



## U.S. DEPARTMENT of STATE

### East Timor

#### Country Reports on Human Rights Practices - [2006](#)

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East Timor is a parliamentary republic with a population of approximately 925,000. Its first parliament was formed from the 88-member constituent assembly chosen in free and fair, UN supervised elections in 2001. The 41-member cabinet was dominated by the Fretilin Party, which won the majority of assembly seats. Xanana Gusmao, elected in free and fair elections in 2002, was president and head of state. During much of the year, the civilian authorities did not have effective control of the security forces. There were a series of deadly clashes between the national defense force (F-FDTL) and a variety of dissident military, police, and civilian forces. Mob and gang violence in the capital was widespread and tens of thousands of Dili residents were displaced. On May 26, at the request of the government, Australian forces subsequently joined by forces from New Zealand, Malaysia, and Portugal, began arriving and assumed responsibility for security in the capital. President Gusmao assumed security powers, and on June 27, Fretilin's secretary general, Mari Alkatiri, resigned as prime minister and was replaced two weeks later by Jose Ramos-Horta. On August 25, the UN Integrated Mission for East Timor (UNMIT) took over policing responsibilities, but international military forces remained under a joint Australian-led command.

The government generally respected the human rights of its citizens; however, there were serious problems. The most severe human rights violations took place in April and May when over 30 unlawful killings committed by security forces, rebel groups, mobs, or gangs occurred. Excessive use of force and abuse of authority by police was a problem. Problems with the justice sector often deprived citizens of due process and an expeditious and fair trial. Internal conflict resulted in the displacement of approximately 150,000 people, primarily residents of the capital. Domestic violence, rape, and sexual abuse were problems. Societal divisions based on regional origin (eastern versus western) emerged as a major problem during the year, resulting in widespread discrimination, segregation, and violence, particularly in the capital.

#### RESPECT FOR HUMAN RIGHTS

##### Section 1 Respect for the Integrity of the Person, Including Freedom From:

###### a. Arbitrary or Unlawful Deprivation of Life

During the year security forces and other actors committed more than 30 killings. Many of these killings were politically motivated and took place in April and May.

On January 6, officers of the Border Patrol Unit (BPU) encountered three men illegally on the Timorese side of the border who were alleged members of 1999-era anti-independence militias who had been living in Indonesia. In the ensuing clash, the three men were shot and killed, and there were allegations that the BPU used excessive force. The Indonesian government protested the killings and called for a joint investigation, to which the East Timor government agreed. By year's end there were no known developments.

On April 28, rioting broke out during a demonstration by a large number of former F-FDTL personnel who had been involuntarily discharged and their civilian supporters. The rioting prompted a police and military response and resulted in six confirmed deaths during April 28 and 29. Two civilians were shot and killed in the vicinity of the Government Palace where the riots began; no perpetrators were identified. As the riots moved through the city, an additional civilian was shot to death; the UN Special Commission of Inquiry (COI), which investigated the events of April 28 and 29 and May 23 through 25, established that at least one Rapid Intervention Unit (UIR) officer fired shots into the crowd most likely causing the death. Later on the 28th another civilian was shot and killed by a member of the F FDTL. The COI found that this action may have been legitimate self-defense, but advised further investigation. Between the night of April 28 and the morning of April 29, following the formal intervention of the F-FDTL in response to the rioting, two civilians were killed in the Tasitolu area while it was under military control. No individuals were identified as responsible. There were allegations that the F-FDTL massacred approximately 60 civilians in Tasitolu; however, the COI noted that while "other deaths may have occurred" in addition to the two confirmed, extensive efforts found no evidence of a massacre. The employment of the F-FDTL for riot control duties was alleged to have been illegal and emerged as a major point of contention in the aftermath of the riots.

On May 23, a clash between an F-FDTL unit and the dissident commander of the F-FDTL Military Police, Major Alfredo Reinado, and his group, resulted in five deaths, including a civilian. A police officer and an F FDTL officer were killed, each in separate incidents while traveling through the conflict area. In addition, two members of Major Reinado's group were killed. According to the COI Reinado and his group are "reasonably suspected of having committed crimes against life and the person." In late July Reinado and a number of his men were arrested for arms offenses in Dili and held pending investigation into murder charges. However, on August 30, the group escaped from prison, citing among other things the expiration of their 30-day detention period without renewal as justification for their escape. No significant efforts to recapture them ensued, and at year's end the F-FDTL commander and the government were pursuing dialogue with Reinado.

On May 24 and 25, armed confrontation involving the F-FDTL and groups of armed persons, including police officers, civilians, and members of the group of dismissed soldiers known as the "petitioners," resulted in as many as nine deaths. Precise information on the identity and numbers of the dead was not available, but some civilians not involved in the confrontation were killed.

Also on May 24, police and other actors attacked the house of the F-FDTL commander, Brigadier General Taur Matan Ruak, resulting in the death of a police officer.

On May 25, F-FDTL soldiers opened fire on a group of unarmed police officers who were departing their headquarters under UN escort in accordance with a ceasefire agreement negotiated by UN police and military officials with the F-FDTL commander. Eight police officers were confirmed to have died as a result of the attack, and 27 were seriously injured. According to the COI's findings, at least six F-FDTL officers were involved in the shooting. At year's end the prosecutor reportedly was investigating this case.

On May 8, in Ermera District members of a mob stabbed and killed a UIR officer. The officer was part of an escort for the regional secretary of state. The mob had surrounded and threatened the party; the officers negotiated with the mob, disarmed and removed their flak jackets and began to depart, but members of the mob pulled two officers out of their vehicle and stabbed them. At year's end the prosecutor general had identified 12 suspects in this attack, but further investigations remained pending.

On May 25, six persons were killed when the house they were in was attacked and set on fire by a crowd. The victims were all members of the same family, reportedly relatives by marriage of the then-minister of interior, and included four children. The COI was unable to identify any specific suspects but listed 27 persons warranting further investigation. At year's end no further progress was known to have been made on this case.

On May 25, a man was killed in Dili while driving through a road block set up by a former independence fighter and his men who were armed by the F-FDTL the previous day. While manning the roadblock, the group fired on two vehicles, causing the death as well as two gunshot injuries. In July the leader of the group surrendered, and at year's end he remained in pretrial detention.

Mob and gang violence emerged as a significant problem in late May and early June and continued to plague Dili through the end of the year; the violence caused a number of deaths. In several cases victims were targeted based on eastern or western geographical origin, although the cause of the violence could not be easily explained. Later in the year, conflicts between martial arts groups and other membership organizations became more prevalent amid allegations of political motives in some of these clashes.

In the case of a police (PNTL-National Police of East Timor) officer who died in February 2005 apparently as a result of an assault by other PNTL officers in December 2004, three of the suspects were sentenced to 1½ months for minor assault charges as the court concluded that there was insufficient evidence to link the assault with the subsequent death.

There were no new developments in the case of the Colimau 2000 member killed in Bobonaro district in January 2005.

