



NEEDS OF FAMILIES OF THE MISSING IN TIMOR-LESTE



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Needs of Families of the Missing in Timor-Leste

A special report

by the International Committee of the Red Cross (ICRC)

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“Living in the dark about the fate of friends and relatives is the harsh reality facing hundreds of thousands of families affected by armed conflict or internal violence. Throughout the world, parents, brothers and sisters, spouses, and children desperately seek loved ones with whom they have lost all contact. As long as individual members remain unaccounted for, these families and their communities cannot turn the page on violent, devastating events and move on to rehabilitation and reconciliation. Their anguish remains acute long after the conflict has ended and peace has been restored. Such unhealed wounds can destroy the fabric of society and undermine relationships between groups and nations for decades after the events that caused them. Societies cannot be reconciled and draw lessons from their mistakes if they do not preserve the collective memory of what has happened, and why.”

(“Missing Persons, a Handbook for Parliamentarians”, handbook for Parliamentarians No 17, a joint publication by the ICRC and the Inter-Parliamentary Union, IPU, November 2009, extract of the foreword signed by Jakob Kellenberger, President, ICRC, and Anders B. Johnsson, Secretary General, IPU)

ABREVIATIONS

FALINTIL	Forças Armadas da Libertação Nacional de Timor-Leste
FRETILIN	Frente Revolucionária de Timor-Leste Independente
UDT	União Democrática Timorese
ICRC	International Committee of the Red Cross
ICTF	International Center for Transitional Justice
CAVR	Comissão de Acolhimento, Verdade y Reconciliação
CTF	Commission of Truth and Friendship
UNMIT	United Nations Integrated Mission in Timor-Leste



"(...) This is still one of the world's wild places. No phones here, no email. Here, if you have a message to deliver, you deliver it in person. And today, the Red Cross has a message for Joachim Rangel. It is the result of three years work searching for his missing sister, Maria. It is not good news they have not found her. I watch Joachim's face flicker with grief. It is often the hope that hurts." (BBC News 26 May 2009: "The lost children of East Timor")

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DEFINITION

“Missing persons or persons unaccounted for are those whose families are without news of them 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 have disappeared in direct connection with a situation of conflict or violence.

Here, the Missing refers to all those unaccounted for due to the conflict in Timor-Leste that preceded independence. It 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 the Missing is persons taken under the control of Indonesian security forces. Other cases are those arrested by Timorese parties, Falintil, Fretilin, UDT and other parties active in 1975, and never seen again. The largest numbers 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. The issue in Timor-Leste is one of missing persons and not exclusively disappearances.

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 this usage in the context of the family was unambiguous. “Ema lakon”, literally “lost person”, means “missing person” in Tetun.



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Chechnya. A woman showing a photo of her son, who disappeared in 2002 during riots in their village.

"Not knowing the fate of spouses, children, parents and siblings is the unbearable reality of numberless families in situations of armed conflict in Timor-Leste as in many other places throughout the world. Families and indeed entire communities, not knowing whether their loved ones are alive or dead, are unable to turn the page, unable to put behind them the violent events that turned their lives upside down."

EXECUTIVE SUMMARY

The families of the Missing in Timor-Leste 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 the voices of these families, and their needs for action from those who represent them, are recorded and transmitted.

These families 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 their animist culture that coexists with a deep commitment to Catholicism.

The present report sums up the findings of an extensive research on the needs of these families in Timor-Leste, carried out by Mr. Simon Robins, an external consultant familiar with the matter and the particular context of the country, where he worked as an ICRC Delegate in 2004. He conducted the research and a similar exercise in Nepal as part of a PhD project, undertaken at the Post-war Reconstruction and Development Unit at the University of York. Further details can be found at www.simonrobins.com

The objective of the report is twofold:

- To give a voice to the families of persons missing in connection with the 1975 -1999 armed conflict in Timor-Leste.
- To provide the stakeholders in the setting up of a mechanism to deal with these families with information, giving them a better understanding of the needs of these families.

