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## **Human trafficking in Timor-Leste**

**Mahein's Voice No. 116, August 31<sup>st</sup>, 2016**



**END  
HUMAN  
TRAFFICKING**

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## Table of Contents

Table of Contents	2
Introduction	3
Methodology	4
Timor-Leste: Tier 2 and the Tier 2 Watch List	4
FM's Findings	6
Recommendations	10
Bibliography	11



## Introduction

Human trafficking is a form of organized crime that manipulates people or groups in order to exploit them with the objective of obtaining money. Human traffickers use victims for forced labor, or sell victims to third parties.

The 2009 Timor-Leste Penal Code describes human trafficking as the recruitment, purchasing, transportation, or housing of people via threats, force, or other coercion. The perpetrators of human trafficking typically employ kidnapping, fraud, or deception. The Penal Code also specifies that they abuse their authority over people in vulnerable situations, or give payment or other benefits to gain the consent of individuals that have authority over other people. The objective of human trafficking is the victims' exploitation.<sup>1</sup>

The first report about human trafficking in Timor-Leste came from the Alola Foundation in 2004. It identified Timor-Leste as a destination country for sexual exploitation, involving 115 foreign nationals brought to the country. The majority of human trafficking victims came from Indonesia (30), China (35), Thailand (30), and the Philippines (20). There is no evidence that Timor-Leste is a country with a large amount of domestic trafficking (that is, trafficking conducted by crime groups wholly within the country's borders). However, human trafficking in the form of forced labor entering Timor-Leste does happen.<sup>2</sup>

Fundasaun Mahein published a previous report about human trafficking in 2013. It identified 33 victims of human trafficking (14 women and 19 men) originating from Indonesia (8), China (3), Myanmar (13), Cambodia (6) and Timor-Leste (3). Of these individuals, 19 reported forced labor aboard fishing boats and 12 reported sexual exploitation. There were also other attempts in which organized groups tried to bring two victims out of Timor-Leste to other countries. The report found that human traffickers use Timor-Leste both as an origin country from which traffickers bring victims to abroad, and as a destination country in which the victims are exploited.<sup>3</sup>

In 2012, a discussion about human trafficking in Timor occurred involving the Alola Foundation, civil society groups, international agencies, and the government. They identified Timor-Leste as an origin point, organizational base, and destination country for exploitation. This discussion also identified victims of human trafficking, most of who had suffered sexual exploitation or forced labor. Most victims were foreign nationals, although there were some Timorese citizens that traffickers had attempted to bring abroad.<sup>4</sup>

## Methodology

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<sup>1</sup> Timor-Leste Penal Code, 2009. Article 163, and 1.

<sup>2</sup> Alola Foundation Report (2004). Trafficking in Timor-Leste: Tinjauan mengenai Industri Seks di Negara Terbaru di Dunia. Dili

<sup>3</sup> Report Fundasaun Mahein (2013). Border management and Migration Control. Dili

<sup>4</sup> See also 2013 Fundasaun Mahein report about Border management and Migration Control.



This report used monitoring and direct interviews with victims of human trafficking in Dili during July 2016. Afterwards, FM concluded the report via *Security Sector Discussion* (SSD), in which FM researchers analyzed the data and produced recommendations.

### Timor-Leste: Tier 2 and the Tier 2 Watch List

According to standards from the Trafficking Victims Protection Act (TVPA), countries are categorized at one of the following levels:<sup>5</sup>

- Tier 1 – Countries whose governments fully meet the Trafficking Victims Protection Act's (TPVA) minimum standards;
- Tier 2 – Countries whose governments do not fully meet the TPVA's minimum standards, but are making significant efforts to bring themselves into compliance with those standards;
- Tier 2 Watch list - This is a transitional category to Tier 3. This includes countries in which the number of victims is very significant or is significantly increasing; or that fail to provide evidence of increasing efforts to combat human trafficking; or countries in which the determination that it is making significant efforts to bring itself into compliance with minimum standards was based on commitments by the country to take additional steps over the next year.
- Tier 3 – Countries whose governments do not fully meet the minimum standards and are not making significant efforts to do so.<sup>6</sup>

Reports from the US State Department about human trafficking have categorized Timor-Leste into Tier 2 and the Tier 2 Watch List.<sup>7</sup> The annual categorizations of Timor-Leste from 2006 to 2016 are listed below.