#### b. Disappearance

There were no reports of politically motivated disappearances

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices, and the government generally respected the prohibition against torture; however, there were incidents of cruel or degrading treatment by police officers, of abuses against civilians during domestic conflict; and of abuses by vigilante and other societal groups.

Although the PNTL ceased functioning in Dili by the end of May (see section 1.d.), police in other districts continued to operate through the year. The majority of human rights abuse complaints submitted to the provedor (ombudsman) involved the police and the most common complaint was of use of violence or excessive force. In addition, human rights monitoring organizations noted some cases of excessive force employed by international forces and police. Several such cases were referred to the provedor.

Delay or refusal by police to investigate allegations of rape or domestic violence was a common problem (see section 5).

Rioting and mob action, and the response of the police and later the armed forces on April 28 and 29, resulted in several civilian deaths, a number of civilian injuries, and cases of arbitrary arrest (see sections 1.a. and 1.d.). During rioting on April 28, in the vicinity of the Government Palace, four persons suffered firearms injuries, including three civilians and a police officer, a civilian and a police officer suffered other serious injuries. Shortly thereafter on April 28, demonstrators escorted by police encountered a hostile crowd in the Comoro market area of Dili. In the resulting incident, a number of shots were fired both by members of the police (UIR) and from the crowd. Eight civilians suffered firearms injuries and two suffered other serious injuries. Two police also suffered serious injuries. Later the same day, during a confrontation between a violent mob and members of the F-FDTL, a soldier suffered a minor grenade injury and two civilians suffered firearms injuries. During continued F-FDTL operations in the Tasitolu area of Dili during the afternoon of April 28 through the morning of April 29, four civilians were wounded.

During armed confrontation in Dili between members of the F-FDTL and the police on May 25, two civilians suffered gunshot injuries at the hands of a former independence fighter and his followers who had been armed by the F-FDTL and ordered to set up a road block in Dili to apprehend members of the police. First, a priest driving through the checkpoint was shot and injured, then shortly thereafter, the persons

manning the roadblock fired on another vehicle, killing a civilian (see section 1.a.) and injuring another.

Widespread mob and gang violence was a significant problem in Dili in April through June and continued to be an issue through the remainder of the year. There were a number of incidents involving members of the national police. For example, on September 1, at least one member of the police was involved in a shooting incident at an internally displaced persons (IDP) camp in Dili resulting in several injuries. He was arrested the same day and was in pretrial detention at the end of the year. Allegations of police involvement in mob violence were being investigated by UN police in coordination with the Ministry of Interior as part of a vetting process required before police could return to duty. This vetting was ongoing at year's end. There were also numerous allegations that members of the F-FDTL, the government, and the opposition were involved in instigating mob and gang violence.

Tensions between easterners and westerners were frequently an element in these incidents, with attacks on easterners by westerners being the most frequent, but the reverse also taking place regularly (see section 5).

During the rioting of April 28, approximately 100 homes, primarily belonging to persons from the eastern districts, were targeted and burned. An estimated 2,000 additional houses were burned or otherwise destroyed in mob or gang attacks in June and July, and arson attacks continued to be a problem through year's end. Other abuses included illegal checkpoints set up to target persons based on geographic origin or membership in specific groups; intimidation of IDP camp residents by groups operating both in and outside of the camps; and attacks and intimidation of communities or individuals.

During the year there were accusations of abuses by international peacekeeping forces. Most of these accusations appeared to be part of a politically inspired effort to discredit the international forces.

There were no known judicial or administrative actions in the cases of the January 2005 border police beating of an Indonesian citizen for illegally crossing the border; the March 2005 police beating of two men and one woman arrested without warrant in Cailaco; the June 2005 police beating and threatening of a man accused of assaulting the wife of a PNTL officer; or the allegations of police abuse during a July 2005 operation against the Comite Popular de Defesa-Republica Democratica.

A 2004 case in which four PNTL officers severely beat a detainee in Baucau went to trial. Two of the accused received light sentences; the other two were acquitted.

Lawyers for the alleged victims attempted to pursue the November 2005 case in which the minister of interior (who resigned in May) and three of his bodyguards beat the passengers of a truck involved in a traffic incident. However, following the late May looting of government offices, including that of the prosecutor general, it was discovered that the case file was missing. The lawyers reconstituted the file and at year's end were continuing to pursue the case.

There were no developments in the July 2005 case of an F-FDTL captain and members of the military police detaining and beating a man involved in an alleged assault on the captain.

#### Prison and Detention Center Conditions

There were three government-run prisons, located in Dili, Baucau, and Gleno. During the year international forces set up additional detention facilities in Dili. Prison conditions generally met international standards; however, government-run prison facilities were not well maintained. The provider noted that in Dili's Becora prison, inmates' movement was extremely restricted movement due to lack of sufficient prison guards.

Two full-time social workers dealt with juveniles, women, elderly, and mentally ill inmates. All prisons operated at or very near capacity throughout the year.

The government and international forces permitted prison visits by the International Committee of the Red Cross and independent human rights observers. The provider was able to conduct almost daily detainee monitoring in Dili and observed that "international forces are cooperating extremely well...allowing confidential access to detainees and providing regular information."

#### d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention; however, there were instances in which these provisions were violated. A number of persons were arrested and detained but ultimately not charged with crimes. In many cases this was explained by misunderstandings because an investigation exculpated the suspect, or because no judge was available to conduct the required detention review. However, the circumstances of other cases suggested that law enforcement officers may have held detainees as punishment.

#### Role of the Police and Security Apparatus

The national police consisted of approximately 3,300 members, including specialized units. After deadly clashes involving PNTL, F-FDTL, and dissident forces in late May, the approximately 1,200 Dili-based police, including regular police and specialized units, ceased to function in any law enforcement capacity and most police posts were abandoned. The government requested international intervention, and international military and police forces began arriving on May 26 to assume responsibility for security in Dili. Under an August 25 UN resolution, responsibility for security in Dili was transferred to UN police, but international military forces operating separately from the UN also assisted in maintaining security.

UN police undertook a vetting process to reintegrate Dili-based police into police operations. At year's end over 1,000 police had registered for the process and vetting was ongoing. More than 200 police had been vetted and undergone reintegration training and were working alongside UN police as trainees. A number of police did not pass the vetting process and were on suspension pending further investigation. At year's end there was some confusion regarding the vetting process as the Ministry of Interior had begun a separate parallel vetting process. Efforts were underway to coordinate the two processes.

Each of the country's 13 districts has a district commander who normally reports to the national police commissioner; at year's end, however, district commanders were reporting to UN police headquartered in Dili. The PNTL remained poorly equipped and under-trained, and it was subject to numerous credible allegations of abuse of authority (see section 1.c.), mishandling of firearms, and corruption. The COI report noted that divisions within the PNTL were exacerbated by the former minister of interior's undermining of the chain of command by giving operational orders for personal or politically partisan reasons.

Prior to the April-May crisis, a professional ethics office within the police was responsible for tracking and investigating allegations of police misconduct, however, its effectiveness was hampered by lack of resources and political interference. The COI report noted that several officers suspected of criminal conduct during the crisis had previously been the subjects of disciplinary complaints, but no or light penalties had been imposed. In general, sanctions for police misconduct were rare.

