

SEEKING SOLUTIONS CONFERENCE
Inaugural Domestic Violence and Sexual Assault Conference

ADDRESS BY KIRSTY SWORD GUSMÃO
Gold Coast, 5 September 2001

**“STILL FIGHTING TO BE FREE: EAST TIMORESE WOMEN,
SURVIVORS OF VIOLENCE”**

Ladies and Gentlemen,

I would first of all like to thank the organisers of this Conference for granting me the honour and the privilege of addressing you on behalf of the women of East Timor. To Betty Taylor, Coordinator of the Domestic Violence Service and to Di Macleod, Coordinator of the Sexual Assault Support Service, my sincere thanks for the important work that *you* do in defending the rights and interests of the women of this country.

Domestic violence, the subject of this important meeting, is a serious problem in today's East Timor and one which international and national women's organisations are attempting to address at a number of levels, including through legal advocacy and community education. However, violence within the home is just one of the forms of violation experienced by the women of East Timor throughout the period of the 24 year Indonesian occupation. I would like to situate the problem of domestic violence within the context of the broader set of violations, problems and pressures faced by the women of East Timor, and therefore I hope you will allow me to speak today about the nature of their experience throughout the war and the role women are playing in rebuilding their shattered nation.

The images of the militia-led violence following the popular consultation of August 1999 which horrified TV viewers worldwide two years ago were, for many people across the world, their first and last impression of the small, half-island nation of East Timor. The television footage of women and children fleeing into the hills behind Dili to escape the violent campaign of systematic destruction being waged against them angered world leaders and led not only to a groundswell of public support for military intervention but to a massive international humanitarian relief effort in the form of food and other material aid. For the East Timorese and for someone like me who was involved in the independence struggle for many years, the fact that the world was finally coming to East Timor's aid was both gratifying and a little unsettling. After all, this was by no means the first time in 24 years that the East Timorese people, its women and children, were facing the destruction of their homes, separation from family members, starvation in remote locations with no access to clean water or medicine. In many ways, the violations experienced by the East Timorese people during the Indonesian occupation were even more reprehensible and brutal for the slow but steady way in which they ate away at the fabric of East Timorese society and for the physical and psychological scars left on individuals and families. The East Timorese people will be working hard for many years to come in order to deal with the social consequences of two decades of living in a political and economic system dominated by the military and where corruption, nepotism and injustice were the norm.

However, my mood is predominantly an optimistic one as I look around me each day and see homes and lives being rebuilt in the same spirit of resilience and determination which carried the East Timorese people to their resounding victory of 30 August 1999 and to the threshold of independence where they stand today.

Just as women are today playing a key role in rehabilitating East Timorese society, so too did they actively participate in the struggle to free their homeland. In addition to their roles as wives and mothers, women assisted the soldiers of Falintil, East Timor's army of national liberation, in the preparation of combat rations, in the making of palm leaf back packs for the carrying of ammunition, and were sometimes even fighters themselves. They were also activists in the urban clandestine movement, couriers for correspondence exchanged between the guerrilla fighters in the bush and their compatriots in the towns, organisers of protests against the Indonesian occupation and participants in the many mass demonstrations organised in the final years of the occupation to draw the attention of visiting foreign dignitaries and international human rights missions to the aspirations of the East Timorese people. An untold number of women paid the price for their activism through torture, imprisonment, death and, more commonly, through the pain associated with the loss of husbands, children and other family members. The wives and children of Falintil soldiers and resistance leaders were particularly vulnerable to rape and sexual abuse by the Indonesian military as they often lived alone or were left without the protection of male members of the family for extended periods. In spite of this vulnerability, I have heard numerous tales of wives and mothers risking their lives by hiding members of the Falintil in their homes and by smuggling food and water to the guerrillas in their remote mountain hideouts.

It is believed that at least 45% of East Timorese women are widowed as a result of the murder or disappearance of their husbands throughout the period of the armed struggle. The village of Kraras in Viqueque is populated almost entirely by widows and, in fact, is known as the village of widows. Widows deserve special attention from the future government of an independent East Timor and from international humanitarian agencies in light of the multiple ways in which they have suffered: for cultural reasons, a widowed woman in East Timor has little hope of remarrying and may even find herself "appropriated" by a male member of her deceased husband's family. In addition, she faces the emotional and economic hardship associated with the loss of her husband and with bringing up her children on her own.

