



## DISTRICT COURT OF DILI

BEFORE THE SPECIAL PANEL FOR SERIOUS CRIMES

Case No:

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# INDICTMENT

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The Deputy General Prosecutor for Serious Crimes, pursuant to his authority under UNTAET Regulations 2000/16 and 2000/30 (as amended by Regulation 2001/25), charges:

**VASCO DA CRUZ (1)**  
**DOMINGOS ALVES (2)**  
**GUILHERMINO DE ARAUJO (3)**  
**NAPOLEON DOS SANTOS aka NAPOLEON ALVES (4)**  
**SIMÃO TASION (5)**  
**LINO BARRETO (6)**  
**CANCIO LOPES DE CARVALHO (7)**

**WITH**

**CRIMES AGAINST HUMANITY:** PERSECUTION; IMPRISONMENT AND  
OTHER DEPRIVATIONS OF PHYSICAL LIBERTY; TORTURE; MURDER;  
EXTERMINATION; AND DEPORTATION

As set forth in this indictment.

## NAMES AND PARTICULARS OF THE ACCUSED

1. Name: **Vasco DA CRUZ (1)**  
Date of birth: 1961  
Nationality: East Timorese  
Address: Currently police officer in Kupang, West Timor, INDONESIA
2. Name: **Domingos ALVES (2)**  
Date of birth: unknown  
Nationality: East Timorese  
Address: Currently primary school teacher in Solo primary school, Betun, West Timor, INDONESIA
3. Name: **Guilhermino DE ARAUJO (3)**  
Date of birth: unknown  
Nationality: East Timorese  
Address: Civil servant in Raihenekoan, Betun, West Timor, INDONESIA
4. Name: **Napoleon DOS SANTOS aka Napoleon ALVES (4)**  
Date of birth: unknown  
Nationality: East Timorese  
Address: Betun, West Timor, INDONESIA
5. Name: **Simão TASION (5)**  
Date of birth: Approximately 1960  
Nationality: East Timorese  
Address: Believed to be in Indonesia
6. Name: **Lino BARRETO (6)**  
Date of birth: unknown  
Nationality: East Timorese  
Address: Currently in prison in Atambua, West Timor, INDONESIA
7. Name: **Cancio LOPES DE CARVALHO (7)**  
Date of birth: Approximately 1955  
Nationality: Indonesian/East Timorese  
Address: Currently in Kupang, West Timor, INDONESIA

## INTRODUCTORY STATEMENT OF FACTS

1. A widespread and systematic attack was directed against the civilian population in East Timor in 1999. The attack occurred during two interconnected periods of intensified violence. The first period followed the announcement on 27 January 1999 by the Government of Indonesia that the people of East Timor would be allowed to choose between autonomy within the Republic of Indonesia or independence. This period ended on 4 September 1999, the date of the announcement of the result of the popular consultation in which 78.5 per cent voted against the autonomy proposal. The second period followed the announcement of the result of the popular consultation on 4 September and lasted through 25 October 1999 when INTERFET intervened and stabilized East Timor.
2. The widespread and systematic attack was part of an orchestrated campaign of violence, that included, among other things, incitement, threats to life, intimidation, unlawful confinement, assault, forced displacement, arsons, murders, rapes, torture and other forms of violence carried out by members of the pro-autonomy militias, members of the Indonesian Armed Forces, ABRI (*Angkatan Bersenjata Republik Indonesia*) renamed TNI (*Tentara Nasional Indonesia*) in 1999, and members of the Indonesian Police Forces (POLRI) with the acquiescence and active participation of civilian and military authorities.
3. In 1999, more than twenty-five militia groups operated throughout East Timor. Their goal was to support autonomy with Indonesia. The Integration Fighter's Force (PPI, *Pasukan Pejuang Integrasi*) under the command of João Tavares and Eurico Guterres was the umbrella organization under which these militia groups were organized. It had the backing of the TNI and the Civil Administration. PPI Commanders issued, called upon and incited militia groups and their members to intimidate independence supporters and those perceived to support them. The militia groups participated in the widespread and systematic attacks and acted and operated with impunity.
4. That large-scale attack was directed against civilians of all age groups, predominantly against individuals who supported or were perceived to support independence, and resulted in lethal injury including death by sharp force injury, gun shot injury, blunt force trauma or a combination of the three.
5. As part of the widespread and systematic attack against the civilian population, the militia destroyed the infrastructure of East Timor, including housing and livestock belonging to the civilian population.
6. The widespread and systematic attacks resulted in the internal displacement of thousands of persons. Additionally, the forcible transfer of the civilian population within East Timor and deportation to West Timor, Indonesia was an essential feature of the orchestrated campaign of violence.

7. Under the terms of the 5 May 1999 Agreements between the Republic of Indonesia, Portugal and the United Nations on the popular consultation, the Indonesian security authorities (TNI and POLRI) had the responsibility to ensure a safe environment devoid of violence or other forms of intimidation as well as the general maintenance of law and order before and during the popular consultation. The TNI and POLRI failed to meet these obligations and made no attempt to disarm or neutralize the militia groups. They were allowed to act with impunity.
8. The Indonesian Military in East Timor consisted of both regular territorial forces (BTT) and Special Combat Forces, i.e. the Strategic Reserve Command (KOSTRAD, *Komando Strategis Angkatan Darat*), and Special Forces Command (KOPASUS, *Komando Pasukan Khusus*), all of which had units, staff officers and soldiers stationed across East Timor.
9. From February 1999 to October 1999, the Indonesian Police Force (POLRI), the state agency responsible for upholding law and public order, was also present in East Timor. It included a Mobile Police Brigade (BRIMOB), whose units and members were also stationed in East Timor.
10. The militia groups operated in all 13 districts in East Timor with the backing of the TNI and the civil administration. In Covalima District, two militia groups were active in 1999, namely Laksaur and Mahidi. The Mahidi militia primarily operated in Zumalai Sub-district and the Laksaur militia primarily operated in the other five Sub-districts of Tilomar, Suai, Fatumean, Fatululik, and Fohorem.
11. The Mahidi militia was officially inaugurated on 17 December 1998 in Cassa village, Ainaro District. Approximately 200 members of the Indonesian military, 30 Marine soldiers based in the sub-Koramil, attended the ceremony, along with district administrators from Ainaro District and Zumalai Sub-district, Covalima. Those who spoke at the ceremony were Everisto Benevides (Bupati of Ainaro), Col. Gozhali (Head of DPRD and from Kodam, Bali), Lt. Col. Widyotomo Nugronho, (Commander of SGI Headquarters, Dili), Lt. Col. Tatang Zaenuddin (Commander of Combat Section B), the Head of the Prosecution Office, the Chief of Police, and Nemecio de Carvalho, village chief of Cassa Ainaro. The following individuals from Zumalai attended this inauguration ceremony: **Vasco DA CRUZ (1), Domingos ALVES (2), Guilhermino DE ARAUJO (3), Napoleon DOS SANTOS aka Napoleon ALVES (4), Lino BARRETO (6), Cancio LOPES DE CARVALHO (7)**, Orlando Magno, and Jose de Araújo. Five subsequent sub-district inauguration ceremonies were held for the Mahidi in the four Sub-districts of Ainaro and the Sub-district of Zumalai.