### Category Tier human trafficking Timor-Leste

Nation	Year	Tier
Timor-Leste	2016	2
	2015	2 Watch List
	2014	2 Watch List
	2013	2
	2012	2
	2011	2

<sup>5</sup> Simões, Flavio (2014). Timor-Leste Enters Category Tier 2 (Watch List) about Human Trafficking: Some Discussion and Recommendations. Available at: <http://www.tempotimor.com/arkivu/finish/9-opiniaun/68-timor-leste-tama-ba-kategoria-tier-2-watch-list-about-trafiku-umanu-diskusaun-and-rekomendasaun-ruma/0>. Access also original version in English from U.S. State Department about Tier Placements. Available at: <http://www.state.gov/j/tip/rls/tiprpt/2014/226649.htm>

<sup>6</sup> Translation from Flavio Simões (2014) of article published in 2014. Available at: <http://www.tempotimor.com/arkivu/finish/9-opiniaun/68-timor-leste-tama-ba-kategoria-tier-2-watch-list-about-trafiku-umanu-diskusaun-and-rekomendasaun-ruma/0>

<sup>7</sup> Timor-Leste category in Tier Level 2 and Tier Level 2 Watch List. Available at: <http://timor-leste.usembassy.gov/news/reports/political-reports4.html>



	2010	2
	2009	2
	2008	2
	2007	2
	2006	2

Sources: Policy Report, USA Embassy in Dili, Timor-Leste

Timor-Leste's Tier 2 status therefore means that it is a nation that does not completely follow the TVPA minimum standards, but is making significant efforts to do so.

The latest USA State Department Report about human trafficking categorizes Timor-Leste in Level 2. Timor-Leste has become a destination country for men, women, and children subject to sex trafficking and forced labor. Timor-Leste is also a place to which women are sent from Indonesia and other nations for domestic service. Timorese women and girls from rural areas are lured to Dili with the promise of better work and education, only to become subject to sexual trafficking or domestic service. At least one village chief has been involved in this type of trafficking. Timorese families sometimes place their children in agricultural and domestic work in order to pay their family debts. Foreign migrant women, including from Indonesia, China, and the Philippines, have also become vulnerable to sex trafficking in Timor-Leste. There are suspicions that traffickers seize passports from these victims and conduct rotation of victims of sex trafficking to bring them in and out of the country within each month. Transnational traffickers are sometimes members of Chinese and Indonesian organized crime syndicates. According to some NGOs, men and boys from Myanmar, Cambodia, and Thailand are forced to work on foreign fishing boats that operate in Timor-Leste's territorial waters. In these boats they live in inhumane conditions, including imprisonment, malnutrition, and a total lack of medical care. Police sometimes receive bribes from traffickers who cross the border illegally. Police have also been identified as clients of prostitution operations investigated for trafficking allegations.<sup>8</sup>

### **FM's Findings**

FM monitoring in July 2016 determined that a female Indonesian citizen named Windhu Handayani (38) lives in Dili and exploits young Timorese people who want to work in Taiwan and Japan. Handayani tells Timorese people that they only need money to prepare their documents, and do not need to know the English language because Handayani claimed to have strong connections with companies that employ young people. But when recruited and brought to Indonesia, these Timorese people were not sent to work as promised and their passports were seized. Handayani and her partners also limited victims' contact with outsiders. They also continued deceiving the victims to exploit them further, specifically by asking for more money.

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<sup>8</sup> Human trafficking Timor-Leste - Tier 2 (2016). Available at: <http://photos.state.gov/libraries/timor-leste/788/pdfs/final-2016-t-l-tip-report.pdf>