In more recent times, specifically in the lead up to the Popular Consultation of 30 August 1999, East Timorese women participated actively in the pre-referendum campaigns of public education. Consequently, when in September 1999 the Indonesian military unleashed the militias they had been training and arming for almost one year, women and girls once again became the target of gross violations, including murder, torture, arbitrary detention and sexual abuse, including rape. The East Timorese women's NGO, FOKUPERS, noted in a report of July 2000 that women and girls were not only raped during the violence which followed the announcement of the victory of the vote for independence, but that many of the acts of gender based violence were "planned, organised and sustained (with) militia and soldiers conniving together to abduct women and share them like chattel". Two years ago today, the office of FOKUPERS in Dili was attacked by militia, resulting in the looting and burning of the premises and to the staff of the organisation having to flee to save their lives.

The same report by FOKUPERS made reference to a case of sexual slavery involving a 15 year old girl. The details of the case shocked and horrified me when I read about them in the middle of last year, and with the encouragement of friends and of the family of the young girl concerned, I found myself embarking on a concerted campaign to free her and return her to her family. I am referring to the case of Juliana dos Santos of Suai and to anyone who has heard me tell her story before, I apologise for the repetition. As tomorrow, 6 September, marks two years since Juliana was brutally abducted, it is perhaps timely that I provide you with this update on her situation.

The southern coastal town of Suai was the site of one of the most terrible massacres in the period following the ballot, with around 200 citizens of that town slaughtered by members of the LAKSAUR militia and the Indonesian military. One of those murdered was Juliana's younger brother and her only sibling, Carlos. As she left the church complex where the massacre had taken place, Juliana, huddling close to her Aunt Domingas, was intercepted by Vice Commander of the LAKSAUR militia group, Igidio Manek. Announcing that she was the one he would make his "wife", he dragged her off into a waiting car. After being paraded in front of the community of Suai as Igidio's war trophy, she was eventually taken across the border into West Timor where she remains today. Juliana gave birth to a son in November 2000.

Information received by Juliana's family and by the few sources who have been allowed limited access to her over the past 24 months suggests that the young girl has been held virtually incommunicado since her abduction and, due to the influence of her abductor, has been denied the opportunity afforded to other East Timorese refugees to participate in the campaigns of information designed to promote family reunification and repatriation. After months of intensive lobbying of the Indonesian government, an agreement was reached in May this year whereby the Indonesian Department of Foreign Affairs would facilitate two family reunion meetings between Juliana and her family. The first of these family reunions took place in Motaain, just inside the West Timor border, in late June 2001. Juliana's parents reported after this meeting that their daughter appeared unrecognisable to them. My own observations at the time suggested that Juliana was severely traumatised and that she had attended the meeting only after having been threatened and intimidated by her captor. Whilst provisions had been made for her immediate return to East Timor, had she chosen to do so, given the circumstances, nobody was particularly surprised when she stated her "wish" to remain in West Timor. A second family reunion was to have taken place in July in a hotel in Bali and over a three day period. The Indonesian Department of Foreign Affairs now tells us that Juliana does not wish to participate in the second family reunion and that she is happy with her lot as the fourth wife of Igidio Manek.

I make mention of the evolution in the negotiations to free Juliana dos Santos at the risk of offending the Indonesian authorities because I believe that it is important that attention be drawn to the ongoing problem of East Timorese refugees on the other side of the border. Sadly, it is impossible to know how many Julianas exist in the camps and towns of West Timor. Perhaps the three wives with whom Juliana shares a house in Betun are also the victims of abduction, or perhaps they are West Timorese women who were easily lured by Igidio's influence and close links with the Indonesian military, not to mention the wealth he is reputed to have amassed as a result of the looting of homes in East Timor and involvement in a local gambling racket.

The UN Transitional Administration in East Timor (UNTAET) and the East Timorese leadership are rightly engaged in efforts to promote reconciliation amongst East Timorese and the best possible relations between Indonesia and East Timor. It is in Indonesia's best interests to negotiate in good faith with the UNTAET to reach a satisfactory solution to the case of Juliana dos Santos. Why? Because, for as long as one young life remains hostage to the demands of some for impunity and the wish of all for reconciliation, there will exist a real impediment to progress in the relationship between the two countries. It is my hope that the Indonesian government will see the parallel between the case of Juliana dos Santos and that of East Timor itself: the Truth can only be sacrificed to the political demands of the day for so long!

