>
</tr>
</tbody>
</table>

Table 17 Recognition that families consider they have received.

Whilst half of all families met consider that they have received no form of recognition, the fact that almost half have received a medal on behalf of the missing person represents an extremely successful exercise compared to any other process to address victim needs. Attitudes towards the distribution of medals are discussed further below. Where families had received payments it is assumed that these were linked to the veterans' process (all those who had received such payments had also received medals), but this is certainly not clear to families. Similarly those who had received pensions often failed to link this to the valorisation process.

Recognition is however highly subjective. One gentleman sought recognition as a forerunner of all independence fighters for his exile to Angola by the Portuguese colonial regime, following his involvement in the Viqueque rebellion of 1959. Recognition was also demanded from those responsible for violations, one of the key components of reparation:

A monument is a way to remember them but is not enough; somehow a monument is only a symbol. As many people want, we just want the Indonesian state to recognize that they committed the massacres. (Brother of missing man, Dili.)

Families that became victims of Fretilin, notably in factional fighting, feel particularly in need of recognition, having the perception that they have been written out of post-independence history:
An assessment of the needs of families of the Missing in Timor-Leste

Somehow, our government should understand to put these people’s names as heroes who fought for independence but the fight had not reached its end yet they killed each other. [...] We just feel pain in our heart because, for example, if I am a founder [of Fretilin] then my followers kill me, what do you think of that? The leaders should know about this, or did my father do something wrong? We don’t have any concrete evidence. (Son of man killed by Fretilin, Manatuto.)

9.1 Economic support

The desire for economic support dominated the understanding of recognition, prompted by the daily needs families face. Many families pointed to the condition they were living in as a justification of the need for such support:

Therefore, I ask the government of this state to please care for us [...] please could the government help me a bit. Build my house. My water is dirty, we live like cows. We have registered the names but the money hasn’t been released yet. (Old woman living alone, her brother missing, Manatuto.)

If I received my brother’s money, the first thing I would do is repair his grave, request for a holy Mass for his spirit, and then I would look at my own needs. I am a widow, I need to build my house, for my health, and another thing is I would support my sons to go to school for this nation’s future. (Sister of missing man, Manatuto.)

This also reveals that some families have expectations, particularly where they have received medals, that some sort of financial support will necessarily follow. Most families however refused to make demands of the authorities, always saying that any action ‘depended on the Government’, even among the poorest of families. The following is typical:

If the government wants to give us any support, because of the suffering from the death of my younger brother, this depends on them. We will not ask anything of the government. (Brother of missing man, Lautem.)

Freedom is our reward, we struggled for independence, if Govt wants to help, we will accept it, if they forget about us we can manage. (Daughter of missing man, Manatuto, family has received medal and pension.)

Generally, where a family was met that was receiving a pension, they appeared well able to live on it. There remain many families however who resent the fact that others have been supported and they have not:

We know IDP’s faked all the evidence to get money [in 2006] but for those who died from 1975 till 1999, like the chefe de suco said, until now nothing has happened, only talking. Things went on, with paper work, filling up papers, answering questionnaires, need this paper from the church, and that one from the chefe de suco, etc. All that going where? Until one day people get bored, fed up with it and the end, they give up, no more trying. (Focus group participant, Bobonaro.)

This reveals broader lines of fracture between victims of 2006 and victims of the older conflict (see Section 9.1.1). Some consider the payments received through the Veterans’ Commissions as inadequate:

Yes, for those martyrs the veterans [commission] paid them but the money is not enough to build a grave, or even to send children to school [its] not enough, and for every day food it’s not enough. For me, each time I receive that money it makes me sad, because someone in the family gave their life for the country, I think the payments are never enough. (Wife of missing man, Liquiça.)
There is some ambivalence in taking compensation, even where the economic impact of disappearance is clear:

I do not feel good asking for compensation, of course I did not sell my sons to get money. If the Government wants to give something, okay, we can call it compensation, then I will take it; but if the Government doesn’t give it, this is no problem for me at all. [...] Just think, if my sons were still alive, they would take care of us as their parents, so if the state wants to give us something, of course I will accept it. (Father of missing man, Dili.)

They gave money to us but we were not happy with that because its value is not the same as that of a person. We accepted it because they gave it to us but if they said that this is payment for your child that is missing, we would not have accepted it. We can get money if we do a job, but a person is difficult to get. Therefore, we are always sad about this. We remember our son but we did not think to get money. (Father of missing man, Lautem.)

I feel like I am still living poorly, after I received the money from the bank. My thoughts just flew away, thinking that this money has bought my husband’s and children’s deaths. We cried looking at the money. (Wife of missing man, Manatuto.)

This is a dilemma all will face, accepting money as something which repairs the loss of a son or father. Such payments are unable to fill the economic gap left by the loss of a man who would have supported the family for a lifetime, and are certainly not considered something that can take the place of a loved one. Some see compensation as honouring the memory of the dead, and even serving as a memorial to them:

I will not go to fight against the government to get support; I always stand in my position to receive the merit of my father's struggle. [...] I will consider it replaces my father because he had died but I get his merit. When his merit is money and I use it to build a house, I will consider that the house is built by my father. It is a remembrance of my father for me. I will not make a comparison that this is small or big. The important thing is support or merit in the form of money to build a house. It will show to the people that it is my father’s merit. They will not mention my name but they will mention the one who struggled. (Son of missing ex-Falintil fighter.)

[The Missing man’s] grand children, for example like my children, should get some help from the Government so that my father’s disappearance will live for us and his grandchildren will remember forever. (Children of missing man, Dili.)

One family rejected compensation, as long as their loved one is not recognised as missing;

If you don’t classify my father as someone missing I will refuse the money that you’re going to pay. I want him written down as a disappeared person otherwise I’ll refuse totally any help or compensation from the Government. (Mother of missing man, Dili.)

As with all elements of the issue of the Missing, compensation can also be something that has a spiritual component:

He [the spirit of the Missing] can be angry with others when he thinks that you [the Government] have given recognition and compensation to many people other than me. Justice must be for both the living and the dead. (Son of missing man, Lautem.)

The true understanding of reparation is that it is a payment by those who did wrong to acknowledge wrong-doing, but this was largely not understood by families who expected any compensation or other acknowledgement to come from their own Government. Some however did understand the potential role the Indonesians could play in this process:
I do not know exactly about the money for the veterans and martyrs; for instance, if I am a victim of the Indonesian army, the Indonesian army will help me through Timor-Leste government. This is what we call compensation. When we inform directly to the Indonesian government, through the Timor-Leste government, and then the government will send it to Indonesia. (Son of missing ex-Falintil fighter.)

Many saw their entire community as victimised and as a result see any reparative process as also targeting the community:

Yes, we really want [support] because T sub-village is suffering from problems with water, roads and electricity. We also liberated our country to get independence and the people get success before leaders but now the leaders have become rich and the people are still poor. (Brother of missing man, Lautem.)

It remains a potential approach, where a comprehensive process of individual reparation is impossible (as seems likely), that those communities that were most impacted by the conflict could be targeted for developmental interventions that could be explicitly linked to the community’s victimisation, in a scheme of community reparations.

9.1.1 A hierarchy of victims?
During discussion with victims from all eras of Timor’s conflicts, evidence was seen of victims positioning themselves in contrast to other victims. This was seen in the perception that judicial process was restricted to the 1999 events (Section 10.1) and in how valorisation was perceived as recognising the living and ignoring the dead (Section 9.2). It was most notable however in how victims of the 1975-99 conflict reacted to those who became victims of the internal violence of 2006. Because the displaced from 2006 were speedily compensated, and with amounts that are considered generous, there was widespread resentment of them among families of the dead and Missing from the Indonesian conflict:

Why did the Government attend to the crisis of 2006 so urgently, especially those that packed their stuff and ran to join others as IDPs? Those people were not affected by that but they simply packed all their belongings and joined the IDPs and not just that, but they also had good treatment from the Government. We felt like those from 1975 till 1999 didn’t have any value. (Focus group participant, Bobonaro.)