#### Arrest and Detention

The law requires judicial warrants prior to arrests or searches, except in exceptional circumstances; however, this provision was often violated. A chronic and extreme shortage of prosecutors and judges outside of the capital, further exacerbated by the crisis, contributed to police inability to obtain required warrants.

Lack of local knowledge and language ability by international police personnel led to cases in which police failed to inform detainees in a timely fashion of the reason for detention, to give detainees early access to legal assistance, or to inform detainees' family members of the detention.

Government regulations require a hearing within 72 hours of arrest to review the lawfulness of the arrest and detention and also to provide the right to a trial without undue delay. During these hearings the judge may also determine whether the suspect should be released because evidence is lacking or the suspect is not considered a flight risk. Because of a shortage of magistrates, exacerbated during the year as many international judges departed before replacements arrived, some suspects were forced to wait longer than 72 hours for a hearing. However, according to human rights observers, police increasingly followed the practice of simply releasing suspects after 72 hours in the absence of a judge to review the detention. In areas that did not have a local magistrate or where authorities lacked means to transport suspects to a hearing, this situation was particularly acute and contributed to an atmosphere of lawlessness and impunity.

The law provides for access to legal representation at all stages of the proceedings, and provisions exist for providing public defenders to indigent defendants. However, there was an extreme shortage of qualified public defenders, and many indigent defendants relied on lawyers provided by legal aid organizations. A number of defendants assigned public defenders reported that they had never seen their lawyer, and there were concerns that some low priority cases were being delayed indefinitely while suspects remained in pretrial detention.

During their intervention in response to the rioting on April 28, the F-FDTL arrested approximately 30 persons. All were transferred to the police and most were released within 24 to 48 hours. The legal basis for the F-FDTL making these arrests was not clear. According to the COI report, "the government did not follow the procedures established by the Organic Law of the F-FDTL" in employing the F-FDTL. Moreover, there was no clear communication, written or otherwise, regarding "the degree of intervention by military authorities and powers conferred and the manner of cooperation between the F-FDTL and (the national police)." The provider also assessed these arrests as illegal.

A 2003 ruling by the Court of Appeals stated that the pretrial detention limit of six months and the requirement that such detentions be reviewed every 30 days need not apply in cases involving certain serious crimes; however, the 30-day review deadline was missed in a large number of cases involving less serious crimes, and a majority of the prison population consisted of pretrial detainees.

#### e. Denial of Fair Public Trial

The law provides that judges shall perform their duties "independently and impartially" without "improper influence" and requires public prosecutors to discharge their duties impartially. These provisions generally were respected. However, the country's judicial system faced a wide array of challenges including concerns about the impartiality of some judicial organs, a severe shortage of qualified personnel, a complex and multi-sourced legal regime, and the fact that the majority of the population does not speak Portuguese, the language in which the laws are written and the courts operate. Even under normal circumstances, access to justice was notably constrained. During the year the national crisis resulted in a number of high profile and complex criminal cases as well as a marked increase in violent crime overall, further burdening the system. The COI report noted that, despite the events of April and May, the judicial system continued to function, albeit in a limited manner. Nevertheless, the report concluded that the country has "a minimally functioning judicial system."

During the year political and other considerations at times influenced the proceedings of both the public prosecutor and the Court of Appeals. Two separate UN commissions concluded that the prosecutor general was insufficiently independent and viewed his constitutional accountability to the president as requiring that he "follow the policy of the latter in relation to prosecutions."

There were also concerns during the year that the Court of Appeals was influenced by political considerations in its decisions.

On August 11, the Court of Appeals upheld the Fretilin Party's decision to hold leadership elections through a public show of hands although the law on political parties appears to stipulate that such elections are to be by secret ballot. The court argued that the 10 day procedural deadline for filing a suit had not been met and that the political party law did not in fact stipulate that all leadership elections must be by secret ballot. There was a widespread perception that political considerations outweighed full examination of the applicable laws in this decision. The COI noted that it received reports of political influence in cases related to the April and May crisis and a "lack of public confidence in the impartiality of the investigation and prosecution process."

The court system includes four district courts (Dili, Baucau, Suai, and Oecussi) and a national Court of Appeals in Dili. The Ministry of Justice is responsible for administration of the courts and prisons and also provides defense representation. The prosecutor general is responsible for initiating indictments and prosecutions. Until a supreme court is established, the Court of Appeals is the country's highest tribunal.

Establishing justice sector institutions and recruiting and training qualified judges, prosecutors, and defense attorneys proved difficult, and the judicial system was heavily dependent on international personnel. In January 2005 the president of the Court of Appeals announced that all 22 sitting judges failed qualifying exams and were therefore required to step down. Exceptions were made for judges on the Court of Appeals, the Special Panels for Serious Crimes, and the National Election Commission. In May 2005 it was announced that all of the prosecutors and public defenders who had taken their qualifying exams had failed. Although 11 national judges returned to work as probationary judges during the year, international judges continued to serve as the primary judges in all cases involving potential sentences of five or more years. The departure of international judges and prosecutors in early August, without replacements having arrived, resulted in additional disruption to the judicial system during a critical period. The public defender's office was staffed by seven national probationary defenders and three international public defenders. Private lawyers continued to represent the majority of defendants in the district courts.

Personnel shortages and administrative issues disproportionately affected the operations of the Baucau, Oecussi, and Suai district courts, which operated at irregular intervals throughout the year. The trial process often was hindered by nonattendance of witnesses due to lack of proper notification or lack of transportation. The functioning of the Dili district court and the Court of Appeals was severely disrupted by the April and May events. Full trials did not resume in the Dili district court until mid-July. The Court of Appeals suffered similar disruption, including looting of computer, translation, and transportation equipment.

The shortage of qualified prosecutors and technical staff in the office of the prosecutor general hampered the work of the office and resulted in a large case backlog. This was exacerbated by the late May looting of the office's files, forensic evidence, and computers. National probationary prosecutors returned to work during the year, but sensitive cases related to the crisis were handled by international prosecutors. There were six international prosecutors and 12 national prosecutors (nine probationary), including the prosecutor general. At year's end there was a nationwide case backlog of over 2,500. The amount of time for cases to come to trial varied significantly, with some delayed for years and others tried within months of accusations.

#### Trial Procedures

The law provides for the right to a fair trial; however, the severe shortages of qualified personnel throughout the system led to some trials that did not fulfill prescribed legal procedures. Trials are before judges. Except for sensitive cases, such as crimes involving sexual assault, they are public; however, this was inconsistently applied. Defendants have the right to be present at trials and to consult with an attorney in a timely manner. Attorneys are provided to indigent defendants. Defendants can confront hostile witnesses and present witness and evidence. Defendants and their attorneys have access to government-held evidence. Defendants enjoy a presumption of innocence and have a right of appeal to higher courts.