Out of my advocacy on behalf of Juliana dos Santos and her family grew an interest in the broader issues of refugee women and East Timorese women in general. Earlier this year, I established the Alola Foundation, "Alola" being Juliana's nickname. The Foundation aims to attract support for local East Timorese women's organisation and groups which are campaigning for justice for survivors of rape and sexual violence. Amongst the Foundation's objectives is that of promoting greater community awareness of the suffering of survivors of gender based violence, thereby restoring dignity to the lives of East Timorese women.

As in Australia and in other first world countries, the women of East Timor face the prospect of being victimised a second time when they speak out publicly about their experiences. Whilst I do not wish to paint a black picture of East Timorese society because, like anywhere in the world, there are numerous exceptions to the rule, it is sadly true that a woman who has suffered sexual abuse in East Timor is often thought to have contributed in some way to the act of violence she has experienced. This is not the only impediment to women speaking out, however. Survivors of sexual violence need to have confidence that the filing of law suits against perpetrators will be taken seriously by prosecutors and that justice will be done. It is a fact that East Timor's judiciary is still young and under-resourced. The legal system and prison service is already seriously overburdened by the large number of cases it is dealing with as a result of the militia violence of 1999. Of the 182 cases of sexual violence recorded by FOKUPERS over the 8 month period to July 2000 not a single one has been processed through the courts. The effect of this absence of legal redress is to deter women from reporting the abuses they have experienced.

The incidence of domestic violence in East Timor would appear to have skyrocketed since the end of the Indonesian occupation. Violence within the home is the single most reported crime in East Timor today, representing 50% of all offences being brought to the attention of the Civilian Police. How should one interpret this? Is domestic violence a new phenomenon in East Timor? Whilst some would say that it is indeed more prevalent today as a result of the psychological stresses associated with a high rate of unemployment, and of the challenge of rebuilding homes and lives, it is more likely that only now women have decided to go public on the abuses they suffer in the home. This may be due in part to the greater freedom of expression and to a burgeoning of civil society organisations, including women's NGOs, which has had the effect of empowering women to speak out with dignity and courage. During the Indonesian occupation, it is possible that the problem of domestic violence got buried under the weight of more internationally recognised human rights abuses and the challenge of survival on a daily basis.

One particular high profile domestic violence case is being tried at present through the Dili District Court. It is interesting and has provoked much public debate because the offender is East Timor's only trained and practising surgeon. After a particularly vicious attack on his Indonesian-born wife earlier this year – an attack which involved use of a syringe – the offender was conditionally released from detention on the grounds that he was a person of status in the community whose skills were greatly needed in the process of national reconstruction. After assaulting his wife once again in her work place, the offender was once again arrested but released on appeal by his lawyer. The appeal was upheld by the Judge on the grounds that the offender was needed by his community and that the victim was violating East Timorese cultural norms by working without permission from her husband. In addition, the defendant was granted custody of the couple's children. That the Judge would in this case feel justified in invoking East Timorese culture as the basis for a legal decision is nothing short of ludicrous! The ruling has outraged women's activists and points to the tremendous challenges ahead in terms of public perceptions of the gravity of domestic violence as a criminal offence and the place of culture in relation to the Law and the defence of human rights.

The brave women of East Timor will face these social and legal challenges with the same strength they relied upon to meet the challenge of 24 years of military occupation and oppression. In spite of the pressures working against them, they have found a voice throughout the period of the transition and are paving the way for greater political participation after independence. Three independent women candidates have contested the elections at the national level for the Constituent Assembly on 30 August. At the district level, only 6 of the 106 candidates were women, however I believe that greater equity will be achieved in the years ahead as campaigns of community education and awareness raising are conducted and as educational and employment opportunities for women are expanded.

As I stated in Sydney in November last year, I pledge myself to do my own little bit to ensuring that these aims are achieved and that the women of East Timor find dignity and independence in the independence of our beloved Timor Lorosa'e.

THANK YOU.