These needs vary as a function of wealth, education, whether a family is urban or rural, and the time and circumstance of disappearance. 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 the victims of the conflict, commenting on their need for prosecutorial justice or, conversely, on the authorities' desire to give priority to a process of reconciliation with Indonesia. However, these statements have not been based on any rigorous empirical work with the victims of the conflict. This report therefore allows these victims themselves to outline their needs, on their own terms, and it is hoped that this study will permit their priorities to finally emerge, untarnished by the agendas of others.

The need expressed by the greatest number of families (61%) was 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 to afford to send children to school, to feed them and to pay for expensive rituals for the dead of the conflict.

Almost one third of families met mentioned the need for recognition of the sacrifice of the family as a priority, notably from the state. Whilst almost half of those have received a medal

as part of the ongoing valorisation process, there is no mechanism to acknowledge the many civilians, not active in the resistance to Indonesia, who died or are missing because of the conflict. When explicitly asked, 69% of families sought a memorial to the missing and the dead, particularly important where there is no body. However, the most commonly understood type of recognition was economic support.

30% of families still seek the truth about the fate of the missing, and still live 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 presume their children to be alive in Indonesia. 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 because of the time they have been missing or because 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 of the missing, the return of the remains or recognition and compensation for their loss. 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 retrieved 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, marked by sadness, depression and mental illness. Others demonstrated avoidance, somatic physical symptoms and “haino 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. A majority of them knew about the CAVR but very few were aware of its mandate. Only 13% of families reported having been met by CAVR staff, and they criticised the commission 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 made to the Government of Timor-Leste concerning action required to address the needs of families of the Missing include:

- The establishment of a dedicated entity (Office for Missing Persons or other mechanism) 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 programme
- The adoption by the Government of Timor-Leste of a national legislation on missing persons



©Reuters / D. Ishmail

Jammu & Kashmir, India, July 2006. A Kashmiri boy cries as his mother displays a photo of his father during a demonstration organized by the Association of Parents of Disappeared Persons in Srinagar

In accordance with the pledge it made at the 28th International Conference of the Red Cross and Red Crescent in 2003, the ICRC has intensified its efforts to help families clarify the fate of their loved ones.

1

INTRODUCTION

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 new conflict, which has been the object of different studies, among others the report published by the CAVR in 2005, started. These conflicts were characterised by the phenomenon of missing persons perhaps more than any other violation of humanitarian law. Estimates suggest that around 200,000 persons were killed (Staveteig, 2007) but no estimates mention the fraction of those, whose bodies were never found, or whose families had no chance to perform proper rituals. An approximate estimate made here is that tens of thousands of these are missing, according to the definition of the International Committee of the Red Cross (ICRC).

Since the end of the conflict, Timor-Leste 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, the world's first bilateral truth commission, the Commission for Truth and Friendship, has engaged Timor-Leste and Indonesia in a concrete 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 their needs, although some families have received recognition through the ongoing valorisation process.

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. Their needs, however, does not exclusively result from their relative being missing. These are ordinary families, mostly poor and rural, who share the many challenges of the life of most Timorese, notably their daily struggle to make a living. As such, many families put forward the daily needs for food, health care and education for their children that are still denied to many among 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 to their own Government.

2 MOURNING AND DEATH RITUALS IN EAST TIMOR

The role of traditional rituals is to dispatch the soul of the dead to the sacred 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. 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 all families met considered such elements hugely important. Spirits are considered very much a part of the everyday world: they are aware of what is being said and done on their behalf. The Fatuluk community of eastern Timor-Leste, for instance, 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 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 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 to feed everyone.

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”), where the family replaces the body of the dead with another object, typically a stone. Family members go to the place where they believe the person was killed and collect a stone, which they place 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, then taken home for one night and finally 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 if 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.

The women of the group “Rate Laek” (“no grave”) from Liquiça, whose husbands were taken during the violence of 1999, have little doubt their husbands are dead but the fact that they have no bodies and have not been able to perform the rituals which their culture requires is a great sorrow.

“ 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)

3 A PROFILE OF THE VICTIMS

The missing and their families

While the missing are the direct victims of the conflict, the families they leave behind are deeply affected and are as well victims of the conflict, whose rights must be protected. They are the subject of this study.