Many people went to Xanana crying for help in 2006. He then told his staff to bring papers so he can sign and gave them money. We know all that. They have made the trouble happen and not even investigating the case, we saw it, we followed it, and it’s not fair to us. Is this Government like this? I don’t know. Today your husband died immediately you received the money from the Government and straight away they’re getting financial security but look at us, what are we getting? Any four thousand dollars like they’re receiving? (Focus group participant, Bobonaro.)

This reveals the potential danger of a reparations process that attempts to identify victims according to their era and type: this risks the creation of a hierarchy of victims, in which victims of one type compare themselves to another in their demands of the authorities. The solution to this would appear to be to only include victimhood as one indicator of vulnerability in determining whether and how much assistance any one family receives. In this way, the most deserving can benefit from a reparations process, independent of the nature, or era, of their victimhood.

9.2 Medals and the veterans’ process
Families are largely unaware of any details of the process by which medals, compensation and pensions are paid. A significant fraction believed that this was a result of contact with CAVR, and appeared to think that all reference to a ‘commission’, referred to CAVR, rather than to the
An assessment of the needs of families of the Missing in Timor-Leste

veterans’ commissions. Many families have attempted to register their missing or dead loved ones as veterans at the district administration, but are unaware of the process that follows this. The most visible impact of the process has been the awarding of medals on a large-scale, as evidenced by the fraction of families met who had received them. There is evidence from this study of a generous interpretation by the authorities of the requirements to be eligible to receive a medal. This may be a deliberate attempt by the authorities to ensure the broadest possible process. Despite this, large numbers of people met during this study who claimed that either they or relatives had been with Falintil and that they had yet to receive a medal. Perhaps the greatest disappointment seen in the process is that it explicitly targets Falintil fighters and members of the clandestine resistance: civilians who constitute by far the majority of casualties of the conflict have no mechanism through which they can be acknowledged.

The government just looks after the people who came down from the forest [i.e. Falintil]. They got more money than the missing people. They got $9500 the first time and the government gave just one dollar to the people who died because of the war. It [one dollar] is nonsense. I took it because they want to give it to us but it is not as valuable as my son’s body. (Father of missing man, Lautem.)

The medals are considered valuable and important by most families:

We have received two medals; one for my father and another for my husband’s father. We feel that in having these medals we have succeed to gain democratic rights for those who died for this nation. (Niece of missing man, Manatuto.)

Yes we are happy [with the medals and pension], it means a history of my father’s sacrifice to help free the country; although he is not here with us but this is something that honours him. (Children of missing man, Dili.)

If we receive it [a medal], we will consider we have received the body of my father. (Daughter of missing man, Lautem.)

In addition to the medal itself many families talked with some pride of the award ceremonies where senior members of the leadership had given them the medals. The awarding of medals appears to be something hugely popular with recipients whilst being quite affordable for the authorities (at least in comparison with the pension scheme). It can thus very reasonably be considered the most successful mechanism in attempting to address a need of the families of the Missing.

Some families of the Missing saw the medal as a valuable memorial, while awaiting the truth about their loved one:

The medals that we received were distributed by the Government as a sign in memory of our son, until one day we find his remains to bury properly according to our tradition. (Mother of missing man, Dili.)

While one family perceived it as evidence that the authorities know the fate of their loved one:

The government has awarded a medal. It means that they know if he is still alive or already dead. If the government knows that he has died, please inform me. I have received the medal but I need the government to explain it clearly if my husband is still alive or not. (Wife of missing man, Lautem.)

A minority did not value either the medals or the Veterans’ process. Two families made no efforts to register with the Veterans’ Commission:
An assessment of the needs of families of the Missing in Timor-Leste

Those people went to register their names to get medals, for what? I think it's just the same thing. It was just a memory of those who died, for the victim's family what do they get? Nothing, they died for nothing. It makes us feel that independence is good for some but for the victim's family nothing has changed. (Focus group participant, Bobonaro.)

One family declined to accept a medal because of the refusal of the authorities to recognise that the fate of the father is not known:

A while ago they called us to receive the medals but I refused because they put my father in a group of dead people, which he is not. He is not in this category yet, because we are uncertain whether he is dead or alive. I gave them suggestions about my father's case, I cannot say that my father is dead nor that he is alive because there is no clear evidence, in case you don't accept what I'm saying, sorry but I cannot accept the medals. At present I refuse to accept the medals; if one day I know for a fact that my father is dead, then I'll accept the medals. (Mother of missing man, Dili.)

For the families of the missing this represents a real failure of the current process. As long as the authorities are unable to acknowledge that many families live with uncertainty about the fate of their loved ones, families of the Missing will not feel acknowledged and recognised. Another perceived failure of the veterans' process is the fact that many of those who have received medals will not receive economic support. It is widely understood that a medal is a precursor to a payment or pension, whereas in fact there are far more recipients of medals than of financial support.

We have received a medal but we did not yet get any compensation. We have made the documents but the money has not yet come. (Uncle of missing man, Lautem.)

9.3 Memorialisation

Even if he does not get anything, we should write his name on the list of those who made struggle. When we forget the dead, they will always tempt our nation to get into many conflicts. (Father of missing man, Bobonaro.)

...words fly away, but whatever is written will stay. (Sister of missing man, Dili.)

One of the most important symbolic forms of reparation is to remember victims in an officially sanctioned way through memorials, and families demonstrated that this was important to them. In some parts of the country memorials have been built, either spontaneously by the population, or with the support of the local authorities. These mostly commemorate incidents in the area, such as the memorial for those killed by militia on 12th April 1999 in Cailaco, Bobonaro. One family in Dili showed the researcher a personal memorial to their missing son constructed in the garden of their home. Other victims saw such a memorial as a form of collective reparation:

...we're asking the Government to give them a pension and if possible to make a collective reparation, a monument to all victims, one we can see from here. (Focus group participant, Bobonaro.)

In addition to the 17% who identified a memorial as a form of recognition they sought (Table 16), when families were asked explicitly if they would welcome a memorial 69% said that they would:

A monument is a good idea because our leaders know those who are missing. Build a monument and write the names of those who are missing, so, when the families see the names they would feel that they are appreciated. Get the lists of the missing and get their names. (Brother-in-law of missing man, Dili.)
The old man was thinking of making a monument but we cannot afford it. Like he said earlier if only the Government could help us to build the monument, we all want to do this but all we need is money [...] This place is close to our neighbour, Indonesia, so we need this built so that one day we can explain to our children, generation to generation, so they know what happened and to transmit the messages to their children that their grandparents died because of the struggle for independence. (Brother of missing man, Bobonaro.)

We will be happy to have a monument around here, to make us feel recognised for the suffering of my brother and for the children to know that this is their father's place, otherwise we will not stay in peace because up to now we do not have his body... (Wife of missing man, Bobonaro.)

For those who are aware of the death of their loved one, a monument is seen as a place to mourn in the absence of a grave:

Before the Indonesians invaded, if our old people died we buried them well. Since the conflict took place for the liberty of Timor-Leste, the Indonesians chased us from the north to south, from south to north and caused many deaths of our people, and therefore the community wants to ask about their relatives who died in the conflict. Will you help us to build a place for them, a monument to those who died? (Son of missing woman, Lautem.)

18% of families did not seek a memorial:

For the missing we have built graves. A monument is not the important thing; the only important thing is to find the remains of the missing. (Man missing wife and four children, Manatuto.)

Just a monument without a body in it what's the point? It's only crazy people would do something like it. (Brother of missing man, Dili.)

7% sought a grave where they could remember their loved one, 4% said that their family member was memorialised at the Falintil heroes’ cemetery at Metinaro and this was sufficient, and one family said that a memorial could only be built after the fate was known.

When asked where a memorial should be built most preferred that it was in their local area, remembering those from there who are missing or dead.

For me as a representative of the people, if the government wants, they can build the monument in Los Palos or in this village but we do not want the monument far from us because their families are here. [...] the monument should be built in the place they were born and the place where their blood was spilled. (Chefe de suco and Falintil veteran, Lautem.)