## GENERAL ALLEGATIONS

12. Paragraphs 1 through 11 are incorporated by reference.

13. The Zumalai Mahidi, in collaboration with TNI and POLRI units and with the guidance and support of **Cancio LOPES DE CARVALHO (7)**, operated in every village in Zumalai Sub-district (Lepo, Mape, Fatuleto, Usekai, Zulo, Lour, Beko II, and Raimea) as well as in the Beco I village, Suai Sub-district, Covalima
14. In 1999, **Cancio LOPES DE CARVALHO (7)** was the overall Commander of the Mahidi Militia in East Timor. The Mahidi operated in the Districts of Aileu, Ainaro, Covalima (Zumalai Sub-district) and Manufahi (Hato Udo Sub-district). The Headquarters of the Mahidi militia was located in **Cancio LOPES DE CARVALHO'S** house, in the village of Cassa, Ainaro Sub-district, District of Ainaro. **Cancio LOPES DE CARVALHO (7)** had effective command and control over all the Mahidi militia operating in East Timor. **Cancio LOPES DE CARVALHO (7)** gave direct orders to **Vasco DA CRUZ (1)**. **Vasco DA CRUZ (1)** was a member of the POLRI and the overall commander of the Mahidi militia in Zumalai, as well as the village chief of Zulo. The Headquarters of the Zumalai Mahidi was located in his house in the village of Zulo, Zumalai Sub-district, District of Covalima. **Domingos ALVES (2)** was the village chief of Raimea and the deputy of **Vasco DA CRUZ (1)**. **Vasco DA CRUZ (1)** and **Domingos ALVES (2)** had effective command and control over the entire Mahidi militia in Zumalai. **Guilhermino DE ARAUJO (3)** was the village chief of Mape as well as the head of the East Timor People's Front (Barisan Rakyat Timor Timur – BRTT) in Zumalai. **Napoleon DOS SANTOS** aka **Napoleon ALVES (4)** was the Company Commander, or Danki, of Beilaco sub-village, Raimea village. **Simão TASION (5)** was the Company Commander, or Danki, in Beco I village. **Lino BARRETO (6)** was a civil servant in the Indonesian government and Chief of Operations for the Mahidi militia in Zumalai. He was the village chief of Lour.
15. The command structure of the Zumalai Mahidi was further subdivided along language lines as all Mahidi members had to report the Danki of their language grouping. **Guilhermino DE ARAUJO (3)** had command and control over all Mahidi members who spoke Kemek. Kemek was spoken in the villages of Mape, Usekain, and Lepo. **Domingos ALVES (2)** and **Napoleon DOS SANTOS (4)** aka **Napoleon ALVES (4)** had command and control over all Mahidi members who spoke Tetun. Tetun was spoken in Raimea and Lour villages. **Vasco DA CRUZ (1)**, in addition to his role as overall commander, had command and control over all Mahidi members who spoke Bunak. Bunak was spoken in Zulo and Beco I villages.
16. One of the principal aims of the Mahidi militia was to control various villages and subvillages in Covalima District, and force civilians to support autonomy within Indonesia. To achieve this aim, the Mahidi militia caused, ordered, solicited, induced, and aided and abetted the execution of a political-military campaign to gain control of these villages and subvillages, and to cleanse them of, or substantially reduce and subjugate civilians perceived to be members or supporters of the Armed Forces for the Liberation of East Timor (FALINTIL, *Forças Armadas de Libertação Nacional de Timor-Leste*).

17. This campaign of persecution was carried out by the frequent use of various practices, means and methods that followed a consistent pattern. Such a widespread and systematic operation was implemented throughout the Covalima district, including the Sub-districts of Zumalai and Suai, from about 27 January 1999, when Indonesia announced the referendum, to approximately 25 October 1999, when INTERFET intervened and stabilized East Timor.
18. The attacks occurred in villagers' homes, while villagers were trying to flee, or while villagers were detained, and resulted in the killings of defenseless pro-independence civilians and serious injuries to scores of other villagers.
19. Detention and imprisonment was one of the primary means used to persecute pro-independence civilians, who were systematically selected, detained and imprisoned, on political grounds. The main detention center was at the house of **Vasco DA CRUZ (1)**, where over 45 villagers were detained. Across the road from Vasco da Cruz' house was the Indonesian government house, where **Lino BARRETO (6)** lived. **Lino BARRETO (6)** detained at least 6 persons in his house. A detention house also existed in Beilaco village, at the house of **Napoleon DOS SANTOS** aka **Napoleon ALVES (4)**. **Napoleon DOS SANTOS** aka **Napoleon ALVES (4)** detained at least 12 persons in this house. These detainees were subjected to physical and psychological abuse, including beatings and torture, and suffered inhumane deprivations of basic necessities, such as adequate food, water, and shelter. The detention camps were overcrowded, unsanitary and no medical attention was provided.
20. As part of the persecutions, pro-independence civilians were forced to proclaim their allegiance to the Mahidi militia and to the pro-autonomy cause in general. The persecution against pro-independence supporters was also accomplished by instigating and fomenting hatred, distrust and division on political grounds by propaganda, speeches, rallies, and other means.
21. The widespread persecution of pro-independence civilians also included coercing, intimidating, terrorizing and forcibly transferring civilians from their homes and villages to regions such as Nusa Tenggara Timor (West Timor), particularly to the border town of Atambua.
22. To promote and advance this persecution, various members of the Mahidi militia caused and engaged in the wanton and extensive destruction of civilian property and village infrastructure. Civilian dwellings and buildings, as well as civilian personal property and livestock, were destroyed or severely damaged. Many of these acts and much of this damage was intended to ensure that the pro-independence civilians could not or would not return to their homes, and if they did, there would be no infrastructure left.
23. For each of the counts in the present indictment, the acts or omissions of the accused were undertaken as part of a widespread or systematic attack directed against the civilian population with knowledge of the attack. Those civilians

targeted were considered to be pro-independence, linked to, or sympathetic to the independence of East Timor.

## CRIMINAL RESPONSIBILITY

24. **Vasco DA CRUZ (1), Domingos ALVES (2), Guilhermino DE ARAUJO (3), Napoleon DOS SANTOS aka Napoleon ALVES (4), Simão TACION (5), Lino BARRETO (6), and Cancio LOPES DE CARVALHO (7)** played a central role in planning and executing the policies and strategies of the Zumalai Mahidi militia and were closely involved in preparing, instigating and carrying out the campaign's objectives and operations. **Vasco DA CRUZ (1), Domingos ALVES (2), Guilhermino DE ARAUJO (3), Napoleon DOS SANTOS (4) aka Napoleon ALVES (4), Simão TACION (5), and Lino BARRETO (6)** not only personally voiced and promoted the campaign's objectives and participated in various criminal acts, but also knew and/or had every reason to know of the consequences of the Mahidi militia's actions. The crimes committed against pro-independence supporters, institutions and property were reasonably foreseeable and no adequate steps were taken to prevent or punish such crimes.

## INDIVIDUAL CRIMINAL RESPONSIBILITY

25. **Vasco DA CRUZ (1), Domingos ALVES (2), Guilhermino DE ARAUJO (3), Napoleon DOS SANTOS aka Napoleon ALVES (4), Simão TACION (5), Lino BARRETO (6), and Cancio LOPES DE CARVALHO (7)** are criminally responsible as individuals for the crimes alleged, pursuant to Section 14.3 of UNTAET Regulation 2000/15. Under this section, an accused has individual criminal responsibility if he/she:

- “(a) commits such a crime, whether as an individual, jointly with another or through another person, regardless of whether that other person is criminally responsible;*
- (b) orders, solicits or induces the commission of such a crime which in fact occurs or is attempted;*
- (c) for the purpose of facilitating the commission of such a crime, aids, abets or otherwise assists in its commission or its attempted commission, including providing the means for its commission;*
- (d) in any other way contributes to the commission or attempted commission of such a crime by a group of persons acting with a common purpose. Such contribution shall be intentional and shall either:*
  - (i) be made with the aim of furthering the criminal activity or criminal purpose of the group, where such activity or purpose involves the commission of a crime within the jurisdiction of the panels; or*
  - (ii) be made in the knowledge of the intention of the group to commit the crime; ....”*

## SUPERIOR CRIMINAL RESPONSIBILITY

26. **Vasco DA CRUZ (1), Domingos ALVES (2), Guilhermino DE ARAUJO (3), Napoleon DOS SANTOS aka Napoleon ALVES (4), Simão TACION (5), Lino BARRETO (6), and Cancio LOPES DE CARVALHO (7)** are criminally responsible as superiors for the acts of their subordinates pursuant to Section 16 of UNTAET Regulation 2000/15. Superior criminal responsibility is the responsibility of a superior for the acts of his subordinates if the superior “knew or had reason to know that the subordinate was about to commit such acts or had done so and the superior failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.”

## SPECIFIC ALLEGATIONS

27. Paragraphs 11 through 26 are incorporated by reference.

### IMPRISONMENT OR OTHER SEVERE DEPRIVATION OF PHYSICAL LIBERTY IN VIOLATIONS OF FUNDAMENTAL RULES OF INTERNATIONAL LAW AND TORTURE

#### Detention Camp in Zulo - (March – September 1999)

28. The Zumalai Mahidi militia operated a detention camp at the militia post in Zulo village, Zumalai Sub-district, at the house of Mahidi commander **Vasco DA CRUZ (1), Vasco DA CRUZ (1), Domingos ALVES (2), and Cancio LOPES DE CARVALHO (7)** had effective command and control over this detention camp.
29. From March through May 1999, Mahidi militia members under the command and control of **Vasco DA CRUZ (1), Domingos ALVES (2) and Cancio LOPES DE CARVALHO (7)** illegally arrested and detained at least 44 pro-independence civilians. (See list of detainees, Annex A).
30. During the arrests, the Mahidi militia tied up and beat civilians, causing them serious bodily harm. The civilians were also beaten while transported from the location of their arrest to the detention camp and during interrogation sessions.
31. At the detention camp, **Vasco DA CRUZ (1), Domingos ALVES (2) and Cancio LOPES DE CARVALHO (7)** were responsible for the torture of the detainees. The Mahidi militia interrogated the detainees about their membership or association with the pro-independence movement (Annex A, Detainees A-AA). The Mahidi militia tied the detainees' hands behind their backs and beat almost all of them repeatedly, causing them severe physical harm. The militia used wooden boards and bamboo sticks to assault the detainees (Detainees A, B, H, O). The militia burnt detainees with cigarettes (Detainees A, B, D, U), stripped them naked (A, B, F) and forced one detainee to perform a sexual act (Detainee F). A dog was used to bite one of the detainees (Detainee F). These assaults sometimes continued for days and were repeated often during the length of the detention.