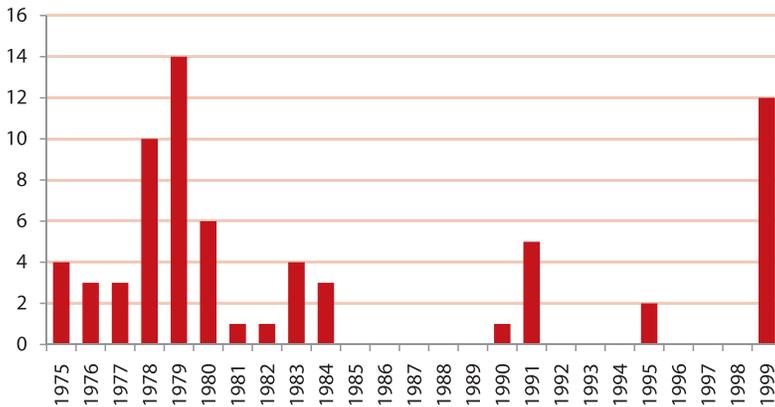
Individuals are affected according to their relationship to the missing person, which is determined to some extent by the culture and society in which they live. A minority of the missing are educated and urban but most come from rural backgrounds and their families are of a low educational level, largely illiterate and poor.

The majority of the missing are male, which deprives their families of those who are at their most economically valuable, resulting in often extreme challenges to livelihood. 75% of the missing were married and 67% had children. However, 23% of the missing from the families met were under 18 years of age when they disappeared. Some of them were children taken by Indonesian troops, either to aid military units in menial tasks (as Tenaga Bantuan Operasi¹ or TBO) or to be adopted by families in Indonesia. In addition to this, 9% of the missing from the families interviewed are women and an additional 3% of families are missing both male and female relatives. This significant number of children and women among the missing simply reflects the nature of the conflict in Timor, where they 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.

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, the number of persons becoming missing reduced. The rate of persons going missing shows a small spike in 1991, as a result of the Santa Cruz massacre, and then a large peak, in 1999, linked to the violence around the popular consultation.

¹ Indonesian, literally 'staff assisting operations'. Individuals were taken as TBOs of all ages, but many were young boys in principal at least 12 years old, but sometimes younger (van Klinken, 2008).

Figure 1 Year when the relative went missing according to families interviewed



Circumstances of disappearance

Interviewees were evenly mixed between genders and the persons met during this study reported that their loved ones went missing in a range of ways:

Forced "adoption"

TBOs and other children: many of these children, largely boys of age 8-14 years, moved with "their" units when they were posted elsewhere, including to Indonesia. Whilst some returned home to their families at the end of their "assignments", many did not. It is reasonable to assume that most of them are still alive, resettled somewhere in Indonesia.

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 seen again. In most cases, the individual is not known to have passed through formal detention, but has disappeared, presumably through extra-judicial killing.

The majority of Timorese perpetrated cases involve persons captured by Fretilin or Falintil and never 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.

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.

Deaths in combat (Missing in Action, MIA)

Fretilin 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 but, generally, available information is very vague (e.g. disappeared while on patrol).

Attack and dispersal

These cases involve families separated during or following an attack by Indonesian forces, where civilians were desperately fleeing, often in rough terrain or jungle.

Known dead, body not recovered

After they fled to the mountains, many civilians died there from illness, hunger or following attacks from Indonesian forces. In many cases, bodies were left where they fell or were buried hastily in locations that could not be found later.

Mass killings

Several massacres, in 1999 and earlier times, resulted in people disappearing. They were buried in mass graves or their bodies were disposed of in some other way.

Unclear disappearance

A large number of cases involve people leaving home or fleeing an attack alone and never seen again by their families. It is not clear if these disappearances are related to the conflict.

Killings were perpetrated by Fretilin and Falintil to punish those they suspected of having informed their enemies about their activities, or simply because they were intending to surrender to the Indonesians

The methodology of this study is driven by the idea that the families of the Missing know their needs better than anyone else. Therefore, the research methods used aimed at giving these families the greatest opportunity to articulate their needs on their own terms. Whilst human rights advocates seek to frame responses to violations in terms of rights, in Timor, the typical victims know little or nothing of their rights but they articulate well the needs, often urgent, confronting them on a daily basis. In this study, preliminary work developed with families and leaders of family associations allowed the researcher to understand the terms in which those needs were articulated, as a prelude to finalising the research instrument and begin data collection on a large scale.