...will it be possible for the Government to build a monument to all of them? I think it’s very important, instead of looking one by one, because when they died they were spread everywhere, we don’t know exactly where. It would be great if they raised a heroes’ monument for 1999 victims and to those from 1975 throughout all Timor. We would like to have a monument in Maliana. (Focus group participant, Bobonaro.)

In this sense a memorial is perceived as an alternative to retrieving bodies. Many emphasised the importance of writing the names of the victims on the memorial:

That all names are written is very important. As an example, these two who died from here didn't have their names written anywhere; meaning to us they're not involved in the struggle for independence, in other words they're not heroes? (Brother of missing man, Bobonaro.)

In addition to recognising those who died or are missing, this would serve to appease the spirits:
Up to now the spirits will not have peace or rest, if we don't do anything concrete [...] why not make at least one memorial, not big but a memorial for 12 November 1991 to remember all the victims who died that time. We all know that the spirits do not need much but only a memorial with all the names of the missing written down. (Father of missing youth, Dili.)

We need a big monument because we can write all the names of those who struggled on this monument and we can call the bishop or priest to bless it. If we do not make this monument, the spirits of the dead can always tempt us to kill each other. [...] The monument can become a historic place for the families of the victims to remember their missing family. It also can make all the spirits of the dead happy and not work against us. If we don't make a monument for the dead, we cannot do any construction within the country. The construction and all planning of the government cannot go on because of the temptation from the spirits of the dead; it also makes us kill each other. (Chefe de suco and father of missing man, Bobonaro.)

The exhumations of Santa Cruz victims underway at the time of the research revealed the dilemmas when such bodies are excavated. Families were aware that the victims have a status as national heroes that somehow makes them the property of the state, whilst their families still seek to build their graves. This led to a tension between the needs of the state and the needs of families:

Because they died together we can't separate them. If they are alive, then of course they are ours but as they died together, the state does a good job to build a monument or whatever to remember them; if the government wants then we will let it, we may take the body for several days only. (Father of missing youth, Dili.)

It has been suggested that the small number of bodies that have been found in Hera can become part of a monument to all the Santa Cruz victims: remarkably there is still no monument to the victims of 12th November 1991, despite importance of the incident to the struggle for independence. The suggested monument would serve to blur the divide between a grave for the minority whose bodies have been recovered and a memorial to all the victims.

In summary, a memorial is important to most families of victims where a body has not been found: only a small minority sees this as a poor substitute for a grave or a body. Families seek to see memorials constructed in their area, perhaps at the suco or sub-district level, commemorating all the dead or missing from that area, and with their names written on it. That the government contributes to such memorials is important, both to ensure that the resources exist to build them, and to give official sanction to the memorial. Such memorials are considered important, to acknowledge the families of those dead or missing, to placate spirits, and to ensure that future generations are aware of the sacrifices that were made for independence.
10 A victim-centred evaluation of transitional justice process in Timor-Leste

The initial aim of this part of the study was to understand how the entire range of transitional mechanisms put in place since 1999 (see Section 2.5) was perceived by victims. However, the majority of them were simply not known by families of the Missing. Indeed the first conclusion to be drawn is that whatever the aim of those processes they did not impact significantly on victims of the conflict. Notably the UN and Indonesian investigations immediately after the violence of 1999 and the UN Commission of Experts were known by no families. There was limited knowledge of the trials in both Indonesia and in Dili of those linked to the 1999 violence, but these trials had no relevance for the majority of victims of the earlier conflict. Here, the views of families on the judicial processes and on CAVR, which was better known, are reported, as are views of families on the veterans' process.

10.1 Families’ attitudes to judicial processes

Trials of those charged with violations during Timor’s conflict have been restricted to offences committed in 1999; as yet there has been no process that impacts on the majority of families of the Missing who lost loved ones during the earlier stages of the conflict. The processes that families were discussing here are the Indonesian Special Human Rights Court for Timor-Leste in 2002 and the Special Panels in Dili between 2000 and 2005.

Whilst hardly any families had any knowledge of the limited judicial processes that had taken place, some were aware of the Indonesian efforts to try those guilty of crimes in 1999, and inevitably these views were not positive:

Our wish for justice is that the suspect should be punished for many years, depending on the jury. It is depending on the jury that the suspects get punishment for 10 years, 15 years or more. We are talking here about the militia leader Eurico Guterres. He is the leader of militia and he led the militia to kill many people. He was sent to prison but after one year he came out; he is free now. He killed many people but his punishment did not last one year. [...] We are not satisfied with this justice. (Brother of man missing from 1999, Lautem.)

Families knew a little more of the trials resulting from the serious crimes process in Timor-Leste; however these latter concerned only a small minority of families (those who lost loved ones in 1999). Due perhaps to the Serious Crimes process, which has a mandate only for crimes committed in 1999, there is a perception that the issue of justice for victims emphasises the events of 1999, over the more widespread violations of the preceding years:

If anyone killed him we can bring him to justice but the Indonesian army killed them. We can make justice with the Indonesians. If we know the person that killed my son, we can take him to the court to have justice but the Indonesian army killed him. The government can talk with the Indonesian government to get justice but they said through the media that, "there is no justice for the people that died in 1975. The justice is only for the people that died in 1999." (Father of missing man, Lautem.)

This interest in trials was further diminished by the fact that no family was met whose case had been heard by the courts in Timor, reflecting the fact that more than 600 deaths in the violence of 1999 have not been investigated (Reiger and Wierda, 2006). A number of families however did have contact with the serious crimes’ office, if not with judicial process:

I often went to the serious crimes office and I gave them my father’s identity but they said that we did not make any exhumation of the dead there. We got information that they took out all the bodies and brought them to Dili in 2004. I went to their office to ask their staff in 2005 but they said that they did not take any bodies from there. [...] Serious crimes came...
An assessment of the needs of families of the Missing in Timor-Leste

here through local administration to take data but there was no result until now. (Brother of missing man, Lautem.)

This reaction was also heard from a woman in Liquiça, who reported that forensic experts from Serious Crimes took away artefacts from a well, including her husband’s wedding ring, some years before, but that she had heard nothing since. In general those few families who discussed the Serious Crimes process saw it as remote and received little information about the process and about any developments. One report on the Serious Crimes process has stated that:

“The Special Panels themselves never engaged in any form of public outreach or even basic information dissemination. [...] General public knowledge about the SCU’s work remained limited to those communities visited by investigators and the Dili-based legal community.” (Reiger and Wierda, 2006: 31).

This is consistent with the impression of the few comments received during this study, where families knew nothing about the Special Panels and little about the Serious Crimes process more broadly. It was well understood among families of the 1999 victims that only the minor actors were prosecuted in this process and that the ring leaders remained elsewhere (e.g. see page 83). The greatest problem faced by families was simply a lack of understanding of what had happened and what could happen in terms of judicial process. This was articulated by a local leader, and victim:

I think, we as small people, we are the body of the government in the village. We want to say please continue reconciliation with Indonesia to support these two nations to work together in the future to process the perpetrators. It is difficult, if Timor-Leste wants to capture the perpetrators in Indonesia. As we said that, who will capture Wiranto? And who will capture Eurico [Guterres] in Jakarta? Therefore, the government has to come down to the villages and sub villages to explain clearly. (Chefe de suco and father of missing man, Bobonaro.)

In summary, despite the many words that have been written about justice and the limited process of trials, the dominant attitude of most families of victims is one of ignorance: they are largely unaware of what has taken place, despite a vociferous minority for whom justice is extremely important.

10.2 Families’ attitudes to CAVR

The centrepiece of Timor-Leste’s transitional justice process, both in terms of scale and ambition, was the Comissão de Acolhimento, Verdade e Reconciliação de Timor Leste (CAVR, Commission for Welcome, Truth and Reconciliation). CAVR’s aims of truth and reconciliation included a very broad process of collecting testimony and the implementation of a Community Reconciliation Programme (CRP) that adapted traditional dispute reconciliation processes. The extent of CAVR’s engagement with ordinary Timorese makes it a mechanism to deal with Timor-Leste’s violent past that had a significant chance of accessing many victims in rural areas, and it did this with the aid of a considerable outreach programme using various media.