32. The detainees were rarely given food or water, often relying on meager rations their families could provide.
33. The detention rooms were overcrowded, making it difficult for the detainees to sleep. No medical attention was provided. The detainees were also subjected to psychological terror, through threats to their and their families' lives.
34. Detainees were kept at the camp anywhere from two days to three months. **Vasco DA CRUZ (1)**, **Domingos ALVES (2)**, and **Cancio LOPES DE CARVALHO (7)** later released the detainees upon them swearing allegiance to the pro-autonomy cause and pledging to join the militia.

#### **Detention House in Beilaco (March – September 1999)**

35. The Zumalai Mahidi operated a detention house at a Mahidi post in Beilaco subvillage, Raimea village. The detention post was at the house of Mahidi Danki, **Napoleon DOS SANTOS** aka **Napoleon ALVES (4)** who had effective command and control over this detention house.
36. From March through May 1999, Mahidi militia members under the command and control of **Napoleon DOS SANTOS** aka **Napoleon ALVES (4)**, illegally arrested and detained at least 12 pro-independence civilians (See list of detainees, Annex B).
37. During the arrests, the Mahidi militia tied up and beat civilians, causing serious bodily harm. Civilians were also beaten while transported from the location of their arrest to the detention camp.
38. At the detention house, **Napoleon DOS SANTOS** aka **Napoleon ALVES (4)** was responsible for the torture of the detainees. The Mahidi militia under the command of **Napoleon DOS SANTOS** aka **Napoleon ALVES (4)** interrogated the detainees about their membership or association with the pro-independence movement. The Mahidi militia tied the detainees' hands behind their backs and beat them repeatedly. The militia burnt detainees with cigarettes (Detainee C), crushed a detainee's toes with wooden chairs (Detainee C), whipped a detainee with a cable (Detainee F), beat a detainee with an iron ring (Detainee E) and cut hair off their heads (Detainee C). These acts sometimes continued for days and were often repeated during the detention. As a result of these acts, the victims suffered severe mental and physical injuries.
39. At the detention camp, **Napoleon DOS SANTOS** aka **Napoleon ALVES (4)** forced the detainees to endure conditions amounting to inhumane treatment. Detainees were not given food, water, or medical treatment and the militia guarded the house at all times. The detainees were only allowed out of the house to use the toilet. The detainees were also subject to psychological terror through threats to their and their families' lives.

40. **Napoleon DOS SANTOS** aka **Napoleon ALVES (4)** later released the detainees upon them swearing allegiance to the pro-autonomy cause and pledging to join the militia (Detainees C-I). In one case, a detainee paid for his release (Detainee H). In other cases, **Napoleon DOS SANTOS** aka **Napoleon ALVES (4)** transferred detainees to Zulo camp at **Vasco DA CRUZ' (1)** house (Detainees A, B).

#### **Indonesian Government House - Zulo (March – September 1999)**

41. Chief of Mahidi Militia Operations, **Lino BARRETO (6)**, operated a detention center at his house in Zulo village. **Lino BARRETO (6)** lived in the Indonesian government house in Zumalai, close to the house of Vasco da Cruz.
42. From March through May 1999, **Lino BARRETO (6)** and Mahidi militia members under his command and control illegally arrested and detained at least 15 pro-independence civilians. (See list of detainees, Annex C).
43. During the arrests, the Mahidi militia beat the civilians, causing serious bodily harm. Civilians were also beaten while transported from the location of their arrest to the detention camp.
44. At the detention camp, **Lino BARRETO (6)** participated in and oversaw the torture of detainees. The Mahidi militia interrogated detainees about their membership or association with the pro-independence movement (Detainee C). The Mahidi militia beat detainees repeatedly, causing severe physical harm (Detainees A, B, C, D, E, F, G).
45. The militia used wooden boards to beat detainees (Detainee C), they forced detainees to dig graves for other detainees and to witness their executions (Detainees A, B). Those assaults sometimes continued for days and were often repeated during the detention.
46. In other cases, **Lino BARRETO (6)** transferred detainees to the militia compound at **Vasco DA CRUZ (1)**' house (Detainee C).

#### **MURDER, EXTERMINATION, AND ENFORCED DISAPPEARANCE**

##### **Murder of Fernando da Cruz (24 January 1999)**

47. Fernando da Cruz was the grandson of Mateus Araújo, who was a supporter of independence.
48. On 24 January, Mateus Araújo and his grandson Fernando da Cruz were traveling by motorcycle to Webaba subvillage in Mape to hire a tractor. Fernanda da Cruz was driving and Mateus Araújo was the pillion rider.

49. Unable to locate the tractor, they were returning to Webaba when a red Kijang filled with militia, commanded by **Lino BARRETO (6)**, approached and shouted, “stop, stop!”
50. In the Kijang were **Lino BARRETO (6)**, Jaime de Jesus, and Alfredo Breok, all carrying rifles and dressed in TNI uniforms. The driver of the Kijang was Americo Lopes.
51. Fernando da Cruz stopped his motorcycle and Alfredo Breok shot Fernando da Cruz in his head. Fernando da Cruz died on the spot.
52. The militia then ordered two local villagers to bury the body of Fernando da Cruz where he had died.

#### **Murders of Olandino Pereira, Angelica de Jesus, and Luis Pereira (25 January 1999)**

53. In the evening of 25 January 1999, a group of Mahidi militia members, including **Vasco DA CRUZ (1)**, **Lino BARRETO (6)** and **Cancio LOPES DE CARVALHO (7)** led a group of Mahidi militia to the Sub-village of Galitas, in Beco II village, Zumalai. The militia traveled in three trucks, one owned by **Vasco DA CRUZ (1)**.
54. These Militia members attacked the villagers of Galitas with gunfire. The villagers scattered and ran in all directions. The militia members continued firing on the villagers.
55. During the attack, Olandino Pereira was shot. **Cancio LOPES DE CARVALHO (7)** and **Lino BARRETO (6)** ordered their men to cut off the top of Olandino’s head. Olandino Pereira died from his injuries.
56. The Mahidi militia also shot Angelica de Jesus and Luis Pereira and they died from their injuries. Angelica de Jesus was pregnant.
57. After the attack, **Cancio LOPES DE CARVALHO (7)**, the overall Commander of the Mahidi Militia, publicly acknowledged leading the group that attacked the village of Galitas. He also acknowledged that the victims were killed because they supported independence or the Falintil. Cancio Lopes de Carvalho also publicly admitted ordering the death of Angelica de Jesus because she was the wife of a Falintil Commander.

#### **Murder of Joao da Silva Ximenes (13 April 1999)**

58. Joao da Silva Ximenes and Bernadino Simão were students and pro-independence supporters.

59. On 13 April 1999, Bernadino Simão and Hernani Agostinho Soares were traveling by motorcycle to the student house in the Sub-village of Dais when two trucks of Mahidi militia ordered them to stop.
60. They did not stop and drove past the Mahidi militia members. The Mahidi militia members fired several times at Hernani Agostinho Soares and Bernadino Simão as they drove past them. The militia members then chased the motorcycle.
61. Upon reaching the student house, Bernadino Simão and Hernani Agostinho Soares ran into the house where other students were staying.
62. Mahidi militia members surrounded the house, then forcibly entered. Inside the house, the militia members threatened and beat the students. They destroyed the property in the house and ordered the students to leave the house. One Mahidi militia member stated that their commander would talk to the students outside.
63. Joao Da Silva Ximenes was hiding in the bathroom of the house. A Mahidi militia member found Joao Da Silva Ximenes hiding and cut off his hair. Other militia members dragged Joao Da Silva Ximenes out of the bathroom and beat him.
64. Outside the house, a student begged **Cancio LOPES DE CARVALHO (7)** to stop the militia from attacking the students.
65. Mahidi militia members, in the presence of **Cancio LOPES DE CARVALHO (7)** dragged Joao Da Silva Ximenes out of the house. Joao Da Silva Ximenes had been badly beaten and appeared dead.
66. In the meantime, other Mahidi militia members had caught Bernadino Simão and carried him to the front of the house near **Cancio LOPES DE CARVALHO (7)**.
67. Bernadino Simão had been badly beaten. A student approached **Cancio LOPES DE CARVALHO (7)** and begged him to let the students take care of Bernadino Simão and Joao Da Silva Ximenes.
68. Militia members dragged Joao Da Silva Ximenes and put him in a truck. By that time, Joao Da Silva Ximenes had died from his wounds. Bernadino Simão was later put in the same truck.
69. **Cancio LOPES DE CARVALHO (7)** then addressed the students, threatening them and accusing them of being independence supporters.
70. **Cancio LOPES DE CARVALHO (7)** and the militia members then left and headed in the direction of Zumalai.