One of the first researcher's steps was to understand what families and family associations saw as the value of this study. Given that almost all those met felt that the issue of the missing had been neglected by the Timor-Leste authorities, they saw the research as a tool for advocacy of a type that had not yet been done on their behalf. The families met were told that the data was being collected in order to convince the authorities to consider their needs. This approach was almost universally welcomed and permitted an ethical approach in which the affected families could genuinely understand what would become of the data they were providing. This allowed them to give informed consent to participate in the study.

Sampling

As a sampling frame, the researcher used the list of missing persons collected by the ICRC, which consists of about 2,300 names of persons unaccounted for in connection with the conflict between 1975 and 1999, throughout the country. The ICRC collected these cases throughout the years of conflict, whenever it was allowed to operate in Timor, when families reported arrests or disappearances to its delegates, and after the end of the conflict, as the ICRC sought to collect all cases of those missing. The list is not complete and is potentially subject to shortcomings and imprecision but it represents what is probably the least biased available sampling frame.

For practical reasons, the researcher could not include all the 13 of Timor-Leste's districts in his study. He studied the fate of families in four districts, ensuring that they were representative geographically and otherwise. Those are Bobonaro, Dili, Los Palos and Manatuto, which satisfy the research criteria and include 3 of the 4 most affected districts:

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

Research methods

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

- Semi-structured interviews: areas of discussion were predetermined, but the subjects were free to approach them in their own way; the average interview length was 45 minutes
- Focus groups discussions: a group interview, giving each participant the chance to express himself or herself, but with the additional dynamic of inter-group discussion

Focus groups

Focus groups were met in all targeted districts, with the exception of Lautem; they are summarised in Table 1, below.

Table 1

District	Location	How arranged	No. of persons
Manatuto	Behau, Umakaduak	Through chefe aldeia	8
	Bahadik, Lacro	Through community	4
	Cailaco		14
Bobonaro	Maliana	Family Association "Nove nove"	11
	Atabae		9
Dili	Comarca Balide (ex-CAVR)	Komite 12 Nov.	35 (4 groups of 8/9)
Total participants			81

Implementation

The study began with an initial phase where the researcher could brief the families and family association leaders on the topics of interest to them. This allowed the researcher 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. The researcher also gained an overview of the ongoing processes to address the needs of the victims that are summarised in this report.

Data collection took place over a 2-month period in collaboration with the ICRC Mission based in Dili, 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, with the help of a research assistant, whose role was to interpret both linguistically and culturally. Interviews were conducted in Tetun, Portuguese and Fatuluku languages, with the help of Timorese assistants, drawn from the appropriate communities.

Response of subjects to the research

The response to the presence of the researcher varied, with a clear difference between urban and rural areas. In Dili and Maliana (Bobonaro), many families had been met repeatedly by various agencies, NGOs, CAVR, the UN (including the serious crimes investigators) and others. This high level of attention, accompanied by the perception that no concrete action to support families or address their needs had been taken, created a negative or suspicious attitude in the families towards the research. Thus, two families in Dili refused to meet the researcher, saying they had told their story too many times and had never seen any response as a result. Negative reactions were 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.

“ 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)

In rural areas, in contrast, particularly with victims from the earlier phase of the conflict, the researcher was well received. Most families have never been visited by any agency other than the ICRC, and therefore 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 felt 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)

One reaction observed on many occasions was a concern that the research was only asking about some of the victims of the conflict. Since many families have accepted the fact that their missing relative is dead, they find strange that the researcher is asking about only one of them, whereas many of their relatives also died in the conflict:

“ The incident of the missing people; some died from shooting and others from hunger. Some others died 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 who died because of hunger and sickness. ”

(Nephew of missing man, Bobonaro)

5 THE NEEDS OF THE FAMILY

Needs vary from family to family and with time. 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 many other factors. 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 these issues however, are the needs confronting the families on a daily basis, notably the need for information about the fate and the location of the remains of their loved one, and the economic needs with which many of them live, exacerbated by the loss of an economically productive male relative, as most of the Missing were.