The legal regime is complex and inconsistently applied. Pending development of a complete set of national laws, Indonesian laws and the UN's transitional regulations remained in effect. The constitution stipulates that UN regulations supersede Indonesian laws; however, this was inconsistently applied. For example, in a 2004 decision the Court of Appeals declared that a UN executive order decriminalizing defamation did not effectively overrule an Indonesian law under which defamation is criminalized (see section 2.a.). There was concern that this decision could undermine the precedence of laws stipulated within the constitution. Also of concern was confusion regarding how to apply different sources of law, particularly in criminal cases where the Indonesian penal code remained in effect but procedure was governed by a national criminal procedure code.

The Court of Appeals operated primarily in Portuguese. The UN regulations, many of which remained in force, were available in English, Portuguese, and Indonesian, as well as in Tetum, the language most widely spoken in the country. Laws enacted by parliament, intended to supplant Indonesian laws and UN regulations, were published in Portuguese with very few available in Tetum. Litigants, witnesses, and criminal defendants often were unable to read the new laws. Trials are required to be conducted solely in Portuguese and Tetum. However, the quality of translation provided in court varied widely, and translations to Tetum were often incomplete summaries rather than thorough translations.

During the year concerns arose over the lack of witness protection arrangements. In many violent crimes, witnesses were unwilling to testify because of the high potential for retribution against themselves or their families. No national law provided for witness protection, and an Indonesian law on witness protection was not applied. Reports of witness intimidation and nonappearance of witnesses were widespread. Court personnel also reported increased concern regarding their safety. This contributed to a widespread public perception that crimes could be committed with impunity and that vigilantism or personal revenge were the only avenues available to address criminal accountability.

The COI was mandated in response to a request from the government to "establish the facts and circumstances relevant to incidents that took place on April 28 and 29 and May 23, 24, and 25 and related events or issues that contributed to the crisis." Its October 17 report provided a detailed narrative of the events, including an assessment of individual and institutional responsibility.

The COI report recommended the prosecution of over 60 individuals for criminal culpability in the April and May events, including police

officers who allegedly took part in deadly incidents; the former minister of interior, Rogerio Lobato; six F-FDTL officers alleged to have been involved in the shooting of unarmed police; the top leadership of the F-FDTL; and the former minister of defense. In addition, it recommended the investigation of more than 60 others for possible involvement in these crimes. Also recommended for prosecution were several civilians alleged to have received illegal weapons transfers or to have been involved in deadly incidents in late May, as well as the dissident military police commander, alleged to have been responsible for initiating deadly clashes with the F-FDTL on May 23. Among the individuals recommended for further investigation was the former prime minister, Mari Alkatiri, for possible complicity in illegal arms transfers.

The COI recommended that criminal cases related to the April and May events be handled within the domestic judicial system, but with a significant role for international prosecutors and judges. It recommended that international actors working within the prosecutor general's office play the lead role. For those cases where a panel of judges was required (the criminal procedure code requires a panel of three judges for crimes involving a potential sentence of five or more years), the report recommended that the panels be composed of two international and one national judge.

The trial of former minister of interior Rogerio Lobato and several codefendants was scheduled to commence on November 30. Due to the absence of one of the codefendants, the judges adjourned the trial until January 2007. No other trials related to the April and May events were scheduled by year's end. The status of investigations and the preparation of indictments were ongoing at year's end.

The Serious Crimes Unit (SCU) was responsible for investigations and indictments concerning crimes that occurred in 1999, including genocide, war crimes, crimes against humanity, murder, sexual offenses, and torture. Pursuant to UN Security Council resolutions, the SCU ceased its investigations in November 2004 and ceased virtually all other operations in August 2005. At the time of its closure, the SCU had filed 95 indictments against 391 persons. Of these, 290 remained at large in Indonesia with little chance of being returned to stand trial. In 2000 the transitional administration also established the Special Panels on Serious Crimes within the Dili district court to try those charged with the mass killings and other gross human rights violations committed in 1999. As of their adjournment in May 2005, the special panels had issued 84 convictions, three acquittals (one of which was later overturned by the Court of Appeals), and 13 indictment dismissals. In June an academic study of the serious crimes process criticized the UN for failing to ensure proper leadership and staffing throughout the process and noted "a significant number of cases in which the rights of the accused appeared to have been compromised due to severely inadequate defense and appeals process and flawed jurisprudence."

Although the special panels were adjourned, they can be reconstituted whenever needed as long as they meet the requirement of consisting of two international and one local judge. Several serious crimes suspects arrested in 2005 remained in pretrial detention.

The August 25 UN Security Council Resolution calls for "the provision of a team of experienced investigative personnel, to resume investigative functions of the former Serious Crimes Unit, with a view to completing investigations into outstanding cases of serious human rights violations committed in the country in 1999." At year's end this had not yet been implemented. International observers familiar with the serious crimes process expressed concern that providing only investigations assistance without the inclusion of assistance to prosecute new cases would produce little progress on accountability for 1999.

The SCU worked closely with the Truth and Reconciliation Commission of East Timor (CAVR). While the SCU is mandated to investigate and prosecute crimes against humanity committed in 1999, the CAVR investigated less egregious human rights violations that occurred between April 1974 and October 1999. CAVR also facilitated reconciliation between victims and perpetrators of these violations (see section 4). The president presented the CAVR final report to the UN secretary general on January 20.

The Ad Hoc Tribunal, based in Indonesia, failed to achieve accountability for crimes against humanity committed in East Timor in 1999. In February 2005 the UN appointed a Commission of Experts (COE) to evaluate the Ad Hoc Tribunal and the SCU and recommend the next steps for achieving accountability. The COE concluded that the serious crimes process in East Timor had "ensured a notable degree of accountability for those responsible for the crimes committed in 1999" but the Ad Hoc Tribunal in Indonesia was "manifestly inadequate." The COE report recommended continued UN support of the serious crimes process in East Timor so that investigation, indictment, and prosecution of perpetrators could continue (see section 4).

In 2004 the governments of Indonesia and East Timor agreed to form a bilateral Truth and Friendship Commission (TFC) to address human rights violations committed in East Timor in 1999 (see section 4). The TFC was inaugurated in August 2005. The COE report criticized the TFC's terms of reference as contradicting international standards that prohibit impunity for crimes against humanity. Although the TFC continued to meet throughout the year, little evident progress was made. The TFC's mandate was extended to August 2007.

#### Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

#### Civil Judicial Procedures and Remedies

Civil judicial procedures were plagued by the same problems encountered by the judicial system as a whole, including huge backlogs of cases, a complex and inconsistently applied legal regime, and concerns about the impartiality of some judicial organs. Political influence has especially been brought to bear on civil cases involving business or property disputes. Court orders in some of these latter cases have not been enforced. Alleged human rights abuses have been presented to the provedor's office (see Section 4).

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions, and the government generally respected these prohibitions in practice; however, there were a few reports of

arbitrary interference with privacy and home.

There were cases of authorities entering homes without judicial authorization. For example, during an intensive effort by the international forces to recover illegal weapons, there were several reports that international military officers entered homes without securing warrants. Officers maintained that in some of these cases, warrants could not be obtained because the courts were not operating and in others they had to act expeditiously.