A significant literature exists that attempts to analyse and evaluate the work of CAVR (e.g. Silove, Zwi and le Touze, 2006; Zifcak, 2005; JSMP, 2004; Burgess, 2004, among many others). Rather few of these however (the JSMP study of 2004 is a notable exception) have taken an ethnographic approach to understanding the views of victims or ordinary Timorese, the preferred perspective being that of an insider in the CAVR process, or an external ‘expert’. Of the few studies that have been done where victims’ views have been consulted (e.g. JSMP, 2004), these have chosen to meet those persons with whom the process has engaged, i.e. those who met CAVR or who have interacted with the Special Panels as witnesses or relatives of victims whose cases have been heard. What such an approach does is put the process at the centre of the experience, whereas for most victims this study reveals that all these mechanisms have actually been rather peripheral to their lives and their experience of the transition in the country. This study uses a random sample of victims, i.e. those that are typical, rather than the exceptions who were close to the processes
An assessment of the needs of families of the Missing in Timor-Leste

themselves. This sampling permits one to access victims' views of those processes in an unbiased way, in the context of their experience of victimhood and the environment of their daily lives.

10.2.1 Knowledge and understanding of CAVR

The most powerful initial finding of this study is how little people know of CAVR, despite the extensive outreach and significant presence throughout the country. Table 18 summarises the response of families of the Missing when asked if they knew of CAVR:

<table>
<thead>
<tr>
<th>Did family know CAVR?</th>
<th>fraction</th>
</tr>
</thead>
<tbody>
<tr>
<td>No</td>
<td>0.27</td>
</tr>
<tr>
<td>Heard about it on radio / know vaguely</td>
<td>0.42</td>
</tr>
<tr>
<td>Know CAVR</td>
<td>0.09</td>
</tr>
<tr>
<td>CAVR came to community, but did not interview family</td>
<td>0.09</td>
</tr>
<tr>
<td>CAVR met family</td>
<td>0.13</td>
</tr>
<tr>
<td>Attended Nahe Biti bot(^6) (CRP)</td>
<td>0.02</td>
</tr>
</tbody>
</table>

Table 18 Did family know CAVR?

This suggests that a significant majority (65%) knew something about the Commission and a minority (11%) knew the work of the Commission well, having given testimony or attended a Community Reconciliation Programme session. However when probing the views of families on the work of CAVR, it is clear that knowledge of it, even among those who claimed to be aware of its work, was actually rather scant: half of those who said they knew of CAVR had no opinion of it. Two families who had attended Community Reconciliation Process (CRP) sessions did not know that they were part of CAVR. Because of the direct potential benefit to families, many had sought contact with the Veterans’ Commissions, and a significant fraction of those met either confused these with CAVR, or had little idea that they were distinct. This is discussed further below. There is also a clear potential bias in asking families if they know something: many would be reluctant to answer in the negative since it implies ignorance. A deeply ethnographic study with families in two aldeias reported that 3.5% (Nanu, Kovalima) and 43.7% (Sarelari, Lautem) had heard of CAVR (Grenfell et al., 2009), respectively. The difference in these two figures suggests that there is some geographical dependence upon knowledge of CAVR, and this is supported by the data of this study:

<table>
<thead>
<tr>
<th>Did family know CAVR?</th>
<th>Dili</th>
<th>Lautem</th>
<th>Bobonaro</th>
<th>Manatuto</th>
<th>Total</th>
</tr>
</thead>
<tbody>
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<td>-</td>
<td>0.28</td>
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</tr>
</tbody>
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Table 19 Did family know CAVR? (As function of district.)

[In this table, the four lower categories from Table 18 have been combined as “know well”.] CAVR was best known in Dili, and least known in Manatuto.

In order to appreciate how well known the Commission was among families, they were asked their understanding of the work of CAVR. Some families very well understood the mandate of CAVR to seek truth and reconciliation:

This commission wanted to know, discover the actor of the wars, because there are many wars in Timor-Leste; they were looking to create a universal history of Timor-Leste, and not for justice. (Father of missing youth, Dili.)

\(^6\) Nahe biti bot means ‘spreading the big mat’ in Tetun; a metaphor for the gathering of local leaders and community upon which the CRP process was carried out, in analogy with traditional discussion within communities.
What we know is letting all the past go and accepting each other: reconciliation. (Mother of missing man, Manatuto.)

While others either understood it in their own terms:

[CAVR is] to register the name of the people that died. (Nephew of missing man, Lautem.)

Many families confused the work of CAVR with the Veterans’ Commission, and presumed that the medals and pension they received were linked to testimony they gave to CAVR:

I will not criticise but the work of CAVR is not good. They started their work in 2003/2004 and until now there is no result. They just care for their own families and their party. For those who did not make war in the forest but spied in the village, they get a medal. For instance, some people who were not veterans have got a medal and some others who served less than one year have received money. Some of the victims’ families that suffered for more than ten years did not get anything. It’s better the government recruit new employees to change the people that work in CAVR.

I had contact with CAVR so I have registered his name. We registered all of their names; therefore, we get a little money from government. [...] They were asking us to explain the process of their missing. At that time, we explain all the data and how it appeared. They brought the data to Dili. Than we get the result of the interview in form of money, from the government. (Father of missing youth, Lautem.)

CAVR, we gave lots of information already and they took lots of data, since 2000 but CAVR did not give any recognition until today. (Focus group participant, Bobonaro.)

The most common response however was a shrug of the shoulders or an admission that the family was not really sure what CAVR was.

10.2.2 Opinion of CAVR

We hear them talking but there is no result; no one went to tribunal yet. They talked a lot, we report missing cases to them but still nothing has been done. We brought parents that lost their children during the conflict but they said it is ok, we have to reconcile with people that did bad things to us. (Brother of man missing from 1999, Bobonaro.)

Those who said they knew CAVR were asked their opinion of it. Half had no opinion, while almost one quarter believed that it had produced no results. 7% believed that CAVR had led to their receiving a medal or pension. Others considered CAVR biased (against victims of Fretilin), or that it brought back the pain of their loss; 9% believed that it’s work was good, or that it did what it was able to. Opinions of CAVR were dominated by two attitudes: one, that the Commission had not been interested in meeting the families met for this study, and two, that the Commission had produced no results for families:

Our community is very happy to have CAVR to do the search related to our missing families. CAVR hasn’t come to us, we heard about CAVR from the radio. (Chefão aldeia, highly affected community, Manatuto)

I never had contact with CAVR, but I heard about it from somebody and maybe CAVR does not need me to talk about anything. CAVR always came here but nobody gave me any information to meet with CAVR. CAVR always came to the education office and they said that we have come to meet with families of victims so we went there, but in the education office CAVR said that they only needed 30 victims to attend. They just listened to 30 victims
but they were not families of the Tonsus who were killed in Indonesian times. (Wife of man missing through Tonsus incident, Lautem.)

They [CAVR] collected our data and told us to wait for information, we don’t know because it’s just their job. They asked us to wait but they never come, the Red Cross comes but the CAVR never came to inform us about the whereabouts of the missing, never. Only the Red Cross comes, and still today you come, but they, CAVR, never show up. (Brother of missing man, Dili.)

The view that CAVR had not sought to meet victims is borne out by the fact that only 13% of families interviewed reported that they had been met by CAVR. Some years after such work was done there is the possibility that families have forgotten contact with CAVR, or that they have misunderstood who they met; it does however suggest that only a small minority of victims were directly engaged by CAVR. This reinforces a widely shared perception among families that no-one in authority cares about what happened to the Missing, or the condition victims now find themselves in. The greatest complaint about CAVR was that it had done nothing for families of the Missing. One Chefe de Suco in Bobonaro (whose son was missing from 1999) understood well the perception of CAVR by the families of the Missing:

…some people agree with CAVR and some others did not agree. For those that did not agree one reason is the process of the missing people by CAVR. Some people are still unhappy about their missing family member because the process is still not happening up to now. […] Therefore, some people said that CAVR is not good because their process for the missing is late. (Chefe de suco and father of missing man, Bobonaro.)