71. The Mahidi militia members traveled to the Bridge over the Mota Loumea River in the sub-village of Bauraikun, Zumalai Sub-district. Upon their arrival, they buried Joao Da Silva Ximenes.

**Enforced Disappearance of Bernadino Simão and Inácio Barreto (14 April 1999)**

72. Paragraphs 58-72 are incorporated by reference.
73. Bernadino Simão was taken to the Mahidi Militia post in the village of Zulo, which was located at the house of **Vasco DA CRUZ (1)**. **Vasco DA CRUZ (1)** and **Domingos ALVES (2)** took turns at questioning Bernadino Simão about whether he was a student and if he wanted independence and then detained Bernadino Simão in the detention house at **Vasco DA CRUZ' (1)** house.
74. That night, upon the orders of **Vasco da Cruz**, Mahidi militia members reburied the body of Joao Da Silva Ximenes in the middle of the river. **Vasco da Cruz** ordered the militia members not to tell anyone about the burial.
75. Inácio Barreto was clandestine chief for Beilaco sub-village, Raimea.
76. On 13 April 1999, **Vasco DA CRUZ (1)** ordered the militia to arrest Inácio Barreto. Militia from Beilaco under the command of Napoleon dos Dantos, including Carlito Ribiero, Armando Monis, Andre Montero, Angelo Barreto, Rui dos Santos, and Florindo Ximenes, arrested Inácio Barreto at the house of the Kareta Mate sub-village chief. The militia then brought Barreto to the Zulo militia camp at **Vasco DA CRUZ' (1)** house.
77. During the arrest and while transporting Inácio Barreto to the Zulo camp, the militia beat Inácio Barreto severely.
78. The militia then presented Inácio Barreto to **Vasco DA CRUZ (1)** and **Domingos ALVES (2)**, who then detained Inácio Barreto at Zulo camp.
79. On the evening of 14 April 1999, Mahidi militia members Felix (LNU), Rui dos Santos and Xisto Barreto tied Inácio Barreto and Bernadino Simão's hands and took them from the detention room. The next day, **Domingos ALVES (2)** entered the room and threatened to kill anyone who spoke about what happened to Inácio Barreto and Bernadino Simão.
80. Inácio Barreto and Bernadino Simão were never seen again.

**Murder of Luis Da Silva, Fátima Mesquita, and Sabina Mesquita (17 April 1999)**

81. In 1999, Luis da Silva was an independence supporter.
82. On 27 March 1999, militia under the command and control of **Lino BARRETO (6)** and **Guilhermino DE ARAUJO (3)** gathered at **Lino BARRETO (6)**'s house

in Mape. Among the militia present there were Joaquim da Costa, Mateus Soares, Manuel Magno, Martino Pereira, Francisco Pereira, Adriano Nascimento, Filomeno Lopes, Inácio Mau Sano, Orlando Lopes, Martino (LNU), Tomas Barros, Domingos Mau Buti, and Armindo Pereira.

83. Manuel Magno told other militia members that they were all to attend a funeral. On the way to the funeral, Manuel Magno told his fellow militiamen that instead of attending the funeral, they were going on an operation to abduct the family of Luis da Silva.
84. Upon arriving at Luis da Silva's house, the militia entered and tied up Luis da Silva, his wife Fátima Mesquita (who was pregnant) and their 6-year-old daughter Sabina Mesquita.
85. Manuel Magno ordered some militia to bring Luis da Silva to the SP1 subvillages ahead of his family. Other militia in the operation brought Fátima and Sabina Mesquita in a second vehicle.
86. On way to SP1, Adriano Nascimento stabbed Sabina Mesquita in the chest because she was crying. Sabina Mesquita died as a result. The militia then threw Sabina's body in an irrigation canal.
87. The militia then killed both Luis da Silva and Fátima Mesquita by cutting them with samurai swords. The militia then dismembered the bodies and dumped them into a deep well.

#### **Murder of Álvaro Tilman (17 April 1999)**

88. In 1999, Álvaro Tilman was an active independence supporter and youth leader from Culawan village, Zumalai sub-district, Covalima district. Members of the Mahidi militia, including **Vasco DA CRUZ (1)** and **Lino BARRETO (6)**, were aware of the activities of Álvaro Tilman.
89. On 17 April 1999, the Mahidi militia arrested Álvaro Tilman in Culawan and detained him at the Mahidi militia camp in Zulo. On 18 April 1999, Álvaro Tilman managed to escape from the Mahidi militia camp.
90. After discovering that Álvaro Tilman had escaped, Mahidi militia under the command of **Vasco DA CRUZ (1)** began to search for him. The militia found Álvaro Tilman near the junior high school in Zumalai, close to the Mola River, and began shouting his name, "Álvaro, Álvaro!"
91. The militia then threw stones and arrows at Álvaro Tilman. Álvaro fell down in the Mola River.
92. Militia member Francisco Pereira aka Siko Gagu approached Álvaro Tilman and hacked him on the back with his sword. **Lino BARRETO (6)** shot Álvaro Tilman in the head. Álvaro Tilman died as a result of the injuries.

**Murders of Afonso Soares, Acácio Noronha, Jacinto Noronha, and Bernardo Noronha (4 May 1999)**

93. In 1999, Afonso Soares, Acácio Noronha, Jacinto Noronha, and Bernardo Noronha were supporters of independence.
94. On 2 May 1999, TNI from Lepo TNI post arrested Afonso Soares, Acácio Noronha, Jacinto Noronha, and Bernardo Noronha. Mahidi militia members, Sico Atilulu and Florindo Lahe Asa arrived at the scene of the arrest and took the four to the the house of **Lino BARRETO (6)**.
95. **Lino BARRETO (6)** detained Afonso Soares, Acácio Noronha, Jacinto Noronha, and Bernardo Noronha in his house for several days. On or about the morning of 5 May 1999, two other detainees at **Lino BARRETO (6)**'s house, Inácio Pereira and Augusto Pereira, were taken by the Mahidi militia to Webaba subvillage and ordered to dig a hole one and one-half meters deep.
96. At 10:00 that evening, **Lino BARRETO (6)** armed with a gun and about 10 other militia members and 5 or 6 TNI (all armed with guns) and Costa, a POLRI, took Inácio Pereira and Augusto Pereira (two detainees at the camp) to a yellow truck outside **Lino BARRETO (6)**'s house.
97. Afonso Soares, Acácio Noronha, Jacinto Noronha, and Bernardo Noronha were inside the truck with their hands tied behind their backs and their eyes and mouths covered with sticky tape. **Lino BARRETO (6)** accompanied everyone to the grave in Webaba.
98. The TNI and militia brought Afonso Soares, Acácio Noronha, Jacinto Noronha, and Bernardo Noronha to the hole and fired about eight shots. The TNI and militia then returned to the truck without the four victims. The TNI threatened the detainees not to tell anyone what had happened. Afonso Soares, Acácio Noronha, Jacinto Noronha, and Bernardo Noronha were never seen again.
99. Mahidi members Vidal (LNU), Januario Mau Leto, Armindo (LNU), and Miguel (LNU) bragged to detainees at **Lino BARRETO (6)**'s house, that, "Last night, we gave education to them."

**Murder of Jose Pereira aka Jose Espotong (18 June 1999)**

100. Jose Pereira aka Jose Espotong was an active member of the pro-independence movement in 1999.
101. On the morning of 18 June 1999, Jose Pereira and Joaquim Barros were walking in Lour village when a group of about 5 Mahidi militia approached them, including Armando Maucora and Domingos Mau Buti, who take orders from **Guilhermino DE ARAUJO (3)**.

102. The militia began shooting at Jose Pereira and Joaquim Barros. After those initial shots, **Guilhermino DE ARAUJO (3)** and more militia arrived on the scene in two trucks and one mikrolet and chased Pereira and Barros while firing their weapons.
103. Joaquim Barros was able to run away. As Joaquim Barros was running from the scene, he heard Jose Pereira crying and begging the militia not to kill him.
104. At about 1:00pm on the same day, a truck filled with Mahidi militia, including **Guilhermino DE ARAUJO (3)**, drove by Jose Pereira's house and announced to Pereira's mother, Bendita Lopes, "we have killed Jose Espotong!"
105. Later that afternoon, Joaquim Barros heard that Jose Pereira was dead. Barros went to the place where the militia had confronted him and Pereira. At that spot, he was able to identify Jose Pereira's dead body.