5.1 Hierarchy of 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, in order to establish a rounded picture of them. The needs identified fall into several categories:

- Truth about the fate of the missing (30% of the families): 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 the missing are still alive, as for families of children taken as TBOs, they seek to make contact.
- Access to the body (16% of the families): 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 remains, often driven by the obligation to placate the spirit of the dead through appropriate burial and ritual.
- Economic support (61% of the families): for a majority of families met, livelihood is a struggle, and economic support, whether linked to the Missing or not, is needed. However, 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 is not immediately clear. The researcher met some families where economic needs, arising from the loss of the Missing were clear (notably the female-headed households where husbands or sons were victims in 1999) but it can be expected that coping mechanisms would have emerged in most other cases, particularly for the older ones.

The apparently low level of interest (10%) 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 see justice done, these constituted only 15% of the sample. In rural areas, the families who have had no contact with mobilised victims or human rights agencies do not articulate judicial needs.

Around a third (30%) 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 them have yet to receive one in recognition of their loved one missing in connection with the conflict. Beyond this, many families seek state acknowledgment of the family's sacrifice through the construction of a memorial to the Missing in their area.

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.

6% 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).

Different families, different needs

The differences between the rural and urban populations are dramatic (cf. Table 2). As might be expected, one of the greatest differences is in the economic needs: almost 3 times greater outside Dili as in the capital. This can be understood by the greater wealth and economic opportunities available in Dili. More than this, however, there are significant differences in approaches to information regarding the fate of the missing and human remains: almost three-quarters of families in Dili expressed ambiguity about the fate of their missing relative and the need for truth, while in the districts far fewer did. This may be due to the composition of cases in Dili, where 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 of the missing 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 disempowerment 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 2

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

The difference in the proportion of families seeking retributive justice 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. 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: the 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. The discussion on the issue therefore continues to exclude the majority of rural victims, whose priorities diverge from those whose voices are most often heard.

5.2 Need to know the fate and whereabouts of the missing person.

“...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 have a range of attitudes to the fate of the missing. Many, particularly where their loved ones went missing during the early phase of the conflict, believe their relative is dead. Nevertheless, a minority 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 of the missing, 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 the 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 in the absence of a body by using a substitute, typically a stone from the place of death. However, some families 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.

A majority of the families 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 the 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)

Knowing, or believing, that a loved one is dead does not mean that families have no needs; in many cases they have been unable to do rituals and still seek the body.

For those still unsure of the fate of their loved one, 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 trapped in the conflict period, when the uncertainty of war meant that one did not know if a family member would survive the day or not. Today, like yesterday, 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 then immediately suggesting he might still 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)

“ 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)

Getting answers from authorities

The families living with ambiguity seek, or demand, an answer:

“ 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 of the missing 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)

Spiritual issues

Timorese cultural conceptions include a spiritual 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 suffered the impact 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 animal 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)

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)

In summary, the world of the spirits drives the needs of the families of the Missing more than any other single factor. Almost no families met 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.

A number of those met explained how the spirits, unless placated, will continue to threaten the nation's stability and prosperity:

“ 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 anywhere or everywhere with the spirits of 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)

Need for a body: 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 is an essential need of many: traditional burial demands it. However, there are alternative rituals in which a substitute can replace the body where death is known or presumed. 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.

An overwhelming majority of the families (86%) seek to recover remains. However, of those who seek to recover a body, 25% do not believe that remains are retrievable. Their statement represents a state of desire, rather than a real expectation. This nevertheless confirms the importance they attach to 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)

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.

A minority (10%) of families reported either that they do not require the body, since rituals have been done, or that the body cannot be retrieved

Exhumations

The only formal ongoing exhumation processes 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.

For cases outside the remit of Serious Crimes or the IFT, families must make such efforts themselves. Some of them 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)



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.

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)

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 3.