Many families believe that the CAVR has failed them because they have received nothing (no answer and no reparations or recognition), as a result of the CAVR process. This is of course due to either a misunderstanding of the CAVR mandate or of the process that has delayed the implementation of the recommendations of the CAVR final report (such as the reparations process): most families are simply unaware of such issues. The commonest perception of those that had one was that CAVR had done nothing that impacted upon them as a family:

They [CAVR] came but they only interviewed the people who got intimidation from the Indonesian army and they did not interview the people who died in the war. […] They just interviewed them but there was no result. We did not see any result from CAVR. (Group of Falintil veterans. Lautem.)

CAVR only collected data but does not deliver justice and this commission could not do more. (Brother-in-law of missing man, Dili.)

On that day, they came to collect information and I told to them all about my missing brother but up to now, nothing has been done. I think nothing about them, they are not helping anyone. (Sister of missing man, Dili.)

So, CAVR is a Government program but I did not see anything, only that the report is finished, finalised but what do victims gain? (Family of missing man, Dili.)

There was criticism of the output of CAVR, also perhaps in ignorance of the political hurdles that have prevented the final report from being acted upon:

CAVR did a good job in taking data but the result of publication seems like just to bring back the wound and the pain as some people have been able to forget but this information is like bringing the pain back again. No reparation has been received until now, there is no

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17 In fact the CAVR report does mention the Tonsus (CAVR, 2005: Part 4, para 85), and recorded 18 of the 40+ persons missing in the Los Palos Tonsus incident.
legal basis for reparation either; it should be on their recommendation with regard to reparation based on the needs of the family. (Brother of missing man, Dili.)

A number of families were critical of how CAVR worked:

When CAVR did their job, it was very sad the way they worked. At first they talked of reconciliation, but not reconciliation for the victim's family who lost their loved ones. They are not considering the suffering of the family: they should take the victim's aspirations forward but it did not happen that way. They're taking the ones responsible for the atrocities inside it, how can it be possible? What kind of work CAVR was doing? Now the report is closed, finished... What the hell... Today the Indonesians wash their hands saying nothing, why? Just because the Prime Minister and others, the big leaders and the rest, do nothing. (Brother of missing man, Dili.)

This summarises the victims’ critique of the CAVR process as being insufficiently concerned with what victims seek.

There was a perception among victims of Fretilin that CAVR focussed on Indonesian violations and deliberately avoided those families who were victims the resistance:

We have waited for CAVR for a long time but they have not come here yet, they just passed by. They have not visited us to talk more seriously with us, to find the root of problems to put these people in prison. L is the root of the problem but they did not come here. On the contrary, they just visited those people who only played their roles based on the situation. No, they haven't visited us, you are the first visitor who asked us about the missing. CAVR visited others: we are the only ones that they did not come to visit. (Son of man killed by Fretilin with two other family members, Manatuto.)

In one community in coastal Manatuto that was hugely impacted by Fretilin raids on the villages of the suco, families claimed that CAVR had talked only with those who had been with Falintil in the hills, in fact those responsible for the violations, and as such had learnt little of the truth of that period. Others see this as an intrinsic bias in the process that reduces its value by seeking to blame Indonesia rather than Timorese:

I see that CAVR is not good because those who spoke and those who interviewed, these people only spoke out about some things and didn't release other information. They only spoke out about the things that made them look good and sometimes they added stories that made us mad, not to make us feel comfortable because they made up many stories. They told false stories, I do not believe that a person would say that I have killed someone and then it's impossible to say what he has done. Who has the courage to tell the truth, that he killed people? I don't believe it. Fretilin supporters who surrendered and died, one question: who killed them? Will he tell the truth? All of the mistakes were mostly blamed on Indonesia. [...] My assumption is that those who died in the Indonesian period did so due to cooperation between the administrators and the military. (Father of missing youth, Dili.)

This is a summary of one of the principle critiques of Truth Commissions: that those giving testimony are under no pressure to tell the truth, and as a result they will always seek to lay blame for violations elsewhere. This is particularly relevant for families of the Missing where the public truth of the CAVR report is much less useful to them than the private truth about what happened to their loved ones. The same gentleman, who had been jailed by Fretilin in 1975, asked why those responsible are not brought to justice, since they remain in Timor today.

18 This is confirmed by examination of the CAVR report. The scale of the violence by Fretilin in this area and the massive casualties reported by the community and its leaders are nowhere mentioned in Chega!
10.2.3 Community Reconciliation Programme

Rather few families met were familiar with the mechanisms of CAVR’s reconciliation work, but those who were aware were highly complementary about the Community Reconciliation Programme:

They know about CAVR because they made a big meeting from aldeia to aldeia and from suco to suco to show to all communities that, this is the reconciliation for the communities. The communities can receive each other normally. CAVR really did this forum. Most people were attending this meeting, including the militias and Besi Merah whose names are in the list of CAVR also participated this meeting. [...] I feel it is good because the communities are calm from then until now. When any conflict appears in the community, they will not mention that you are militia or you are Besi Merah. It never appears until now. [...] This is a good result from CAVR. This is what we call nahe biti bo’ot. (Chefe de suco and father of missing man, Bobonaro.)

CAVR did a good job because they have resolved a case down there; a person who was a victim. I went there to participate, a priest from Manatuto also came and we were on the biti bo’ot [big mat] where all the traditional elders speak, it went well. [...] My aunt who lives down there, she was a victim; a priest from Manatuto came here with the elderly to sit on the biti bo’ot and distribute money. Until today, the victim receives money. But she was a victim of Timorese where a man who lives up there threatened her, no violation, a verbal violation only. They have resolved it, there is peace between them, and a celebration was conducted for the process. (Sister of missing man, Manatuto.)

These tributes represent a real success in the concerned communities, according to these families. However, the framing of the CRP process to deal only with non serious crimes prevents it from aiding with cases of the Missing. Despite this, in one case the son of someone missing from 1999 raised the issue during a nahe biti bo’ot and the cheffe aldeia described what happened:

When they discussed about that one of the sons of the missing man was there and he was standing and asking questions to them but then one of the CAVR members took that person out and talked to him separately, explaining what CAVR is doing. In the meeting some of the militiamen [i.e. the perpetrators] were there too but because they were talking about reconciliation in the end it was fine with him. (Cheffe aldeia, Bobonaro.)

It is interesting to note that despite the lack of knowledge of CAVR and its objectives, reconciliation appears widely accepted among victims, even to the point of many being prepared to forego judicial process:

First, the revenge will never be erased forever. For me, it's better to sit down and resolve things, such as through the Government providing compensation: compensation is better. (Father of youth missing in Santa Cruz incident, Dili.)

In general it was seen that families of the Missing did not have problems with those in their community linked to violations and the data of this study suggests that reconciliation within communities is largely accomplished. (It is also clear that in many communities issue that predate the conflict, as well as some that arose during Indonesian times, continue to bitterly divide some communities and serve as potential triggers to future violence.) Given the fact that the CRP did not address the Missing issue, and that its coverage was far from complete, it seems likely that such reconciliation has been either spontaneous or made through community level initiatives. An exception concerns families of victims from 1999 who are aware that perpetrators known to them remain in Indonesia, apparently immune from any judicial process. More general attitudes to Indonesia, again with the exception of 1999 victims, also appear to be dominated by acceptance and a commitment to coexistence. It is difficult, with the limited data collected, to know what has
driven such processes, but there is no evidence that the CRP was either solely or largely responsible, given its addressing of a limited range of less serious violations.

10.2.4 CAVR's recommendations for reparation
CAVR made recommendations for a comprehensive reparation scheme for victims of the conflict with the aim of targeting the most vulnerable among victims to “access basic services” (CAVR, 2006: Part 11, 12.1) and “be afforded recognition” (ibid). Whilst the Commission perceives that its work has had a reparative effect on victims, that is not generally understood to be the case by the victims met for this study. For various reason, these recommendations have not been implemented at any level to date, but it is hoped that a “post-CAVR institution” will shortly be formed whose task will include the implementation of a reparations programme.