A 2003 land law broadly defines what property belongs to the government; and has been criticized as disregarding many private claims.

A large number of Dili residents arrived as internal migrants since 1999 and occupied empty houses or built houses on empty lots. The majority of properties in Dili are deemed state property, and the government evicted persons from land identified as state property at times with little notice and with no due process. For example, in November several families were instructed to vacate the property on which they lived in order for the government to build new housing.

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and the government generally respected these rights in practice; however, there were instances in which government officials attempted to interfere with these rights.

Individuals could generally criticize the government without reprisal, and a UN executive order decriminalized defamation. However, in 2004 the Court of Appeals decided that the executive order did not overturn the Indonesian statutes that define libel and defamation as criminal offenses and the Indonesian criminal defamation statutes still applied (see section 1.e.). In January the then-prime minister pressed charges against the head of the main opposition party, accusing him of defamation for remarks linking the prime minister to corruption. Many journalists were reluctant to pursue investigations on sensitive topics for fear of reprisals. A journalist who published a rare expose on corruption in a government office received threatening phone calls following the story's publication (see section 3).

In December 2005 the cabinet passed a penal code that included provisions criminalizing defamation and insults to a person's "honor." Following an intense national debate, the president sent the law back to the cabinet without promulgating it. The Alkatiri government fell before the bill could be reintroduced. At year's end officials asserted that the criminal defamation provisions of the Indonesian penal code still apply.

There were three daily newspapers, three weeklies, and several newspapers that appeared sporadically. All frequently criticized the government and other political entities editorially.

Broadcast news, especially radio, was the most widely accessible news medium in the country, but its reach was limited. Few people outside of the capital regularly had access to any form of news. The Public Broadcast Service (PBS) owned and operated a radio station and a television station. The PBS radio service was available in all 13 districts but on a fluctuating and uncertain basis. The PBS television broadcast was available only in Dili and nearby towns. In addition to the PBS radio station, there were 18 community radio stations, including at least one in each district. However, only a few operated dependably (in Los Palos, Baucau, and Dili), while many were frequently inoperative due to technical or resource problems, and most operated only a few hours a day. Few community radio stations provided any news content.

Instability, mob violence, and threats during the height of the crisis in May and June resulted in the temporary closure of all national media outlets for varying periods of time and constricted many journalists ability to report on developments. During this period there were frequent reports of threats and attacks on journalists and media organizations. For example, in late June a mob attacked the PBS headquarters following the broadcasting of a speech by the recently resigned prime minister. Also in late June, two members of the distribution staff of the daily newspaper Timor Post were attacked, apparently because of an interview the newspaper published with a person who had alleged that former government officials had armed gangs to attack members of the opposition. UN police investigated the attack against the newspaper staff. At year's end although the situation was somewhat improved, media outlets continued to report that journalists remained constrained in their work due to fear of violence.

During the year there was increased concern about encroachments on the independence of PBS. In September the PBS board of directors dismissed the PBS's managing director. Media observers judged the dismissal to be a response to the managing director's criticism of a government minister's interference in PBS's editorial policies. There were also reports of increased micro management and political interference by the president of the board and of pressure on journalists to avoid reporting criticism of national leaders.

### Internet Freedom

Although Internet access in the country was limited, there were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chatrooms. Individuals and groups could engage in peaceful expression of views via the Internet, including by e-mail.

### Academic Freedom and Cultural Events

The government generally did not restrict academic freedom; however, a 2004 law requires that academic research on Tetum and other

indigenous languages be approved by the National Language Institute. There were no reports during the year that this law had been applied to prevent academic research or to punish researchers. Nor were there any reports of interference with cultural events.

#### b. Freedom of Peaceful Assembly and Association

The constitution provides for the freedom of assembly and association, and the government generally respected these rights.

##### Freedom of Assembly

On January 16, a law on assembly and demonstrations was promulgated, which establishes guidelines for obtaining permits to hold demonstrations and, also requires police be notified four days in advance of any demonstration or strike. The law also stipulates that demonstrations cannot take place within 100 yards of government building or facilities, diplomatic facilities, or political party headquarters. In practice demonstrations were allowed to take place without the requisite advance notification and the 100-yard regulation was rarely observed.

During June competing antigovernment and progovernment demonstrations took place in Dili, involving thousands of participants from the districts. International forces, in coordination with government authorities, provided extensive security and, in some cases, limited the length of the demonstrations or their locations. These arrangements generally facilitated the peaceful conduct of the demonstrations and were considered by human rights observers to be justified given the precarious security environment.

##### Freedom of Association

There were reports during the year of political parties, particularly opposition parties, being prevented from raising their party flags or from holding meetings in areas identified as strongholds of another party. Such incidents sometimes took place with the involvement of local government officials or police.

#### c. Freedom of Religion

The constitution provides for freedom of religion, and the government generally respected this right in practice. An overwhelming majority of the population was Roman Catholic, and the Catholic Church was the dominant religious institution. There were small Protestant and Muslim minorities who were generally well integrated into society. The issues, including religious education in the public school curricula, which inspired the large-scale, antigovernment demonstrations organized by Roman Catholic Church officials in April and May of 2005 did not arise during the year.

##### Societal Abuses and Discrimination

Outside of the capital, non-Catholic religious groups were at times regarded with suspicion. In past years there were occasional reports of threats or assaults against Protestant missionaries; however, there were no reports of such incidents during the year.

There is no indigenous Jewish population, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the [2006 International Religious Freedom Report](#).

#### d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the government generally respected them in practice; however, during large-scale, antigovernment demonstrations in Dili in April and May 2005, police roadblocks at times stopped participants coming from outlying areas. In contrast several large-scale demonstrations occurred during the year with no attempts to block access.

During the crisis beginning in April, and through the remainder of the year, there were numerous incidents of dissident groups, gangs, and other groups preventing freedom of movement. In early May a group of dissident military police established an armed checkpoint near the town of Gleno, Ermera District, preventing travel into Dili. During the remainder of the year there were frequent occurrences of illegal, temporary checkpoints set up in Dili, often designed to target people from certain parts of the country or members of a particular group. The tension between people from the eastern and western areas of the country led to a large number of people feeling that they did not have freedom of movement within the country. Within the capital where these divisions were most marked, many neighborhoods became exclusively eastern or western, and members of one group did not feel free to travel to or through the other group's area.

The law prohibits forced exile, and the government did not employ it.

##### Internally Displaced Persons (IDP)

Approximately 150,000 residents of Dili were displaced from their homes during the year as a result of the crisis that began in late April. Initial displacement occurred in response to the April 28 riots and the response by security forces. In early May thousands of Dili residents fled their homes as rumors of impending clashes between security forces and dissident forces circulated. In late May several days of actual clashes between regular and dissident forces and between police and military caused additional displacements. Widespread mob violence,

often targeting and driving out selected populations and individuals, further exacerbated the IDP situation. Widespread destruction meant that many IDPs had no place to which to return. Illegal occupation of temporarily abandoned properties and the unresolved state of many conflicting land and property claims further complicated return (see section 1.f.).