Table 3

Reason for not having done ritual	Fraction
Cannot do without knowledge of fate	0.44
Financial problems	0.20
Not discussed	0.12
Cannot do without body	0.12
Presumed alive	0.08
Don't know place of death	0.04

Whilst ambiguity is the greatest reason not to do ritual, the lack of financial capacity to organise the ceremony accompanying these rituals, which are expensive, prevents a fifth of the families met from reaching closure in the indigenous way. The grieving families must feed their extended relatives and sometimes the entire community as part of a funeral ceremony. In some cases, where a body is accessible, its reburial requires an exhumation, where labour must be paid for, and the construction of a grave.

“ 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)

5.3 Psychosocial and emotional needs

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 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 is probably significantly under-reported. 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 the 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)

A small number of families reported sleep disturbance:

“ ...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 as a manifestation or visit of the spirit of the Missing, 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.

“ 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)

“Thinking too much” (as used in the quotation above) is a Tetun term (“hanoin barak”) generally perceived as an expression of anxiety or depression. 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)

Wives of missing persons

Timorese culture is patriarchal and whilst women traditionally move to their husband’s family home on marriage, during the research, many women met were living alone. Generally, in Timor Leste, administrative problems related to issues of property inheritance and remarriage were rarely encountered, due to the informality 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 raised such issues during this study. However, in some families, wives of the missing had 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.

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. For many of the women, however, the ambiguity of their husband’s status means that remarriage is not an option.

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. Living on the outskirts of the main town, she has limited contact with the women’s group there:

“ 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)



“ICRC activities with regard to missing persons are directed in large part toward women. As the majority of those who disappear or are killed during an armed conflict or other situation of violence are men, women are nearly always the ones left behind (ICRC Colombia).”

Coping mechanisms

In Timor-Leste, the independence struggle remains something perceived as wholly good. Therefore, all those who died in the conflict are seen by their families as having given something to the nation. Therefore, 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)

However, the families now need to see their sacrifice recognised officially (see section. 5.6).

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.

Family Associations exist in a few urban centres only 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 women belonging to the group met there were visibly stronger and were showing greater solidarity than any other group. The contrast between the confident and independent women of Nove nove and isolated female victims in rural areas 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)

5.4 Economic needs

The economic challenges faced by the families of the Missing are similar to those of other poor families in Timor, particularly in rural areas, where family livelihood is precarious. Compounding this, 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, indicating that these were individuals who had families and were at their most productive in terms of supporting the family when they went missing. Therefore, a large number of households where there is a deficit of men of working age faced a serious challenge to make both ends meet. Families that were coping may begin to struggle, and families that were already struggling are plunged into extreme poverty. As a result, economic support remains the leading priority of the families met in this study.

However, most families of those who went missing in the 1970s or early 1980s have had many years to develop coping mechanisms to compensate for the loss of working men. Their sons (for those who have them) have grown up and are contributing to the family income. Nevertheless, many families shared the same stories and reported the same problems they faced at the time of disappearance:

“ 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)

One of the priorities and indeed the first thing sacrificed by families because of poverty was education.

Today, problems 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)

The most extreme cases are those where men went missing in 1999, and women remained alone with young children in households that suddenly became single female headed:

“ All my children are at school but their clothes and their daily food are difficult for me to provide. Also, the paddy 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)

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 familie

Food was mentioned by 10% of families, who said it remained a struggle to feed the family. The most impacted are the old, living with no support, often because 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)

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 of constructing a grave:

“ 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)

Support received by families

Since the end of the conflict, policies have been elaborated to provide potential support for families of conflict victims, through payments and pensions for veterans 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. Such payments have a dual role, representing both recognition and economic support, but it is for the latter that poor families most value them. These payments had mostly begun recently, typically in the 6 months prior to the research undertaken. Only one family reported that they had received support from the MSS.

Generally, beneficiaries have little understanding of the two schemes and as to which one should assist them. A large number of them 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)

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.