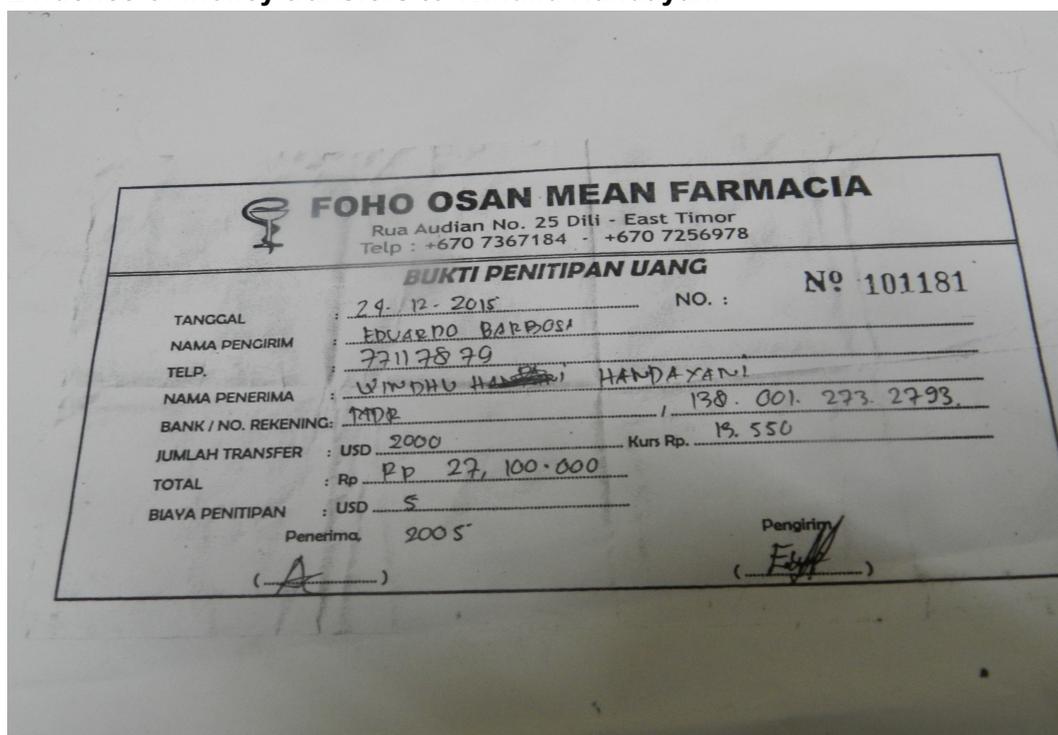
## 1. Facts from victims

The first victim, a young man named Eduardo Barbosa (25) from Manufahi, stated that before meeting Windhu Handayani (suspect), he met her friend, a Timorese man named Sr. Jose (the victims do not know Sr. Jose's surname). Sr. Jose was living in Dili and spoke to the victims about working abroad. Eventually, Windhu Handayani travelled from Indonesia and Sr. Jose brought her to meet victim Eduardo Barbosa in his house in Sabraka-Laran, Becora, Dili, in December 2015. In this meeting Sr. Jose introduced Windhu Handayani to Eduardo Barbosa to talk about work in Taiwan. However, they demanded a payment of US\$ 3,500 as well as documents including a passport, citizenship certificate, birth certificate, and electoral card.

Windhu Handayani promised Eduardo Barbosa that he did not need to know English to work in Taiwan because of her good connections with companies there. When she had received all of the money, she said, she would bring Eduardo Barbosa to Indonesia and send him straight to work in Taiwan. Believing what Handayani said, Eduardo Barbosa and his family agreed to her request. Handayani then sent Eduardo Barbosa to open a bank account in Mandiri Bank so that while working in Taiwan he could send money to Timor-Leste for his family.

To comply with Handayani's request for US \$3,500, in December 2015 Barbosa gave US \$1,000.00 to Windhu Handayani, on the same day when he opened an account in Mandiri Bank. Eduardo Barbosa subsequently transferred US\$ 2,500 on 24 December 2015 through Gold Mountain Pharmacy (*Foho Osan Mean Farmacia*), located at Audian No. 25, Dili, Timor-Leste.

### Evidence of money transfers to Windhu Handayani



FOHO OSAN MEAN FARMACIA	
Rua Audian No. 25 Dili - East Timor Telp : +670 7367184 - +670 7256978	
BUKTI PENITIPAN UANG	
TANGGAL	24/12/2015
NAMA PENGIRIM	EDUARDO BARBOSA
TELP.	72117879
NAMA PENERIMA	WINDHU HANDAYANI
BANK / NO. REKENING:	MANDIRI / 130.001.273.2793
JUMLAH TRANSFER	USD 2000
TOTAL	Rp 27,100.000
BIAYA PENITIPAN	USD 5
Penerima	2005
Pengirim	[Signature]
NO. :	Nº 101181

Source: Victim Eduardo Barbosa, July 2016.