While all groups and levels of society were represented in the IDP population, humanitarian workers observed a greater proportion of easterners. By year's end a large number of IDPs had left the camps. Many returned to their homes, but many others lacking this option moved into houses with relatives, or in many cases returned to their home districts. It was not known to what extent the recent unrest resulted in a permanent reallocation of the population throughout the country. At year's end an estimated 25,000 IDPs remained in camps in Dili and as many as 70,000 remained displaced in the districts.

The government worked closely with domestic and international humanitarian organizations to provide assistance to IDPs both in Dili and the districts. The government's initial response to the humanitarian needs, carried out under the leadership of the minister of labor, was judged effective and well coordinated. However, as time went on, the response became less effective due to the added involvement of other government ministries and the UN agencies that arrived on the scene. Decision making became slow and hampered by competing political considerations. At year's end despite months of discussion regarding the need to prepare for the rainy season and to close several camps where there were significant security concerns, the problem camps remained in place and few camps had made the necessary preparations for the rains.

The provedor, in partnership with the Human Rights Monitoring Network, conducted crisis-related human rights monitoring in IDP camps beginning in June. The network did not find a significant increase in human rights abuses.

#### Protection of Refugees

The laws provide for the granting of asylum or refugee status to persons in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided protection against refoulement, the return of persons to a country where they feared persecution. The government granted refugee status or asylum; however, there were concerns that the country's regulations governing asylum and refugee status may preclude genuine refugees from proving their eligibility for such status. For example, persons who wish to apply for asylum have only 72 hours to do so after entry into the country. Foreign nationals already present in the country have only 72 hours to initiate the process after the situation in their home country becomes too dangerous for them to return safely. A number of human rights and refugee advocates maintained that this time limit contravenes the 1951 convention. These advocates also expressed concern that no written explanation is required when an asylum application is denied.

There were no new asylum applications during the year. At the end of the year, there were seven pending cases, originally submitted in 2004, still awaiting final decision. After the promulgation of the 2003 Immigration and Asylum Act, the government assumed responsibility from the Office of the High Commissioner for Refugees (UNHCR) for adjudicating asylum claims. Throughout the year UNHCR continued to mentor immigration officials to ensure that asylum applications were processed according to treaty guidelines. The government instituted a process whereby all asylum applications must be approved by the minister of the interior. This requirement led to delays.

#### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens with the right to change their government peacefully through periodic elections.

#### Elections and Political Participation

In 2002 Xanana Gusmao was inaugurated as the first president, and, in accordance with the constitution, the members of the constituent assembly were sworn in as the first national parliament. Mari Alkatiri became the first prime minister. However, on June 27, under great political pressure including allegations of complicity in illegally arming civilians, Alkatiri resigned. On July 10, Jose Ramos-Horta, who previously held the position of foreign minister, was sworn in as prime minister. He was also simultaneously holding the position of minister of defense, a portfolio he assumed when the former minister resigned in May. The 88-member assembly, elected in a generally free and fair election in 2001, was charged with writing a constitution, which was completed in 2002 and came into effect upon independence. Some observers criticized the constitutional provision that allowed the constituent assembly automatically to become the parliament and scheduled the first parliamentary election five years after independence. Fretilin held 55 of the 88 parliamentary seats.

In 2004 the government, with oversight by independent election authorities and assisted by UN advisors, carried out voter registration, and the list of registered voters was published for public scrutiny. The resulting voter database was used for local elections in 2004-05 and is to be maintained and updated for future presidential and parliamentary elections.

In December the laws that will govern future national elections were promulgated. These laws were seen by many as reflecting the ruling party's preferences rather than broad national consensus. Concerns were raised regarding the independence of the Technical Secretariat for Election Administration, which under the law will continue to report to a ministry headed by a prominent member of the ruling party.

In November and December, a UN independent electoral certification team conducted two assessment missions concerning the national elections scheduled for 2007. The resulting reports highlighted a number of aspects of the election laws that fell short of meeting certification benchmarks.

There were 23 women in the 88-seat assembly. Women held three senior cabinet positions--minister of state, minister of public works, and minister of finance and planning--and four vice minister positions. Two of the four judges on the appeals court were women, one national and

one international.

The country's small ethnic minority groups were well integrated into society. The number of members of these groups in parliament and other government positions was uncertain.

#### Government Corruption and Transparency

During the year there were credible reports of corruption in government institutions. The office of the provedor by law is the institution charged with leading national anticorruption activities and has the authority to refer cases for prosecution. During the year the provedor investigated the government procurement process. The anticorruption division of the provedor's office investigated 12 cases of alleged corruption and 59 cases of "maladministration." Most cases submitted to the provedor involved allegations of corruption by mid-level officials but some involved senior-level cases. There continued to be credible reports of petty corruption at the nation's port. In addition, customs and border officials were suspected of facilitating the smuggling of gasoline, tobacco, and alcohol across the border from Indonesia. An investigative report on alleged corruption in the Timor Sea Office was published in a local newspaper in December with details regarding official resources and equipment being redirected for personal use. Such practices are believed to exist in many government institutions. The lack of resources for many district police operations was alleged to result in part from resources being diverted to personal use.

The Office of the Inspector General, the government's internal oversight office, carried out investigations into eight cases of maladministration or possible corruption during the year and conducted two audits.

The law stipulates that all legislation, Supreme Court decisions, and decisions made by government bodies must be published in the official gazette. If not published they are null and void. Regulations also provide for public access to court proceedings and decisions and the national budget and accounts. In practice there were concerns that public access to information was constrained. For example, the official gazette was published only in Portuguese, although it is required by law to be published in Tetum as well. Moreover, its irregular publishing schedule and varying cost meant that few journalists, public servants, or others had regular access to it or knew how to access it.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Nongovernmental organizations (NGOs) played an active role in assisting and advising in the development of the country, and numerous NGOs were established over the last few years. Following the events of April and May, the government relayed a request to the UN to conduct a special inquiry to establish the facts and responsibility for the crimes committed. The UN COI was given full access to all relevant documents and persons to conduct its inquiry. A number of national and international NGOs, in coordination with the provedor, monitored human rights issues in IDP camps, resulting from the crisis.

According to the controversial 2003 Immigration and Asylum Act, foreigners are prohibited from taking part in political activities. This provision could preclude foreigners and international NGOs from assisting labor unions or projects to promote the development of civil society, and it could also allow the government to restrict noncitizens' monitoring of the criminal or judicial systems. However, to date, the act's provisions have not been applied this way.

In March the Office of the Provedor for Human Rights and Justice, established in 2004, officially began its work. The provedor was responsible for the promotion of human rights, anticorruption, and good governance, and he has the power to investigate cases, monitor the observance of human rights, anticorruption and good governance standards, and make recommendations to the relevant authorities. On June 30, in accordance with his mandate, the provedor submitted the office's first annual report to parliament. The report noted that the provedor had received 75 complaints, including 40 from 2005. More than a third of these complaints involved allegations against the police. Most of the complaints, including most of those against the police, were allegations of human rights abuses. The provedor's offices were located in Dili and had limited ability to conduct outreach or other activities in the districts.