#### **Abduction of Agapito de Jesus (5 September 1999)**

106. In 1999, Agapito de Jesus was living in Kampung Baru subvillage, Fatuleto village. Agapito de Jesus was an independence supporter.
107. On 5 September 1999, Jose Ferreira, the deputy of **Domingos ALVES (2)**, ordered Mahidi militiamen to arrest Agapito de Jesus. Domingos Bere, Álvaro Pereira, Gabriel Londa, Hendik Mali, as well as over 10 other militia and TNI Jacob (LNU) went to Agapito de Jesus' house. They forced open the door, took de Jesus out, and beat him severely.
108. The militia then took Agapito de Jesus to the police station in Zumalai and dropped him off, telling the POLRI that our "leader" ordered us to do this.
109. Agapito de Jesus was never seen again.

#### **Murder of Mario De Jesus and Domingos Mau Loe g. Leita (5 September 1999)**

110. In 1999, Mario de Jesus, and Domingos Mau Loe g. Leita were independence supporters living in Aiduntuik, Beco I, Suai.
111. At the Beco I Mahidi camp, **Simão TASION (5)** reminded the militia everyday, "whoever among the Falintil and Clandestine members go down from mountain, you arrest and kill them."
112. On 5 September 1999, **Simão TASION (5)** ordered his Mahidi militia members to commence an operation to arrest and kill independence supporters in Beco I.
113. **Simão TASION (5)** and his Mahidi members, armed with samurai swords, and accompanied by TNI soldiers armed with rifles, traveled to Aiduntuik and indiscriminately opened fire on the village.



114. **Simão TASON (5)** and others arrested and beat Mario de Jesus and Domingos Mau Loe g. Leita. **Simão TASON (5)** then took de Jesus and Loe g. Leita back to his militia camp in a kijang, where the victims were beaten severely along the way.
115. At the Mahidi camp, **Simão TASON (5)** ordered and accompanied de Jesus and Mau Loe g. Leita to the TNI post in Maucola, about one kilometer from the Mahidi post. The TNI ordered the victims into a room, and **Simão TASON (5)** entered as well.
116. **Simão TASON (5)** ordered militia to beat and kill de Jesus and Mau Loe g. Leita at the TNI post.
117. Later that evening, **Simão TASON (5)** ordered his militia members to bury the two bodies. Antonio Siribike, Alfonso Formino, Jose Barros, Alberto Seran, and Julias Tapatap loaded the bodies onto a pushcart and took them to the Maucola rice fields. There the militia cut the bodies into pieces and buried them in a narrow ditch.

#### **Suai Church Massacre (6 September 1999)**

118. Between March 1999 and September 1999, members of the Mahidi militia under the command and control of **Cancio LOPES DE CARVALHO (7)**, **Vasco DA CRUZ (1)**, **Domingos ALVES (2)**, **Napoleon DOS SANTOS** aka **Napoleon ALVES (4)**, and **Simão TASON (5)**, as well as members of the Laksaur militia, TNI and Polri in the Covalima District terrorized civilians perceived to be supporters of independence.
119. As a result of the campaign of terror and violence by the militia, TNI and Polri, villagers from Suai, Fohorem, Fatululik, Tilomar, Fatumean and Zumalai sought refuge at the Suai Church compound in fear for their lives.
120. During a Militia demonstration in Zumalai on 16 April 1999, **Cancio LOPES DE CARVALHO (7)** told the militia that had gathered that they would attack the Suai church. **Vasco DA CRUZ (1)** then said the militia had to attack the Suai church because all supporters of independence were staying there and that UNAMET had given them 300 rifles.
121. On 4 September 1999, after the result of the Popular Consultation, **Napoleon DOS SANTOS** aka **Napoleon ALVES (4)** told members of his Mahidi group in Beilaco that they would attack the Suai Church compound.
122. On 6 September 1999, **Domingos ALVES (2)** drove his truck around Zumalai, collecting members of the Mahidi militia, including **Napoleon DOS SANTOS** aka **Napoleon ALVES (4)** and Cesartino da Costa, in Raimea village.
123. On 6 September, **Simão TASON (5)** led at least nine of his Mahidi members to attack the Suai Church, including his deputy Udin, as well as Daniel G.L.,

Grasiano, Antonio Siribike, Jose Barros, Urbanus Maia, Alfonso and Carlos Soares.

124. **Domingos ALVES (2)**, **Napoleon DOS SANTOS** aka **Napoleon ALVES (4)** and their militia then proceeded to the house of Herman Sedyono, the Bupati (Regent) of Covalima District. Sedyono's house was also a gathering point for the Laksaur militia on this day.
125. From Sedyono's house, the Mahidi militia, led by **Domingos ALVES (2)** and **Napoleon DOS SANTOS** aka **Napoleon ALVES (4)**, and the Laksaur militia traveled to the Suai Church.
126. **Domingos ALVES (2)** was armed with a G3 rifle and **Napoleon DOS SANTOS** aka **Napoleon ALVES (4)** was armed with a SKS rifle at the time.
127. When they arrived at the church, members of the Mahidi and Laksaur militia as well as the TNI surrounded the church compound.
128. Two grenades were thrown into the church compound. After that, the militia and the TNI started to shoot at the church compound.
129. The militia and the TNI then entered the church compound and attacked the villagers hiding therein.
130. During the attack, the TNI and members of the Mahidi and Laksaur Militia killed many civilians, including Father Hilário Madeira, Father Francisco Soares and Father Tarsisius Dewanto as well as women and children. Between 27 and 200 civilians were killed during the attack and many were injured.
131. On or about 22 November 1999, about 27 bodies of victims of the Suai Church massacre were recovered from mass graves in West Timor under the direction of the Indonesian National Inquiry Commission on East Timor.

#### **Murder of Mateus Mota in Fatuleto (12 September 1999)**

132. Mateus Mota was an independence supporter in 1999.
133. On 12 September 1999, a UN vehicle commandeered and driven by the Mahidi militia arrived at the house of Mateus Mota. Inside the vehicle were **Lino BARRETO (6)**, Marcelino de Oliveira Sequira, Alfredo Broek and Alfredo Salsinha. **Lino BARRETO (6)** was armed with a long barrel rifle.
134. The militia ordered Mateus Mota into the UN vehicle. The vehicle then drove towards the Mola River.
135. About one hour later, Mateus Mota's body was found dead a few kilometers from his house, alongside the dead body of Gaspar de Carvalho.

### **Murder of Gaspar de Carvalho (12 September 1999)**

136. On 12 September, a truck carrying passengers to West Timor stopped by the Mahidi militia in front of the Zumalai Koramil.
137. The Mahidi militia entered the vehicle in search of independence supporters.
138. The Mahidi militia took Gaspar de Carvalho from the vehicle.
139. A member of the POLRI then put Gaspar inside a UN vehicle. The vehicle then drove towards the Zumalai-Ainaro main road.
140. A few hours later, Gaspar de Carvalho's body was found dead near the Beilaco Bridge at the Mola River, alongside the dead body of Mateus Mota.

### **Murder of Mateus Mota in Kamenasa (12 September 1999)**

141. On 24 September 1999, a group of Mahidi and Laksuar militia attacked villagers who were in Wekes rice field in Kamenasa village, Suai subdistrict. The Mahidi militia included Tomas Saunudin Baso, aka Udin, Antonio Atulia, Rafael Matan and Jose Bere. The Laksaur militia included Mouzinho (LNU), Bere Talo, and Rui Bere.
142. Udin, the deputy of **Simão TACION (5)**, was armed with a G3 gun. He shouted, "Do not run away, if you run away, you are dead." Udin then shot his rifle in the air.
143. The militia started arresting villagers and Mateus Mota and Afonso do Carmo began running away.
144. Udin and Bere Talo began shooting at Mateus Mota and Afonso do Carmo. Mateus Mota fell to the ground about 100 meters away from the militia.
145. Three days later, Afonso do Carmo and others went back to where Mateus Mota was shot. A villager, Abilio Nahak, told Afonso do Carmo that Mateus Mota was injured and on the beach.
146. Afonso do Carmo and others noticed that Mateus Mota had a large bullet wound through his back and out his shoulder.
147. Afonso do Carmo and others took Mateus Mota to Seogone forest and treated him with traditional medicine.
148. Mateus Mota died 3 days later on 30 September from his gunshot injuries.

### **Murder of Luis Barros (13 September 1999)**

149. On the morning of 9 September 1999, **Guilhermino DE ARAUJO (3)**, the militia under his command and TNI forced the civilians of the Mape village to leave to West Timor. The militia came to Mape and surrounding villages on foot and forced civilians by gunpoint to go to Zumalai Koramil and wait for transportation to West Timor. They shouted, "You all leave Mape for Zumalai right now! Tomorrow you will be transported to West Timor. If you stay here, we will shoot you dead."
150. The civilians from Mape and surrounding areas were forced to go to the Zumalai Koramil, where they waited to be taken to West Timor.
151. Luis Barros, a 19 year old from Lour village, next to Mape, arrived by microlet. The Mahidi militia, who were guarding the civilians who were being deported, stopped Barros.
152. Adriano dos Nascimento, under the command of **Guilhermino DE ARAUJO (3)** and **Lino BARRETO (6)**, ordered the other militia to arrest Luis Barros, saying, "Arrest him because his family ran away to the forest." Then Nascimento, another Mahidi militiaman, and two TNI soldiers, brought Barros to the river about 40 meters away, fired their weapons and returned without Barros.
153. Nine days later, the dead body of Barros was found near the river where he had been brought.