The reparations scheme proposed by CAVR identified a set of the most vulnerable victims, of which widows and single mothers, and the children of the disappeared, are relevant among families of the Missing. Restricting such a scheme to the most vulnerable would appear consistent with the findings of this study that some families are not highly vulnerable, and that resources should target those most in need. The CAVR report further suggests that the reparations process begins with those persons who appeared before the Commission, and continue with a further period to identify beneficiaries. Given that this study indicates that the vast majority of victims did not meet with CAVR, this identification exercise may be significant.

The mechanisms identified by CAVR include: support for single mothers and scholarships for children, support for widows, and a collective approach to impacted communities. All of these are consistent with the needs expressed by families and communities met here with the caveat that some of the most vulnerable persons met were elderly people (both men and women) who had lost children in the conflict and have no means of support: the recommended scheme would appear to exclude them. The issue of those highly vulnerable but who are not victims of the conflict are not discussed in the CAVR report, but in communities where conflict victims live alongside others struggling with extreme poverty it would not appear workable to ignore the “non-conflict poor”. This prompts the proposal of this report that any reparations scheme be conducted as part of, or alongside, social assistance programmes (see Section 11). The vulnerability criteria to receive such assistance could then accommodate explicit indicators of victimhood, without excluding non-victims. Whilst it would remain a challenge to ensure that the reparative component of such assistance was understood, for families met here the assistance, rather than the rationale for assistance, is what they prioritise.

The CAVR report talks of “national memorialisation” and education regarding Timor-Leste’s past. This does not coincide with victims’ demands for local memorials that explicitly acknowledge their dead and missing loved ones individually.

10.2.5 Summary
In summary, the dominant attitude of families to the CAVR is firstly, one of ignorance. It seems that despite the great efforts of the CAVR staff, the logistical challenges of attempting to reach a highly dispersed population such as that in Timor-Leste were not overcome. Less than half of those met knew enough of CAVR to have an opinion about its work, and even among these ignorance was high. Most families had little idea of the mandate and mission of CAVR. Many families resent not having been met by CAVR during its period of operation and in some cases negative motives are ascribed to this, notably by victims of Fretilin. The majority of victims however are concerned that whether or not they had contact with CAVR the Commission’s work has had no impact on the needs they have articulated elsewhere in this report. Where these needs coincide with the mandate of the CAVR, e.g. concerning reparations, CAVR’s recommendations have failed to be implemented for other reasons. Being unaware of both the mandate of the Commission and of the frustrations to implementing recommendations, many families choose to blame CAVR for the lack

19 In the report this term is defined as “women whose husbands were killed or disappeared” (CAVR, 2006: Part11: 12.9).
An assessment of the needs of families of the Missing in Timor-Leste

... of action on the missing issue. Many see this as the natural output of a remote authority that has no interest in the daily challenges they face.

The broader objectives of CAVR, such as writing a history of the conflict, had little resonance with families and hardly any mentioned this as important to them. Reconciliation was seen as important at the level of the community, and the CRP *nahe biti bo’ot* process was lauded by the families who witnessed it.

**10.3 Families’ attitudes toward the Veterans’ Commissions**

It has been seen (Section 9.2), that the large scale awarding of medals through the Veterans’ Commission has been a huge success, with the caveat that many families of the missing have either not yet received them, or are not entitled to receive them. As with any process this important to families, there was much complaint and query about it: indeed this only serves to emphasise the importance families ascribe to it.

**10.3.1 Process and registration**

No families were met who did not know how or where to register their loved ones. Complaints centred around obstacles to registration and the failure following registration of recognition to come. Several families reported that any one individual can only register one veteran; families where only one member remained alive claimed this made them unable to register many relatives. Others said that only close relatives could be registered, and families where a whole branch of the family was dead were not permitted to register cousins. The greatest complaints however concerned the simple failure of medals or compensation to arrive. Many families of the missing are not entitled to any veterans’ benefits, because their loved one was not involved with the resistance. Most however are unaware of this, and feel they are the victims of injustice:

They said that the families of the victims will get a house or a medal. We are waiting, but it never happened. We wrote what they asked for and submitted it to them but now there is no registration. We consider they are play acting: some of them just register their family and get assistance through nepotism. Suddenly they receive a medal. These are the difficulties we have with KKN [korupsi, kolusi, nepotisme; Indonesian: corruption collusion and nepotism). (Brother of missing man, Lautem.)

Others have reported that those without the required service record have received payments and pensions:

If the government takes data, they should make proper investigations because many people did not fight but their names are at the top of the list. We have this problem in Timor-Leste. Most of them were running to the other side (Indonesia) but today they are recognized as veterans. (Uncle of missing man, Bobonaro.)

They [Veterans’ Commission] just care for their own families. If you ask anyone else, he or she will explain the same thing. The people that fought and died in the 1990s received medals, but those who struggled for the whole war did not get anything. The grade of the medal for the people that died in 1975 is less than the medal of the people that died in 1980s. These are the bad things from the veteran’s commission. (Group of Falintil veterans. Lautem.)

For families of the Missing the greatest complaint remains that valorisation is only for veterans and that many of the Missing are not in that category but still deserve to be remembered for their sacrifice:
...all the veterans and those who are missing are just the same. Both gave themselves for this country. Why do the veterans get the subsidy but those who are missing cannot get it? (Focus group participant, Bobonaro.)

10.4 Impact of the Missing issue on national agendas

Whilst the issue of missing persons does not appear to be high on the priorities of the authorities of Timor-Leste there is evidence, notably through the unfolding inter-Governmental JMC process (see Section 2.5), that relevant ministries are attempting to push forward a sensitive and complicated file with the Government of Indonesia. In contrast, civil society continues to largely ignore what is one of the greatest residual impacts of 24 years of conflict, preferring to focus energies on the campaign for an international tribunal, that has no support among the leadership of Timor-Leste or foreign governments. This study allowed families of the Missing to discuss the impact of the issue on the nation, and here the two most prominent such issues are discussed.

10.4.1 Spiritual implication of the Missing for the nation

Essentially all of the families met believe that there are spiritual implications to the missing issue, as discussed in Section 5.3. However, a minority believe that malign spirits cannot only impact on families and communities from where those spirits come, but that they can also affect the trajectory of the nation, notably through the incitement of destabilising violence. A number of those met talked of how the spirits, unless placated, will continue to ensure that the nation experiences problems:

If we follow the traditional rules, we need to do many things. If the government gives us some ideas, we will do that if the state gives support for his funeral ceremony to free us from illness. Sometimes conflict appears in the nation and in villages because of the effect of all the people that died in the forest because of the war. Conflict appears because the nation has not yet recognized the people that died in the war for independence. Conflicts will always appear if the government does not recognize them. (Participant in a group of Falintil veterans.)

If the authorities do not do anything to address [the Missing issue], many people will suffer again, because I believe that something else might happen: like a tragedy for the Nation. Let us face it, in 2006 what happened? In 2008 the 11 of February the President was shot... and for those of us who believe in the spirits, the understanding was that this land is holy or sacred. So all I am asking for the authorities to follow up quickly in order to stop any other tragedy happening to this country. Around Timor's land do not play around anywhere or everywhere with the spirits, those brutally killed either accidentally or on purpose. […] Still they take no action. I have told them, for whoever rules this nation, if we have done nothing for them [the spirits], they will always shake up this country. (Father of missing man, Dili.)

Why do we have independence but always talk of Loromonu and Lorosae [the division between the western and eastern part]. This appeared because all the blood that has been spilt on the ground of Timor-Leste in wartime is sacred [lulik]. We can make a monument for the dead to write their names on the monument. The monument can become a historic place for the families of the victims to remember their missing family. It also can make all the spirits of the dead happy and not work against us. If we don’t make a monument for the dead, we cannot do any construction within the country. The construction and all planning of the government cannot go on because of the temptation from the spirits of the dead; it also makes us kill each other. (Chefe de suco and father of missing man, Bobonaro.)