In April the government appointed a "Commission of Notables," chaired by the minister of state administration, to investigate the claims of the approximately 600 involuntarily discharged soldiers known as the "petitioners" (see section 6.b.). After several months of inaction, the prime minister gave the commission a deadline of October 30, but by year's end, the commission had not announced its findings. The government started distributing subsidies to the petitioners in December.

The CAVR, which was charged with inquiring into human rights violations that occurred between April 1974 and October 1999, presented its final report to the president in October 2005, and then to Parliament the following month. The report has been disseminated by international NGOs, but no public distribution has taken place within the country (see section 1.e.).

The UN-appointed Commission of Experts to evaluate the Indonesian and East Timorese procedures and to recommend the next steps for achieving accountability for human rights violations committed in 1999 concluded that the serious crimes process in East Timor had "ensured a notable degree of accountability for those responsible for the crimes committed in 1999" but that the Ad Hoc Tribunal in Indonesia was "manifestly inadequate."

The governments of Indonesia and East Timor bilateral Truth and Friendship Commission, inaugurated in August 2005, addressed human rights violations committed in East Timor in 1999 (see section 1.e.). The COE report criticized the TFC's terms of reference as contradicting international standards that prohibit impunity for crimes against humanity. The TFC was based in Bali and held a number of meetings during the year. Its one year mandate has been extended by an additional year. Observers have noted slow progress to date and many concluded that it is unlikely to produce a substantive result.

## Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

Government regulations prohibit all forms of discrimination. Nonetheless, violence against women was a problem, and discrimination against women, persons with disabilities, and members of minority groups occurred.

### Women

Domestic violence against women was a significant problem and often was exacerbated by the reluctance of authorities to respond aggressively. Many authorities regarded it as a family issue rather than a criminal matter, and victims, under pressure to resolve cases within the family, were frequently reluctant to report abuse. In many cases a lack of resources was an element in official inaction and failure to investigate or prosecute cases involving violence against women. The police were particularly slow to pursue cases where the accused occupied a position of power. Police also at times came under pressure from community members to ignore cases of domestic violence or sexual abuse.

Although rape is a crime, failures to investigate or prosecute in cases of alleged rape and sexual abuse were common as were long delays. For example, in July police in Suai relayed an investigation report to prosecutors for a sexual assault that had occurred earlier that month; however, by year's end no judicial action had been taken on the case. Spousal rape under applicable Indonesian law is not a crime.

Cases of domestic violence and sexual crimes were generally handled by the PNTL's Vulnerable Persons Units (VPUs). Women's organizations assessed the VPUs' performance as variable, with some actively pursuing cases while others preferring to handle them through mediation or as family matters. The national and the Dili district VPUs ceased operating in May as a result of the crisis. In November the work of the national VPU resumed under the UN policing mission, but at year's end the Dili district VPU was still not operational. Advocacy organizations noted that the Dili VPU previously had handled a large number of cases and its absence represented a significant decrease in law enforcement resources in this area. Other district VPUs continued to operate but were severely constrained by lack of support and resources.

Government regulations prohibit persons from organizing prostitution; however, under the Court of Appeals' interpretation of Indonesian laws, prostitution is not illegal. Nonetheless in past years, there were reports of women being arrested for prostitution.

In 2004 a local NGO conducted a study on prostitution and trafficking and estimated that there were up to 358 sex workers in the capital, of whom approximately 115 were possible trafficking victims. Late in the year, concern increased that the country was being targeted as a source for trafficking; suspects were detained and at year's end an investigation was proceeding (see section 5, Trafficking).

There was no law prohibiting sexual harassment, and sexual harassment was reportedly widespread, particularly within some government ministries and the police.

There were no reports of gender-based employment discrimination; however, women usually deferred to men when job opportunities arose at the village level.

Some customary practices discriminate against women. For example, in some regions or villages where traditional practices hold sway, women may not inherit or own property.

A UN-created gender affairs unit continued as the Office for the Promotion of Equality (OPE) within the prime minister's office. The unit worked with government ministries and departments to promote gender equality and coordinated activities to reduce gender-based violence. Some activities of the OPE, including coordination of gender-based violence training for police, ceased after the onset of crisis in April as the office's attention shifted to IDP-related issues.

Women's organizations offered some assistance to female victims of violence including shelters for victims of domestic violence and incest; a safe room at the national hospital for victims of domestic violence and sexual assault; and escorts to judicial proceedings. Women's and human rights monitoring organizations formed a committee to monitor violence against women in the IDP camps and to train the camp managers to identify and pursue such cases.

### Children

The constitution stipulates that primary education shall be compulsory and free; however, no legislation has been adopted establishing the minimum level of education to be provided, nor has a system been established to ensure provision of free education. According to UN statistics, approximately 20 percent of primary school-age children nationwide were not enrolled in school; the figures for rural areas were substantially worse than those for urban areas.

During the year education was adversely affected by the crisis as both children and teachers were displaced. Dili was the most affected area with all schools shut at the onset of the crisis and most reopened only in September. Key problems faced by schools in Dili included their use as camps for IDPs affecting their ability to resume classes; vandalism and looting, leaving them without the necessary facilities, furniture, equipment, and materials; a shortage of teachers as many fled to the districts; and security issues affecting school attendance. Many students living in IDP camps joined schools near their camp. Camp-based education support was provided at the Airport IDP camp as this was one of two camps with a large school-age population not attending school. Camp based education could not be provided at the Metinaro IDP camp due to camp management and space allocation constraints.

A country-wide survey of school attendance of students and teachers was conducted in November and December to update education data and assess the effect of crisis. At year's end results of the survey were not yet available.

Poor health facilities throughout the country contributed to high mortality rates for infants and children under five. The major causes of death among children were combinations of infectious diseases, persistent malnutrition, and parasites. The low rate of vaccinations against communicable diseases was a serious problem. Immunization coverage for children below one year of age increased from 55 percent in 2005 to 62 percent during the year. An emergency measles campaign conducted in IDP camps and neighboring communities, reached 166,840 children from six months to 15 years of age. According to estimates by UN agencies 46 to 56 percent of children under age five were underweight.

Domestic violence, including violence against children and child sexual assault, was a significant problem. Some commercial sexual exploitation of minors occurred. The Indonesian penal code, which remains in effect pending the promulgation of a national penal code, is ambiguous regarding statutory rape, specifying only that it is a crime to have intercourse with someone who has not reached the age of consent for marriage. This age is specified as 15 in the Indonesian civil code.

As a result of the displacement of up to 170,000 persons, thousands of children were exposed to risks. The capacity of the state, communities, and families to protect children has been seriously challenged. According to the UN Children's Fund, many children showed signs of stress, including increased aggressive behaviour, withdrawal, and difficulty sleeping.