#### **Murders of Juliao Leto and Juliana Motu (September 1999)**

154. On or about 6 September, **Simão TASION (5)** told his militia members that whoever supports autonomy should go to West Timor, and that if they do not go to West Timor, then they are pro-independence and they should be killed.
155. Juliao Leto and Juliana Motu, an elderly couple, did not wish to go to West Timor.
156. The deputy of **Simão TASION (5)**, Tomas Saunudin Baso, aka Udin, hacked both Juliao Leto and Juliano Motu in their necks with a samurai sword behind the Ailok Laran elementary school in Kamanasa village.
157. Juliao Leto and Juliano Motu both died from these injuries.

#### **DESTRUCTION OF PROPERTY**

158. Beginning after the result of the popular consultation on August 30 and continuing through October 30, 1999, **Vasco DA CRUZ (1)**, **Domingos ALVES (2)**, **Guilhermino DE ARAUJO (3)**, **Napoleon DOS SANTOS** aka **Napoleon ALVES (4)**, **Simão TASION (5)**, **Lino BARRETO (6)**, and **Cancio LOPES DE CARVALHO (7)**, caused, ordered, solicited, induced, aided and abetted the execution of systematic arson, or otherwise destruction, of villages, homes, outbuildings and other structures belonging to anyone associated or believed to be

associated with the pro-independence movement in Zumalai Sub-district and Beco I, Suai Sub-district.

159. On or about the day after the popular consultation, **Vasco DA CRUZ (1)** ordered the Mahidi militia to burn houses in different villages and subvillages.
160. On or about 6 September 1999, **Napoleon DOS SANTOS** aka **Napoleon ALVES (4)** and militia under his command burned at least 25 houses and property in Raimea village.
161. On or about 6 September 1999, **Simão TACION (5)** and militia under his command burned houses and property in Beco I village.
162. On or about 7 September 1999, **Domingos ALVES (2)** and militia under his command burned houses and property in Fatuleto village.
163. On or about 9 September 1999, militia under the command of **Guilhermino DE ARAUJO (3)** burned houses and property in Mape village.
164. On or about 12 September 1999, **Lino BARRETO (6)** and militia under his command burned houses and property in Usekain village.
165. The Covalima District, including the Sub-district of Zumalai, was subjected to 95% damage. The damaged infrastructure included water, power, buildings, telecommunications, and fuel.

#### **DEPORTATION / FORCED DISPLACEMENT**

166. Beginning after the result of the popular consultation on August 30, 1999, **Vasco DA CRUZ (1)**, **Domingos ALVES (2)**, **Guilhermino DE ARAUJO (3)**, **Napoleon DOS SANTOS (4)** aka **Napoleon ALVES (4)**, **Simão TACION (5)**, **Lino BARRETO (6)**, and **Cancio LOPES DE CARVALHO (7)** caused, planned, instigated, ordered or committed, or aided or abetted the planning, preparation, or execution of the systematic deportation and forced displacement of hundreds of pro-independence Timorese civilians or their associates. These civilians were intimidated or coerced by the Mahidi commanders to leave their homes, subvillages, and villages or forcibly transferred by the Mahidi militia to West Timor.
167. On or about the day after the popular consultation, **Vasco DA CRUZ (1)** announced to his Mahidi members, “now that Autonomy has lost, you must go and tell your family members to go to West Timor. Inform the villagers to go to West Timor and whoever run to the forest will be killed.”
168. The Mahidi militia then patrolled the villages and subvillages, forcing villagers to assemble in Zumalai Kota for transportation to West Timor. The militia would fire their guns, burn houses, or otherwise threaten villagers to leave their homes.

169. **Napoleon DOS SANTOS** aka **Napoleon ALVES (4)** announced to his militia, “If the villagers do not go to West Timor, their house will be burnt and they will be killed.”
170. On or about 6 September, **Simão TASON (5)** told his militia members to “tell the people of Maucola to go to West Timor. If they refuse and don’t want to go, they will be killed. Whoever support Autonomy should go to West Timor, if they will not go to West Timor, then they are pro-independence and they should be killed.”
171. On or about 9 September 1999, militia under the command of **Guilhermino DE ARAUJO (3)** went to Mape village and shouted “You all leave Mape for Zumalai right now! Tomorrow you will be transported to West Timor. If you stay here we will shoot you dead.”
172. On or about 12 September 1999, **Lino BARRETO (6)** and militia under his command ordered villagers from Usekain to go to Zumalai Kota to be transported to West Timor.
173. From around 5 to 17 September 1999, thousands of villagers from all over Zumalai were forced to assemble in Zumalai town center where they were then transported to West Timor in military trucks and civilian vehicles
174. On 17 September 1999, **Guilhermino DE ARAUJO (3)** told all the villagers of Mape that they had to move to West Timor. He told the villagers, “You must go!” **Guilhermino DE ARAUJO (3)** used his own vehicle to evacuate villagers.
175. The deportation was on such a large scale and widespread basis, and implemented in such a systematic way, that it significantly reduced the pro-independence Timorese from the villages of Mape, Lepo, Raimea, Zulo, Fatuleto, Lour, Beco II, Usucal, and Beco I.

## **PURSUANT TO THE ABOVE, THE DEPUTY GENERAL PROSECUTOR FOR SERIOUS CRIMES CHARGES**

### **Count 1. Crime Against Humanity: Imprisonment or other Severe Deprivation of Physical Liberty in Violation of Fundamental Rules of International Law**

By their acts or omissions in relation to the events described in the paragraphs below, **Vasco DA CRUZ (1)**, **Domingos ALVES (2)**, **Napoleon DOS SANTOS (4)**, **Lino BARRETO (6)** and **Cancio LOPES DE CARVALHO (7)** are responsible as individuals under Section 14.3 (a), (b) and (d) of Regulation 2000/15 and as superiors under Section 16 of regulation 2000/15 for the imprisonments and severe deprivations of physical liberty of civilians in Zumalai Sub-district from January to October 1999 as part

of a widespread and systematic attack against a civilian population with knowledge of the attack:

Paragraphs 27-46	<b>Vasco DA CRUZ (1), Domingos ALVES (2) and Cancio LOPES DE CARVALHO (7)</b>
Paragraphs 27 and 35-40	<b>Napoleon DOS SANTOS (4)</b>
Paragraphs 27 and 41-46	<b>Lino BARRETO (6)</b>

**Vasco DA CRUZ (1), Domingos ALVES (2), Napoleon DOS SANTOS (4), Lino BARRETO (6) and Cancio LOPES DE CARVALHO (7)** thereby committed CRIMES AGAINST HUMANITY: IMPRISONMENT OR SEVERE DEPRIVATION OF PHYSICAL LIBERTY, a crime stipulated under Section 5.1(e) of UNTAET Regulation 2000/15.

## **Count 2. Crime Against Humanity: Torture**

By their acts or omissions in relation to the events described in the paragraphs below, **Vasco DA CRUZ (1), Domingos ALVES (2), Napoleon DOS SANTOS (4), Lino BARRETO (6) and Cancio LOPES DE CARVALHO (7)** are responsible as individuals under Section 14.3 (a), (b) and (d) of Regulation 2000/15 and as superiors under Section 16 of regulation 2000/15 for the torture of civilians in Zumalai Sub-district from January to October 1999 as part of a widespread and systematic attack against a civilian population with knowledge of the attack:

Paragraphs 27-46	<b>Vasco DA CRUZ (1), Domingos ALVES (2) and Cancio LOPES DE CARVALHO (7)</b>
Paragraphs 27 and 35-40	<b>Napoleon DOS SANTOS (4)</b>
Paragraphs 27 and 41-46	<b>Lino BARRETO (6)</b>

**Vasco DA CRUZ (1), Domingos ALVES (2), Napoleon DOS SANTOS (4), Lino BARRETO (6) and Cancio LOPES DE CARVALHO (7)** thereby committed CRIMES AGAINST HUMANITY: TORTURE, a crime stipulated under Section 5.1(f) of UNTAET Regulation 2000/15.

## **Count 3. Crime Against Humanity: Murder of Fernando da Cruz**

By their acts or omissions in relation to the events described in paragraphs 27 and 47-52, **Lino BARRETO (6), Vasco DA CRUZ (1), Domingos ALVES (2) and Cancio LOPES DE CARVALHO (7)** are responsible as individuals under Section 14.3 (a), (b) and (d) of Regulation 2000/15 and as superiors under Section 16 of regulation 2000/15 for murder of Fernando da Cruz on 24 January 1999 in Mape village, Zumalai Sub-district Covalima as part of a widespread and systematic attack against a civilian population with knowledge of the attack. **Lino BARRETO (6), Vasco DA CRUZ (1), Domingos ALVES (2) and Cancio LOPES DE CARVALHO (7)** thereby committed a CRIME AGAINST HUMANITY: MURDER, a crime stipulated under Section 5.1(a) of UNTAET Regulation 2000/15.