After fulfilling all of Handayani's requests, Eduardo Barbosa and his fellow victims, Mariano Gomes and Julio Pereira Pinto, obtained visas and travelled to Kupang, Indonesia on 3 January 2016. Windhu Handayani waited in Kupang and on 4 January 2016 brought the three victims to Solo, Central Java, Indonesia, where they stayed in her house.

After being in Solo for a month, Eduardo Barbosa and his fellow victims Mariano Gomes and Julio Pereira Pinto asked Windhu Handayani when they would begin work. Windhu Handayani told them that:

"You just wait because the visa process is ongoing." A week later Windhu Handayani asked the victims for US \$4,000 more. But the victims responded that they did not have money because previously she told them just to pay US \$3,500. Now that they had already left Timor-Leste to work, they did not have any money.

Nevertheless, the victims requested more money from their families in Timor-Leste. The families responded that they did not have money. Subsequently, Windhu Handayani told them that they just had to loan her money, and afterwards she would pay them their money back. But according to the victims:

"Windhu Handayani did not show us the money she supposedly loaned to us. She just mentioned loaning us US \$4,000 per person, totaling US \$12,000 altogether. Instead, Windhu Handayani requested another US \$4,000 to go to work in Japan and Taiwan."

But after a brief time Windhu Handayani told victims that they could not work in Japan and Taiwan because Timor-Leste did not have an embassy in Taiwan. Instead, she told them to prepare to work in England. A week later Windhu Handayani told the victims that:

"You should prepare US \$500 for food and drink in England. If you do not have money, you will wait a long time. It's better for you to return to Timor-Leste and then go directly from Dili to England. You do not know English and in Dili you can join six people who are currently taking an English course." According to victim Eduardo Barbosa and his two fellow victims, these other six people are other victims of Windhu Handayani.

Therefore Eduardo Barbosa with his two fellow victims Mariano Gomes and Julio Pereira Pinto asked Windhu Handayani again, when they would go to England if they returned they to Timor-Leste. Windhu Handayani answered that, "In March 2016 you all will go to work in England." But this did not happen. They left Java on 29 March 2016, passing through Kupang to arrive in Dili on 30 March 2016.

Windhu Handayani brought their passports back to Dili. Eduardo Barbosa did not give her his passport, but his two other colleagues Mariano Gomes and Julio Pereira Pinto handed over theirs. In Dili Eduardo Barbosa with his friends continued to ask Handayani about when they would go to work in England. Windhu Handayani



answered that “you all just wait, in May 2016 you will go to England.” But when May arrived, Windhu Handayani fled to Indonesia with her husband.

The second victim, a young man named Mariano Gomes (22) from Viqueque, stated to FM that he met Windhu Handayani in December 2015 at Sr. Jose’s house.<sup>9</sup> The money that victim Mariano Gomes gave to Windhu Handayani totaled US \$3,500. Mariano Gomes transferred this money in two installments (the first totaling US\$ 2,000 and the second totaling US \$1,500) to Handayani through Gold Mountain Pharmacy (*Foho Osan Mean Farmacia*). The evidence of Gomes’ money transfers was lost while the victims were living in Indonesia.<sup>10</sup>

The third victim, Julio Pereira Pinto, also endured the ordeal described above. Eduardo Barbosa and Mariano Gomes told FM that they knew victim Julio Pereira Pinto transferred US\$ 2,500 to Windhu Handayani through Gold Mountain Pharmacy (*Foho Osan Mean Farmacia*).<sup>11</sup>

## 2. The victims’ situation in Solo, Indonesia

The victims told FM that during their stay in Solo, Indonesia, Windhu Handayani seized their passports and other documents. She also prohibited them from contacting Timorese people that lived in the area, and forbade them from leaving the house. Therefore during their stay in Windhu Handayani’s house in Solo, their parents sent them money in order to buy food and drink. According Eduardo Barbosa during his time in Solo, he stated that:

“During our stay in Solo, Indonesia, my parents sent US \$300 for food and drink for us. The rest of this money was used to return to Dili.”