Incidents of child abuse, including sexual abuse, were reported both inside and outside the IDP camps. Underreporting of child abuse and gender-based violence was a problem prior to the crisis and with the breakdown in referral and reporting systems it is likely that the actual number of cases was far greater than those reported. Since the crisis there has been a significant drop in the number of reported cases. The absence of the Dili police VPU contributed to this problem.

The Ministry of Labor and Community Reinsertion has dealt with some 30 unaccompanied or separated children as a result of the crisis. The majority of these children were reunited with their families or care-givers. The National Division of Social Services dealt with approximately 50 cases of children in conflict with the law.

#### Trafficking in Persons

The 2003 Immigration and Asylum Act prohibits trafficking in women and children, whether for prostitution or for forced labor; however, in recent years there have been reports of women and girls trafficked into the country for prostitution. In addition, during the year there was increased concern that the country could be targeted as a source country for trafficking.

In 2004 a local NGO conducted a baseline study of human trafficking and the sex industry and estimated that as many as 115 foreign sex workers in the capital might be victims of trafficking. Several establishments in the capital were known commercial sex operations and were suspected of being involved in trafficking. Although there has been no recent study, reliable sources estimated that the number of foreign trafficking victims remained approximately the same. During the year domestic trafficking was a growing concern, with an increased number of citizens exploited as sex workers. Trafficking victims in the country were almost exclusively forced to work in the sex industry. Reports of trafficking for forced labor have not been verified.

While the police conducted raids on brothels and massage parlors in Dili during the year, credible reports indicated that some police and customs officials colluded with such establishments or with those who trafficked foreign women into the country to work in them. In May Dili's VPU, which had primary responsibility for investigating trafficking cases, ceased to function along with the rest of the Dili-based PNTL and at year's end had not been reconstituted.

Although the country was not previously a source for trafficking victims, there was evidence during the year that it was being targeted. Beginning in October dozens of young women were approached regarding overseas job offers. UN police investigations resulted in detentions, and at year's end investigations were ongoing. It was generally thought that this scheme was intended to force the women into prostitution overseas.

There was widespread ignorance about the trafficking issue. Trafficking victims did not understand their rights or know who to contact for assistance. Police were uninformed about the nature of trafficking, how to recognize it, and how to handle cases. Potential trafficking victims in country were unaware of the risks of accepting overseas employment.

There have been no government-run antitrafficking education campaigns, and the government does not financially support any antitrafficking programs. However, the government cooperated with various international and NGO programs. In 2005 UN authorities and the government established a working group headed by the International Organization for Migration to monitor and control trafficking. The Alola Foundation, an NGO headed by First Lady Kirsty Sword Gusmao, provided assistance to female victims of trafficking and advised the government on trafficking-related issues.

#### Persons with Disabilities

Although the constitution protects the rights of persons with disabilities, the government had not enacted legislation or otherwise mandated accessibility to buildings for persons with disabilities, nor does the law prohibit discrimination against persons with disabilities. There were no reports of discrimination against persons with disabilities in employment, education, or the provision of other state services; however, in many districts children with disabilities were unable to attend school due to accessibility problems. Training and vocational initiatives did not address the needs of persons with disabilities. During the year some persons with mental disabilities faced discriminatory or degrading

treatment due in part to a lack of appropriate treatment resources or lack of referral to existing resources.

#### National/Racial/Ethnic Minorities

Tensions between persons from the eastern districts (lorosae) and persons from the western districts (loromonu) were a major element in the April and May national crisis. Historically there had been some tension between East and West, but it was an occasional irritant rather than a major issue. These geographic divisions emerged as a defining factor as the crisis affected the capital, and at year's end many of Dili's neighborhoods had become essentially segregated. The causes involved dynamics within the security institutions, socioeconomic pressures in the capital, conflicting views regarding the role of different groups in the independence struggle, and increasingly bitter political divisions.

The crisis began with claims by hundreds of soldiers that they were disadvantaged due to their western identities. Loromonu made up the majority of the population in Dili, and many associated the lorosae population with the controversial F-FDTL intervention on April 28-29. The violence and divisions impacted all communities, but the lorosae population of Dili bore a disproportionate burden as the crisis progressed. Thousands of lorosae were displaced from their homes due to fear of violence, many had their houses burned, and many came under attack if they refused to abandon their homes or attempted to return.

Toward the end of the year, the lorosae-versus-loromonu dynamic had largely dissipated as an element in violent clashes in Dili, supplanted by an upsurge in fighting between competing martial arts groups. However, many Dili neighborhoods remained divided and some observers thought the reduction in lorosae-loromonu violence was a result of the segregation process having run its course.

Relations are generally good between the ethnic majority and members of several small ethnic minority groups; however, there were occasional reports of discrimination against ethnic Chinese (who constitute less than 1 percent of the population) and ethnic-Malay Muslims.

#### Section 6 Worker Rights

##### a. The Right of Association

The country has a labor code based on the International Labor Organization's standards. The law permits workers to form and join worker organizations without prior authorization. Unions may draft their own constitutions and rules and elect their representatives; however, attempts to organize workers generally were slowed by inexperience and a lack of organizational skills. In 2004 the government established official registration procedures for trade unions and employer organizations.

The Immigration and Asylum Act prohibits foreigners from participating in the administration of trade unions.

##### b. The Right to Organize and Bargain Collectively

While collective bargaining is permitted, workers generally had little experience negotiating contracts, promoting worker rights, or engaging in collective bargaining and negotiations.

The law provides for the right to strike, but few workers exercised this right during the year.

Approximately 400 soldiers were on strike from early February until March over working conditions and alleged discrimination (see section 5). On March 16, they, along with approximately 200 additional soldiers who had been chronically absent without leave, were discharged from the F-FDTL after they refused orders to end the strike and return to their barracks. The underlying grievances and the subsequent activities of this group were important elements of the subsequent tensions and civil unrest.

There are no export processing zones.

##### c. Prohibition of Forced or Compulsory Labor

Government regulations prohibit forced and compulsory labor, including by children, and such practices were not known to occur.

##### d. Prohibition of Child Labor and Minimum Age for Employment

The labor code largely prohibits children under 18 from working; however, there are circumstances under which children between the ages of 15 and 18 can work, and there are even exceptional exemptions for children under 15. The minimum age did not apply to family-owned businesses, and many children worked in the agricultural sector. Child labor in the informal sector was a major problem. In practice enforcement of the labor code outside of Dili was limited.

##### e. Acceptable Conditions of Work

The labor code does not stipulate a minimum wage; however, employers generally used and employees expected a wage of \$85 (the US dollar is the country's official currency) per month as a minimum standard. This amount provided a basic standard of living for a worker and family. The labor code provides for a standard workweek of 40 hours, and standard benefits such as overtime and leave, and minimum standards of worker health and safety. A National Labor Board and a Labor Relations Board exist, and there are no restrictions on the rights

of workers to file complaints and seek redress. Workers have the right to remove themselves from hazardous conditions without jeopardizing employment; however, it was not clear that they could avail themselves of this right in practice.