**Count 4. Crime Against Humanity: Murder at Galitas sub-village**

By their acts or omissions in relation to the events described in paragraphs 27 and 53-57, **Lino BARRETO (6), Vasco DA CRUZ (1), Domingos ALVES (2) and Cancio LOPES DE CARVALHO (7)** are responsible as individuals under Section 14.3 (a), (b) and (d) of Regulation 2000/15 and as superiors under Section 16 of regulation 2000/15 for the murders of Olandino Pereira, Angelica de Jesus, and Luis Pereira on 24 January 1999 in Lour village, Zumalai Sub-district, Covalima as part of a widespread and systematic attack against a civilian population with knowledge of the attack. **Lino BARRETO (6), Vasco DA CRUZ (1), Domingos ALVES (2) and Cancio LOPES DE CARVALHO (7)** thereby committed a CRIME AGAINST HUMANITY: MURDER, a crime stipulated under Section 5.1(a) of UNTAET Regulation 2000/15.

**Count 5. Crime Against Humanity: Murder of Joao da Silva Ximenes**

By his acts or omissions in relation to the events described in paragraphs 27 and 58-71, **Cancio LOPES DE CARVALHO (7)** is responsible as an individual under Section 14.3 (a), (b) and (d) of Regulation 2000/15 and as a superior under Section 16 of regulation 2000/15 for the murder of Joao da Silva Ximenes on 13 April 1999 in Zumalai Sub-district, Covalima as part of a widespread and systematic attack against a civilian population with knowledge of the attack. **Cancio LOPES DE CARVALHO (7)** thereby committed a CRIME AGAINST HUMANITY: MURDER, a crime stipulated under Section 5.1(a) of UNTAET Regulation 2000/15

**Count 6. Crime Against Humanity: Enforced Disappearance from Vasco da Cruz' house**

By their acts or omissions in relation to the events described in paragraphs 27 and 71-80, **Vasco DA CRUZ (1), Domingos ALVES (2) and Cancio LOPES DE CARVALHO (7)** are responsible as individuals under Section 14.3 (a), (b) and (d) of Regulation 2000/15 and as superiors under Section 16 of regulation 2000/15 for the enforced disappearances of Bernadino Simão and Inácio Barreto on 13 April 1999 in Zumalai Sub-district, Covalima as part of a widespread and systematic attack against a civilian population with knowledge of the attack. **Vasco DA CRUZ (1), Domingos ALVES (2) and Cancio LOPES DE CARVALHO (7)** thereby committed a CRIME AGAINST HUMANITY: ENFORCED DISAPPEARANCE, a crime stipulated under Section 5.1(i) of UNTAET Regulation 2000/15

**Count 7. Crime Against Humanity: Murder of Family in Mape village**

By their acts or omissions in relation to the events described in paragraphs 27 and 81-87, **Vasco DA CRUZ (1), Lino BARRETO (6), Guilhermino DE ARAUJO (3), Domingos ALVES (2) and Cancio LOPES DE CARVALHO (7)** are responsible as individuals under Section 14.3 (a), (b) and (d) of Regulation 2000/15 and as superiors



under Section 16 of regulation 2000/15 for the murders of Luis da Silva, Fátima Mesquita, and Sabina Mesquita on 27 March 1999 in Mape village, Zumalai Sub-district Covalima, as part of a widespread and systematic attack against a civilian population with knowledge of the attack. **Vasco DA CRUZ (1), Lino BARRETO (6), Guilhermino DE ARAUJO (3), Domingos ALVES (2) and Cancio LOPES DE CARVALHO (7)** thereby committed a CRIME AGAINST HUMANITY: MURDER, a crime stipulated under Section 5.1(a) of UNTAET Regulation 2000/15.

**Count 8. Crime Against Humanity: Murder of Álvaro Tilman**

By their acts or omissions in relation to the events described in paragraphs 27 and 87-92, **Vasco DA CRUZ (1), Domingos ALVES (2), Lino BARRETO (6) and Cancio LOPES DE CARVALHO (7)** are responsible as individuals under Section 14.3 (a), (b) and (d) of Regulation 2000/15 and as superiors under Section 16 of regulation 2000/15 for the murder of Álvaro Tilman on 17 April 1999 in Zulo village, Zumalai Sub-district Covalima as part of a widespread and systematic attack against a civilian population with knowledge of the attack. **Vasco DA CRUZ (1), Domingos ALVES (2), Lino BARRETO (6) and Cancio LOPES DE CARVALHO (7)** thereby committed a CRIME AGAINST HUMANITY: MURDER, a crime stipulated under Section 5.1(a) of UNTAET Regulation 2000/15.

**Count 9. Crime Against Humanity: Murder of 4 persons detained at Lino Barreto's house**

By their acts or omissions in relation to the events described in paragraphs 27 and 93-99, **Vasco DA CRUZ (1), Domingos ALVES (2), Lino BARRETO (6) and Cancio LOPES DE CARVALHO (7)** are responsible as individuals under Section 14.3 (a), (b) and (d) of Regulation 2000/15 and as superiors under Section 16 of regulation 2000/15 for the murders of Afonso Soares, Acácio Noronha, Jacinto Noronha, and Bernardo Noronha on 4 May 1999 in Mape village, Zumalai Sub-district, Covalima as part of a widespread and systematic attack against a civilian population with knowledge of the attack. **Vasco DA CRUZ (1), Domingos ALVES (2), Lino BARRETO (6) and Cancio LOPES DE CARVALHO (7)** thereby committed a CRIME AGAINST HUMANITY: MURDER, a crime stipulated under Section 5.1(a) of UNTAET Regulation 2000/15.

**Count 10. Crime Against Humanity: Murder of Jose Pereira**

By their acts or omissions in relation to the events described in paragraphs 27 and 99-105, **Vasco DA CRUZ (1), Domingos ALVES (2), Guilhermino DE ARAUJO (3) and Cancio LOPES DE CARVALHO (7)** are responsible as individuals under Section 14.3 (a), (b) and (d) of Regulation 2000/15 and as superiors under Section 16 of regulation 2000/15 for the murder of Jose Pereira aka Jose Espotong on 18 June 1999 in Mape village, Zumalai Sub-district, Covalima as part of a widespread and systematic attack against a civilian population with knowledge of the attack. **Vasco DA CRUZ (1), Domingos ALVES (2), Guilhermino DE ARAUJO (3) and Cancio LOPES DE**

**CARVALHO (7)** thereby committed a CRIME AGAINST HUMANITY: MURDER, a crime stipulated under Section 5.1(a) of UNTAET Regulation 2000/15.

**Count 11. Crime Against Humanity: Persecution: Abduction of Agapito de Jesus**

By their acts or omissions in relation to the events described in paragraphs 27 and 106-109, **Vasco DA CRUZ (1), Domingos ALVES (2) and Cancio LOPES DE CARVALHO (7)** are responsible as individuals under Section 14.3 (a), (b) and (d) of Regulation 2000/15 and as superiors under Section 16 of regulation 2000/15 for the persecution through abduction of Agapito de Jesus on 5 September 1999 in Fatuleto village, Zumalai Sub-district, Covalima as part of a widespread and systematic attack against a civilian population with knowledge of the attack. **Vasco DA CRUZ (1), Domingos ALVES (2) and Cancio LOPES DE CARVALHO (7)** thereby committed a CRIME AGAINST HUMANITY: PERSECUTION, a crime stipulated under Section 5.1(h) of UNTAET Regulation 2000/15.

**Count 12. Crime Against Humanity: Murder of two persons in Beco I village**

By their acts or omissions in relation to the events described in paragraphs 27 and 109-117, **Vasco DA CRUZ (1), Domingos ALVES (2), Simão TACION (5) and Cancio LOPES DE CARVALHO (7)** are responsible as individuals under Section 14.3 (a), (b) and (d) of Regulation 2000/15 and as superiors under Section 16 of regulation 2000/15 for the murders of Mario de Jesus and Domingos Mau Loe g. Leita on 5 September in Beco I village, Suai Sub-district, Covalima, as part of a widespread and systematic attack against a civilian population with knowledge of the attack. **Vasco DA CRUZ (1), Domingos ALVES (2), Simão TACION (5) and Cancio LOPES DE CARVALHO (7)** thereby committed a CRIME AGAINST HUMANITY: MURDER, a crime stipulated under Section 5.1(a) of UNTAET Regulation 2000/15.