It has been seen in the comments of the families of the victims and others here, that for most Timorese the spirits play a concrete role in their lives; they have the potential to cause sickness and death in the family. As long as this view is shared by enough of the population, the idea that
Timor can never be at peace as long as the spirits of tens of thousands of victims of conflict are not at rest can become a self-fulfilling understanding: violence and bloodshed will occur simply because it is expected. In the context of Timor-Leste, addressing the missing issue means not only addressing the needs of the families but also the demands of the spirits. For some families met the peace of the nation is dependent upon this.

10.4.2 Families’ attitudes to their Government

This study permitted ordinary Timorese families to talk about their attitudes to their leaders, and here this is recorded, both as a comment on the issue of the Missing and on Timor’s transition. The lives of ordinary Timorese have always been divorced from those who rule them, but it remains surprising as to the gulf in understanding that was expressed. As long as ordinary people feel unrepresented, there remains the possibility of violent challenges to the current order.

I want to tell the government, they need to pay attention to the widows, those whose relatives died; they can give us rice with some money. If they want to give, it must be quick so we can start to build the grave. So, the family will feel proud that their relatives died for this beloved nation. All those people can go around with their cars, they use luxury cars, but for those who died and whose remains are unclear, they still suffer. (Sister of missing man, Manatuto.)

What is the function of those parliamentarians? We've seen through television how they work, right? For those working in the Parliament they have to work at the grassroots to follow what the population needs. That is very important instead of sitting all the time in the Parliament and talking, achieving nothing. (Brother of missing man, Dili.)

I must say now people are fed up with the whole lot [the leadership] because they've wasted money with no idea and no regrets. They want to use the 12 of November as something historic but only for their own benefit and not thinking of the victims who escaped from that moment still alive. Why do they do this? It means we're enjoying over people's dead bodies and over their fresh blood, it's impossible. (Focus group participant, Dili.)

They died in the war because they wanted to defend this nation. He was helping Xanana to bring his picture from the forest to distribute in the towns and villages in Indonesian times. Why have you [Xanana] come but you do not recognize the people that died for you? Yet you still look after the people who have a good life. (Mother of missing man, Lautem.)

Families talked of how unjust the treatment of victims of the conflict has been, and how long they have been neglected in angry terms, warning that violence could follow:

Why do you think we're here talking to you? I've asked people in the Department of Social. Do you think I'm here because I lack food or anything at home? Look even though I lack those things I will never beg, you know. Why do you wait so long to give some subsidy, do you think we don't deserve it? Listen here, with that long time waiting I remind you that it could lead to another conflict because you're not taking care of our situation. (Mother of missing man, Dili.)

...[a] crisis will start again because of the injustice. I can talk in front of the President, in case this is not taken care of, a crisis will appear once more. (Focus group participant, Dili.)

Whilst most victims are far from this course of action, the danger of this approach and this perception is that victims will understand that the best way for them to get justice is through the threat of violence, notably as a response to the Government’s attitude towards those displaced in the violence of 2006.
An assessment of the needs of families of the Missing in Timor-Leste

One of the most heartfelt demands of victims is to simply meet with the leadership so that they can present their needs and views:

I must say victims from 1999 and 1975 until now no one cares but we demand, not shouting or taking onto the street, no we don't want that. We want to sit together and discuss this like we're doing now, but the Government didn't give us any chance to sit together, no opportunity for it. I'm the chefe de suco, and meeting with ministers they shut all doors, no questions to ask them. [...] We would like one day that the Red Cross will invite the Government to have a meeting with all of us because we need our voice to be heard. (Chefe de suco and focus group participant, Bobonaro.)

Whether it's possible or not please find ways to take our words, our names and then one day Red Cross and the Government can discuss to find a day for the Government to meet us. We would like the President or the Prime Minister to meet us, because we would like to address our difficulties to them. This is evidence that we keep it inside and no one hears us, we can't even vomit it out. (Focus group participant, Bobonaro.)

Thus, one of the recommendations of this report is senior politicians meet with families of the Missing to allow them to air their grievances and communicate their needs.
11 Recommendations to the Government of Timor-Leste

“It is incumbent upon State institutions to promote the establishment of a legal framework for missing persons and the adoption of policies, as well as measures, to ensure their effective implementation.” (IPU/ICRC, Missing persons: A handbook for Parliamentarians, 2009)

The contact with victims that this study has permitted allows a series of recommendations to be made to the Timor-Leste authorities to further the addressing of the needs of families of the Missing. It must be emphasised that the authorities have the primary responsibility for preventing disappearances, ascertaining the fate of the missing and supporting families. Therefore a legal framework is needed at a national level to address the status of missing persons; their families, as victims who have rights to be supported; and the management of human remains. The ICRC has prepared a set of guiding principles and ‘Model Law’ on the missing (ICRC, 2009a) that outline the basic elements to guide the authorities in establishing legislation on persons missing following armed conflict or internal violence.

These recommendations are made in the light of ongoing plans in Timor-Leste to create an institution to succeed CAVR, and tasked with implementing the recommendations of both CAVR and CTF:

“...the recommendations of both the CAVR and CTF should be implemented, that a follow-up mechanism in the form of an autonomous statutory authority should be established for this purpose, and that this mechanism, working in close collaboration with the Government of Timor-Leste, should undertake programs of documentation and research, reparations and memorialisation, socialization, education and training, disappearances and missing persons, and reporting to the Parliament.” (National Parliament of Timor-Leste, Resolution on the Implementation of the Recommendations of the Commission for Reception, Truth and Reconciliation and the Commission for Truth and Friendship, emphasis added.)

The resolution adds:

“7.4 Disappearances and missing persons: this program will add value to work already undertaken by organizations such as the 12 November Committee and the International Committee of the Red Cross. It will involve creating a registry of disappeared and missing persons, with assistance from Indonesia, assistance to families to locate and re-bury the remains of loved ones who died as a result of the conflict, and the tracing of Timorese children who were taken to Indonesia.” (ibid.)

These recommendations aim to ensure that the views of the families of the Missing are fully considered when drawing up the remit of such a body.

Establishment of an Office for Missing Persons

There exists no entity in Timor-Leste tasked with assisting families of the Missing, or acting as a focal point for families, despite the issue affecting thousands of families in the country.

- An Office for Missing Persons (OMP) to be established as an independent body, as envisaged in the recommendations of the Working Group on Reparations advising Parliamentary Committee A. The OMP’s structure and activities to be informed by the ICRC Model Law on the Missing, and the Draft Law on Missing Persons in Timor-Leste.
- The objectives of the OMP to be:
  - To assist families to learn about the fate of loved ones, and reunify families where possible;
  - To determine the whereabouts of the remains of the Missing and to assist with exhumation, identification and reburial where they have died.
Clarifying the fate of the Missing and accessing human remains

Understanding the fate and retrieving remains are one of the highest priorities for families: whilst many cases require the involvement of the Indonesian authorities, a number of cases can be solved using information available in Timor-Leste.

- Continue an engagement with the Government of Indonesia on the issue of missing persons, using the inter-ministerial Joint Ministerial Commission as the forum for this; continue the ongoing initiative regarding minors missing from 1999, and engage the GoI on the broader issues of missing persons wherever possible.
- The Office for Missing Persons or other entity in Timor-Leste to have responsibility to liaise with families of the Missing and fulfil other domestic functions as required to support the JMC process on the Missing.
- The OMP (or other body) to work independently to determine the fate of those missing where information concerning their fate is available within Timor-Leste from families, perpetrators, witnesses or others.
- The OMP (or other body) to support families in Timor-Leste who have significant information concerning the location of improper graves of loved ones to exhume, identify and rebury them with appropriate ritual.

Reparations and recognition for families of the Missing

The Missing have not been acknowledged or recognised by any Government programme to date, and families of the Missing are not eligible to receive any benefits as a result of their status.

- The GoTL to consider creating a medal to honour civilians and others who were not part of the resistance effort who are dead or missing as a result of the conflict in Timor-Leste, as part of its valorisation programme.
- The GoTL to initiate a programme of memorialisation, potentially under the post-CAVR institution, to commemorate those persons who died or are missing in the conflict and who have no graves; funding to be provided at sub-district level, where this is requested by district authorities, to support the efforts of communities to build memorials to the dead and Missing.
- The GoTL, in consultation with the 12 November Committee and families of the Santa Cruz victims, to support construction of a memorial to the victims of 12 November 1991.