5.5 Justice

More has been said and written about justice for the families of the Missing and other victims in Timor-Leste than about any other need, most often without any consultation with the victims themselves. When asked what justice meant to them, families replied as shown in the table 4 below:

Table 4

Meaning of justice	Fraction
Answer regarding fate / Return of human remains	0.45
Acknowledgment / recognition	0.32
Prosecution	0.27
Compensation	0.18

The most important understanding of justice to families of the missing is the truth about the fate of their loved ones gone missing or access to the body. Even where justice concerns apprehending a suspect, this is often as 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, as 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)

Attitude toward prosecution

Of those families met for interview, 66% responded when asked about their attitude towards prosecutions (see Table 5). Those seeking prosecutions are a minority.

Table 5

Attitude towards prosecution	Fraction
Seek prosecution	0.40
Not useful to punish / better to forget	0.23
Justice is for leaders / depends on Govt	0.13
Justice not possible	0.10
Don't know who to punish	0.08
Other	0.08

There was however 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)

Many families therefore were 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)

Others did not see a need for retributive justice or mentioned that this form of justice would anyway fail to address their real needs:

“ 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 there, 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’:

“ 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)

Those who saw judicial process as most important were relatives of those killed or missing in the violence of 1999. A significant number of their families, who are mobilised into associations, articulated the agenda for an international judicial process 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)

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.

5.6 Recognition and Reparations

Reparation is a payment by those who did wrong to acknowledge wrongdoing but this is largely not understood by the families of the missing, who are expecting any compensation or other acknowledgement to come from their own Government:

“ Therefore, I ask the government of this state to please care for us [...] please could the government help me a bit. ”

(Old woman living alone, her brother missing, Manatuto)

Reparation 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. The public sanctioning of their suffering is crucial to the victims of the conflict in Timor: whilst the affected families, and indeed their communities, know their relatives are dead or missing because they have given their lives for independence, the remoteness they feel from the authorities in Dili makes an official acknowledgment of this sacrifice essential to them.

Most of these families mentioned the issue of reparation as the need for economic support, and they saw as the duty of the authorities to provide it.

Besides economic support, reparation can also be symbolic, and many families called for their loved ones gone missing during the conflict to be acknowledged through the construction of monuments 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.

Compensation and relief

The desire for economic support dominated the understanding of recognition, prompted by the daily needs families face.



“ 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)

Generally, when a family was receiving a pension, they appeared well able to live on it but many families still 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)

Sometimes, there is 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)

Medals and Veteran Process

Families are largely unaware of any details of the process by which medals are distributed and compensation and pensions paid. Many families have attempted to register their missing or dead loved ones as veterans at the district administration but they 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.

Despite this, large numbers of people claimed that either they or their 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)

One family declined to accept a medal because of the refusal of the authorities to recognise that the fate of the father is unknown. 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, the families of the Missing will not feel acknowledged and recognised.

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 the 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.

“ 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)

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)

In summary, a memorial is important to most families of victims who have not retrieved the body of their loved ones missing: 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 “sucu” or sub-district level, commemorating all the dead or missing from that area, with their names written on it.

5.7 Families attitudes to their government

This study permitted ordinary Timorese families to express their feelings about their leaders, recorded here both as a comment on the issue of the Missing and on Timor’s transition. Although the life of ordinary Timorese have always been divorced from the one led by those who rule them, the gulf between them revealed by the research, is surprising. As long as ordinary people feel unrepresented, violent challenges to the current order remain possible.

“ What is the function of those parliamentarians? We have 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)

One of the most heartfelt demands of victims is simply to 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 am 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)

6

RECOMMENDATIONS

The contact with the victims that this study has established allows the ICRC to list a series of recommendations to be passed on to the Timor-Leste authorities, in order to help them address the needs of the families of the Missing.

Firstly, it must be emphasised that the authorities have the primary responsibility for preventing disappearances, ascertaining the fate of the missing and supporting their families. Therefore, a legal framework is needed at the 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 a “Model Law” on the missing that outline the basic elements to guide the authorities in establishing appropriate legislation on persons missing following armed conflict or internal violence (cf. GUIDING PRINCIPLES / MODEL LAW ON THE MISSING, Principles for Legislating the Situation of Persons Missing as a Result of Armed Conflict or Internal Violence : Measures to prevent persons from going missing and to protect the rights and interests of the missing and their families, ICRC Geneva, 2009).

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.