## 3. Network of traffickers

This report identifies an Indonesia citizen named Windhu Handayani (38) who lives in Solo, Central Java, as a suspect. Victims stated that Windhu Handayani has lived in Timor-Leste since the time of the Indonesian occupation and that she knows Tetun. They also described her having many connections and friends, as well as doing other mobile business activities in Dili. The victims told FM that Sr. Jose and Windhu Handayani had a close relationship and facilitated the recruitment of victims to deceive them about working abroad. Their activities ensnared the victims Eduardo Barbosa, Mariano Gomes, and Julio Pereira Pinto, as well as six other victims who are currently living at Windhu Handayani’s house in Solo, Indonesia.<sup>12</sup> Furthermore

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<sup>9</sup> The three victims have the same ordeal, including being brought from Dili to Solo, Indonesia.

<sup>10</sup> According to the victims, the evidence of the money transfers can be found with Gold Mountain Pharmacy (*Foho Osan Mean Farmacia*), Audian, Dili.

<sup>11</sup> Stated by victims Eduardo Barbosa and Mariano Gomes on 19 July 2016. Fundasaun Mahein did not manage to meet the third victim Julio Pereira Pinto, because she had returned to Viqueque district.

<sup>12</sup> Stated by victim Eduardo Barbosa and Mariano Gomes on 19 July 2016.



Sr. Jose's daughter studied in Central Java and lived in Windhu Handayani's house.<sup>13</sup> This indicates they had a close working relationship.

#### 4. Problems identified

From the evidence described above, FM determined that:

- a) This case reveals human trafficking conducted by an organized crime network. Windhu Handayani acts as chief of this network, while Sr. Jose recruits victims in Timor-Leste.
- b) This network recruits victims deceptively with fraudulent promises of work.
- c) The victims are transferred from their country of origin (Timor-Leste) to another country (Indonesia).
- d) The traffickers seized all the victims' passports and prohibited the victims from contacting anyone while they lived in Solo, Indonesia.
- e) The traffickers exploited victims by requesting money in return for deceive promises about working abroad. The traffickers continued lying and requesting higher amounts of money.
- f) Victims transferred money according to Windhu Handayani's requests. Eduardo Barbosa gave US \$3,500, Mariano Gomes gave US \$3,500 and Julio Pereira Pinto gave US \$2,500.
- g) The traffickers abandoned the victims after sending them back to Dili. The promised work abroad never materialized.
- h) The victims continued contacting Windhu Handayani but received no answer. The traffickers have continued to conceal their whereabouts from victims.
- i) This case has a highly organized form, because a network executes the plan by recruiting, transferring, and deceiving the victims in order to exploit them.
- j) This case also involves money laundering, because the money taken from the victims was transferred to Windhu Handayani through a legal business: Gold Mountain Pharmacy (*Foho Osan Mean Farmacia*), Audian, Dili.
- k) FM suspects that this human trafficking organization will ensnare many more victims, in addition to the six that are currently in Indonesia.

#### Recommendations

1. The National Parliament must accelerate discussion of the drafted Anti-Human Trafficking Law that is currently being considered in Parliament.
2. The Government of Timor-Leste must establish and implement mechanisms that can facilitate the identification of victims and carry out detailed investigation into cases linked with human trafficking, so as to proactively initiate the prosecution, conviction, and punishment of traffickers.
3. The Timorese and Indonesian police authorities arrest the suspects who are currently in Solo, Indonesia, using the existing cooperation mechanisms intended to prevent human trafficking and money laundering.

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<sup>13</sup> Stated by victim Eduardo Barbosa and Mariano Gomes, 19 July 2016.



4. The Timor-Leste police authorities should open an investigation into the business Gold Mountain Pharmacy (*Foho Osan Mean Farmacia*), which facilitates the transfers of victims' money to Windhu Handayani in Indonesia.
5. The Timorese and Indonesian police should improve cooperation on the border to monitor, prevent, and combat transnational crime in the border area.
6. FM recommends that all parts of Timor-Leste society (government and civil society) promptly take action to prevent the exploitation of additional victims, especially those from vulnerable groups such as students, young people generally, and populations in rural areas.

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