A legal status to be given to the Missing

The GoTL to define in law the status of Missing, such that families can address any issues arising from the absence of their loved one, including inheritance and valorisation, without having to declare him or her dead. Such legislation should aim to:

- Define the status of families of the missing as victims of the conflict, such that they can be part of any legal framework for valorisation, social assistance or any future reparations process, and claim as other victims;
- Give a legal framework to the work of future mechanisms such as an Office of Missing Persons or other post-CAVR institution, and processes of exhumation and identification.

Assistance to families of the Missing

The scale of victimhood during the conflict in Timor-Leste likely prevents a comprehensive programme of individual reparations to all families of victims. Given the efforts of the state to develop social assistance programmes to the vulnerable, it is recommended that families of victims be explicitly included in these:

- Having a missing relative, or otherwise having been victimised during the conflict, to be considered an additional indicator of vulnerability in the evaluation of suitability to benefit from social assistance programmes of the Ministry of Social Solidarity.
Psychosocial programmes to be developed with Family Associations

Family members of the Missing are still suffering from both the impact of violence during the conflict and of the long-term uncertainty over the fate of loved ones. Existing Family Associations can serve as a framework through which to develop psychosocial interventions to assist affected persons.

- The GoTL to develop, in cooperation with relevant agencies, a programme to assist Associations of Families of the Missing in offering psychosocial support to their members. These activities to include:
  - Events for women and others where victims can share experiences and issues;
  - Creation of peer counselling capacity in Family Associations;
  - A referral service so that those suffering from mental illness or the impact of trauma can receive appropriate treatment;
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Appendix I  The semi-structured interview script

1 Introduction
Wish to talk about the impact of Missing relative - have no news.
Researcher: seeking to work with families, understand what they want and if what, if anything, has helped; ICRC will use this to advocate with the authorities
All information will be confidential: would like to record and quote, but without naming or identifying
If you don’t want to talk about some issues that is fine; you can choose to stop whenever you like – don’t want to upset.

2 General Information
2.1 The Interviewee
- Name
- Ethnicity / language
- Responsibilities within the family / employment
- Relation to the missing person
- Nature & size of family

2.2 The Missing person
- Name
- Age:
- Married?
- Children? (number of):
- Responsibilities within the family / employment (income generation?)
- Date / Circumstances of disappearance (if known)

3 General Priorities
Aim to understand what families articulate as their needs, without prompting of possibilities.
- What are the greatest problems that they face as a result of the Missing?
- What action would the family like to see?

4 Attitude to the fate of the missing person
4.1 What do you think personally has happened to your relative (since the disappearance)?
- seek articulation of general beliefs: hopes and fears
  IF believe still alive
  - What leads you to this conclusion?
  - Did you, or does someone in the family, think about other possibilities regarding the fate of your loved one? Could he be dead? If yes: explain.
  IF believe dead,
  - What made you believe that your missing relative might be / is dead ?
  - Do you, or does someone from the family, believe that he could still be alive?
  IF clearly ambiguous,
  - The interviewee / the family still has doubt about the fate of their missing relative (going clearly from hope he/she is alive to acceptance of death) Where on the spectrum are they?
  - Have you, or others in the family, considered that he could be dead? Could be alive?
4.2 Have any rituals been made concerning the missing person? If yes, what led family to do this? If not, why not?
   - What rituals would the family seek to make? Traditional - stone from place of death / Church
   - Is it a problem that no rituals have been made? Why? What would constitute a satisfactory answer concerning the fate?

4.3 Would it be important to know where his/her body is? Is knowing the gravesite sufficient?
4.4 to get his/her body back?
   - Why? (rituals, religious reasons, confirmation of death etc)

5 Psychological and Psychosocial issues

Observe body language of the interviewee.

5.1 From a general point of view, how does the disappearance change something in your life? What would be different if he/she were still here?
   - “Your” life here can be that of the individual, the family or the community, as the subject chooses

**EFFECT ON THE INDIVIDUAL**

5.2 How does the disappearance affect you emotionally? (How are things going?)
5.3 How do you feel now compared to at the time of the disappearance?
5.4 What specific problems do you think it has caused?
5.5 Do these problems affect you in your daily life and activities?
   - understand level of disability, if any, and impact on functioning
5.6 How do you cope with these problems? (Resilience, coping strategies)
   - Where do you go? What do you do?
   - With whom do you share problems? Family Association?
   - Does this allow you to manage?
5.7 Has the family any contact with the spirit of the Missing?
   - Has the spirit given any problems?
5.8 Have you had dreams of the Missing?
   - What was the content?

**PSYCHOSOCIAL ELEMENTS: FAMILY AND COMMUNITY**

5.9 Has the disappearance of your relative affected your situation within your family? Has it changed your identity in the family or community?
   - Any problem for the daughters-in-law:
   - *If remarried:* What happened to children?
   - Does the wife consider herself a widow?

5.10 How has the absence of a family member affected the family structure and the family responsibilities? Who
now fulfils the role of the Missing person in the family?

5.11 Did the fact that your relative went missing change something in your relations with others: friends, peers, neighbours, community, etc? If yes, how?

5.12 Is the community divided in any way due to the conflict? Does this affect you / your family?

5.13 Does your community have needs arising from people Missing? What?

5.14

6 Economic Situation of the Family

6.1 How do you live day by day?

6.2 Describe the members of the household: number of persons, status, sex, including children, elderly or handicapped people

6.3 What are the family’s dwellings (private house / apartment, property/rent, village/city) ?

6.4 What are the main sources of income (e.g. agriculture, salary, etc.) ?
   - If rural how much land owned.
   - Other sources of income?
   - Any debt?

6.5 Do/did you encounter economic problems because of the absence of your relative?

6.6 Did/Do you receive economic support from :
   - Extended family, neighbours, friends and/or other community members
   - Non Governmental Organizations, church
   - Compensation, pensions, veteran’s payments

6.7 Do these sources of income cover your basic needs (including access to education and health care)?
   - What does the family go without as a result of financial hardship?
   - If no: how do you make ends meet?

7 Legal / Administrative Issues

7.1 Do/did you encounter administrative difficulties because of the absence of your relative?
   - Property / land, marriage, pension

8 Justice, acknowledgement, reconciliation and rights

Start with an open question and then ask details, depending upon what emerges…

8.1 What does the family expect from the authorities regarding the disappearance?

8.2 What does the family understand as their human rights?

8.3 What does the family understand by justice?
   - acknowledgement, compensation, prosecutions?
8.4 Who do they think should deliver justice?

8.5 Do they believe that someone should be punished for what has happened?
   - Who should be punished? (informers, perpetrators, politicians?)
   - Where should judicial process be? (local, international?)

8.6 Has anyone been punished for the disappearance?
   - Any nahe biti bot, or other local discussion of such issues?

8.7 Is the family aware of any trials of persons responsible for such crimes? The following processes:
   - UN Special panels
   - Indonesian human rights court

8.8 Did they give any information to CAVR?
   - Do they know what CAVR is?
   - If so, what happened?
   - What do they feel about this process?

8.9 Could they reconcile with or forgive those responsible?

8.10 Has their situation been recognized / acknowledged by the authorities?

8.11 Is the Missing person considered a veteran? CAAC / CAVF / CAQR?
   - Has this helped the family in any way?

8.12 Has the family received any compensation or reparation? Why is compensation important?
   - Compensation/ reparations – do they mention need for truth and/or admission of responsibility?
   - Would they accept compensation with no truth or admission of responsibility?

8.13 Does the family consider some sort of memorial appropriate? What? Where?
   - What about the Falintil martyrs’ cemetery?

8.14 How should Timor-Leste try to record and remember what happened to the Missing?

8.15 Is there still a need for reconciliation between people in Timor? In their community?
   - Between whom?
   - How could this be done?

9 Feedback

9.1 Are there any issues that have not been discussed that are important to you?

9.2 Does the family have any questions or comments?