Establishment of a Mechanism for Missing Persons

In Timor-Leste, no entity has been tasked with assisting the families of the Missing, or acting as a focal point for them, despite the issue affecting thousands of families in the country. There is therefore a need to create a “mechanism” to assist these families, to be established on the ICRC Model Law on the Missing and the Draft Law on Missing Persons in Timor-Leste.

The objectives of the mechanism to be:

- To assist the families to learn about the fate of loved ones gone missing in connection with the conflict, and reunify families where possible;
- When they have died, to determine the whereabouts of the remains of the Missing and to assist with exhumation, identification and reburial with appropriate rituals.

Clarifying the fate of the Missing and accessing human remains

Understanding the fate of the missing and retrieving their remains are one of the highest priorities for families: whilst many cases require the involvement of the Indonesian authorities,

the Timorese authorities can solve a number of cases, using information available in the country.

The ICRC therefore recommends the authorities to:

- Continue to engage with the Government of Indonesia on the issue of the missing persons, through the Inter-ministerial Joint Commission as the appropriate forum for this. In particular, continue the ongoing initiative regarding minors missing from 1999 and engage the Government of Indonesia on the broader issues of missing persons wherever possible.
- The "mechanism" for missing persons established in Timor-Leste to have responsibility to liaise with the families of the Missing and fulfil other domestic functions as required to support the Joint Ministerial Commission process on the Missing.
- The "mechanism" for missing persons to work independently to determine the fate of those missing where information concerning them is available within Timor-Leste from families, perpetrators, witnesses or others.
- The "mechanism" for missing persons to support families who have significant information concerning the location of improper graves of loved ones to exhume, identify and rebury them according to the appropriate rituals.

Reparations and recognition for families of the Missing

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

- The Government of Timor-Leste to consider creating a medal to honour civilians and others who were not part of the resistance effort but who died or are missing as a result of the conflict in Timor-Leste, as part of its valorisation programme.
- The Government of Timor-Leste to initiate a programme of memorialisation, potentially under the post-CAVR institution, to commemorate those persons who died or are missing in connection with 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 Government of Timor-Leste, in consultation with the 12 November Committee and families of the Santa Cruz victims, to support the construction of a memorial to the victims of 12 November 1991.

A legal status for the Missing

The Government of Timor-Leste must 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 the families of the missing as victims of the conflict, such that they can be part of any legal framework for valorisation, social assistance, 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 another post-CAVR institution, and processes of exhumation and identification.

Assistance to the 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 the families of the missing 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 the impact of violence during the conflict and of the long-term uncertainty over the fate of loved ones gone missing. Existing Family Associations can serve as a framework to develop psychosocial interventions to assist affected persons.

- The Government of Timor-Leste to develop, in cooperation with relevant agencies, a programme to assist the Associations of Families of the Missing in offering psychosocial support to their members. These activities to include:
 - Events for women, elderly, orphans 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 from the impact of trauma can receive appropriate treatment.

7

CONCLUSION

Fundamental rules of international humanitarian law and human rights help prevent persons from going missing in situations of armed conflict or internal violence. To respect these principles is to respect the integrity and dignity of all human beings, including the deceased, and, in the context of missing persons, it erects a barrier and encourages a resolution of cases of disappearance. Once a person has disappeared, families have the right to be informed of his or her fate and may have recourse to the State for providing the information as, for example, per Article 32 of Additional Protocol I (AP-I).

Therefore, it is an obligation for the State to facilitate enquiries made by members of families dispersed because of the conflict to help them restore contact and bring them together. A further responsibility incumbent upon the parties to a conflict concerns deceased persons and is extensively outlined in IHL law. Articles 15 of GC-I, 18 of GC-II, 16 of GC-IV and 34 of AP-I require that all possible measures be taken to search for, recover and identify the dead and maintain lists showing the exact location and markings of the graves, together with particulars of the dead interred therein.

All around the world, families have a right to learn the fate of their relatives missing in connection with a conflict or another situation of violence.

The authorities in charge, in Timor-Leste and Indonesia, have to develop all possible efforts to uphold this right.



Look at the victims in the eyes: the ICRC action on the Missing in Nepal...



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