**Count 13. Crime Against Humanity: Extermination at Suai Church**

By their acts or omissions in relation to the events described in paragraphs 27 and 117-131, **Vasco DA CRUZ (1), Domingos ALVES (2), Napoleon DOS SANTOS (4), Simão TACION (5), and Cancio LOPES DE CARVALHO (7)** are responsible as individuals under Section 14.3 (a), (b) and (d) of Regulation 2000/15 and as superiors under Section 16 of regulation 2000/15 for the extermination of an unknown number of civilians, on or about 6 September 1999, at the Ave Maria Church, Suai Sub-District, Covalima District, including Father Hilario, Father Dewanto, and Father Francisco, as part of a widespread and systematic attack against a civilian population with knowledge of the attack. **Vasco DA CRUZ (1), Domingos ALVES (2), Napoleon DOS SANTOS (4), Simão TACION (5) and Cancio LOPES DE CARVALHO (7)** thereby committed a CRIME AGAINST HUMANITY: EXTERMINATION, a crime stipulated under Section 5.1(b) of UNTAET Regulation 2000/15.

**Count 14. Crime Against Humanity: Murder of Mateus Mota in Fatuleto**

By their acts or omissions in relation to the events described in paragraphs 27 and 132-135, **Vasco DA CRUZ (1), Domingos ALVES (2), Lino BARRETO (6)** and **Cancio LOPES DE CARVALHO (7)** are responsible as individuals under Section 14.3 (a), (b) and (d) of Regulation 2000/15 and as superiors under Section 16 of regulation 2000/15 for the murder of Mateus Mota on 12 September 1999 in Fatuleto village, Zumalai Sub-district, Covalima as part of a widespread and systematic attack against a civilian population with knowledge of the attack. **Vasco DA CRUZ (1), Domingos ALVES (2), Lino BARRETO (6)** and **Cancio LOPES DE CARVALHO (7)** thereby committed a CRIME AGAINST HUMANITY: MURDER, a crime stipulated under Section 5.1(a) of UNTAET Regulation 2000/15.

**Count 15. Crime Against Humanity: Murder of Gaspar de Carvalho**

By their acts or omissions in relation to the events described in paragraphs 27 and 136-140, **Vasco DA CRUZ (1), Domingos ALVES (2)** and **Cancio LOPES DE CARVALHO (7)** are responsible as individuals under Section 14.3 (a), (b) and (d) of Regulation 2000/15 and as superiors under Section 16 of regulation 2000/15 for the murder of Gaspar de Carvalho on 12 September 1999 in Fatuleto village, Zumalai Sub-district, Covalima as part of a widespread and systematic attack against a civilian population with knowledge of the attack. **Vasco DA CRUZ (1), Domingos ALVES (2)** and **Cancio LOPES DE CARVALHO (7)** thereby committed a CRIME AGAINST HUMANITY: MURDER, a crime stipulated under Section 5.1(a) of UNTAET Regulation 2000/15.

**Count 16. Crime Against Humanity: Murder of Mateus Mota in Kamenasa**

By their acts or omissions in relation to the events described in paragraphs 27 and 141-148, **Vasco DA CRUZ (1), Domingos ALVES (2), Simão TACION (5)** and **Cancio LOPES DE CARVALHO (7)** are responsible as individuals under Section 14.3 (a), (b) and (d) of Regulation 2000/15 and as superiors under Section 16 of regulation 2000/15 for the murder of Mateus Mota on 12 September 1999 in Kamenasa village, Suai Sub-district, Covalima as part of a widespread and systematic attack against a civilian population with knowledge of the attack. **Vasco DA CRUZ (1), Domingos ALVES (2), Simão TACION (5)** and **Cancio LOPES DE CARVALHO (7)** thereby committed a CRIME AGAINST HUMANITY: MURDER, a crime stipulated under Section 5.1(a) of UNTAET Regulation 2000/15.

**Count 17. Crime Against Humanity: Murder of Luis Barros**

By their acts or omissions in relation to the events described in paragraphs 27 and 149-153, **Vasco DA CRUZ (1), Domingos ALVES (2), Guilhermino DE ARAUJO (3)** and **Cancio LOPES DE CARVALHO (7)** are responsible as individuals under Section 14.3 (a), (b) and (d) of Regulation 2000/15 and as superiors under Section 16 of regulation 2000/15 for the murder of Luis Barros on 13 September 1999 in Zulo village, Zumalai Sub-district, Covalima as part of a widespread and systematic attack against a civilian population with knowledge of the attack. **Vasco DA CRUZ (1), Domingos ALVES (2),**

**Guilhermino DE ARAUJO (3)** and **Cancio LOPES DE CARVALHO (7)** thereby committed a CRIME AGAINST HUMANITY: MURDER, a crime stipulated under Section 5.1(a) of UNTAET Regulation 2000/15.

**Count 18. Crime Against Humanity: Murders of Juliao Leto and Juliana Motu**

By their acts or omissions in relation to the events described in paragraphs 27 and 154-157, **Vasco DA CRUZ (1)**, **Domingos ALVES (2)**, **Simão TACION (5)** and **Cancio LOPES DE CARVALHO (7)** are responsible as individuals under Section 14.3 (a), (b) and (d) of Regulation 2000/15 and as superiors under Section 16 of regulation 2000/15 for the murders of Juliao Leto and Juliana Motu on an unspecified day in September 1999 in Kamenasa village, Suai Sub-district, Covalima as part of a widespread and systematic attack against a civilian population with knowledge of the attack. **Vasco DA CRUZ (1)**, **Domingos ALVES (2)**, **Simão TACION (5)** and **Cancio LOPES DE CARVALHO (7)** thereby committed a CRIME AGAINST HUMANITY: MURDER, a crime stipulated under Section 5.1(a) of UNTAET Regulation 2000/15.

**Count 19. Crime Against Humanity: Persecution: Destruction of Property**

By their acts or omissions in relation to the events described in paragraphs 27 and 158-165, **Vasco DA CRUZ (1)**, **Domingos ALVES (2)**, **Guilhermino DE ARAUJO (3)**, **Napoleon DOS SANTOS (4)**, **Simão TACION (5)**, **Lino BARRETO (6)** and **Cancio LOPES DE CARVALHO (7)** are responsible as individuals under Section 14.3 (a), (b) and (d) of Regulation 2000/15 and as superiors under Section 16 of regulation 2000/15 for persecution by destruction of property in September 1999 in Zumalai and Suai Sub-districts, Covalima as part of a widespread and systematic attack against a civilian population with knowledge of the attack. **Vasco DA CRUZ (1)**, **Domingos ALVES (2)**, **Guilhermino DE ARAUJO (3)**, **Napoleon DOS SANTOS (4)**, **Simão TACION (5)**, **Lino BARRETO (6)**, and **Cancio LOPES DE CARVALHO (7)** thereby committed a CRIME AGAINST HUMANITY: PERSECUTION, a crime stipulated under Section 5.1(h) of UNTAET Regulation 2000/15.

**Count 20. Crime Against Humanity: Deportation or Forcible Transfer of Populations**

By their acts or omissions in relation to the events described in paragraphs 27 and 166-175, **Vasco DA CRUZ (1)**, **Domingos ALVES (2)**, **Guilhermino DE ARAUJO (3)**, **Napoleon DOS SANTOS (4)**, **Simão TACION (5)**, **Lino BARRETO (6)** and **Cancio LOPES DE CARVALHO (7)** are responsible as individuals under Section 14.3 (a), (b) and (d) of Regulation 2000/15 and as superiors under Section 16 of regulation 2000/15 for the Deportation and Forcible Transfer of Populations from 30 August to 30 October 1999 in Zumalai and Suai Sub-districts, Covalima as part of a widespread and systematic attack against a civilian population with knowledge of the attack. **Vasco DA CRUZ (1)**, **Domingos ALVES (2)**, **Guilhermino DE ARAUJO (3)**, **Napoleon DOS SANTOS (4)**, **Simão TACION (5)**, **Lino BARRETO (6)** and **Cancio LOPES DE CARVALHO (7)**

thereby committed a CRIME AGAINST HUMANITY: DEPORTATION OR FORCIBLE TRANSFER OF POPULATIONS, a crime stipulated under Section 5.1(d) of UNTAET Regulation 2000/15.

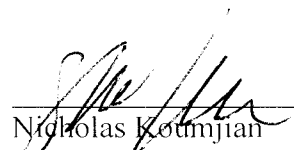
## **LIST OF VICTIMS**

The evidence in support of this indictment is contained in Annex A-D, which forms part of this indictment.

## **REQUEST FOR TRIAL**

The Deputy General Prosecutor For Serious Crimes hereby requests the Special Panel for Serious Crimes of the District Court of Dili try this case

Dated this <sup>26</sup>th day of November 2004

  
\_\_\_\_\_  
Nicholas Koumjian  
Deputy General Prosecutor for Serious Crimes