

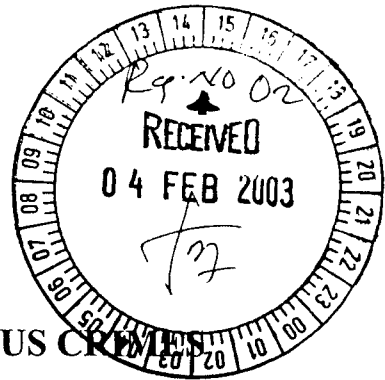


UNMISSET

United Nations Mission of Support in East Timor

DISTRICT COURT OF DILI

BEFORE THE SPECIAL PANEL FOR SERIOUS CRIMES



Case No: 02/2003

INDICTMENT

THE DEPUTY GENERAL PROSECUTOR FOR SERIOUS CRIMES

Against

TNI

Burhanuddin Siagian (1)
 Sutrisno (2) ✓
 Assis Fontes (3) ✓
 Mahalan Agus Salim (4) ✓
 Tito Lete Bere (5) ✓ 2x
 Yeohanis Loe Dasi (6) ✓
 Guilherme Atusuri (7) ✓ 2x
 Haerola [LNU] (8) ✓
 Manuel Mau Bau (9) ✓
 Silvano Siga Mau (10) ✓
 Manuel Mali Lete (11) ✓
 Gustavo Soares (12) ✓
 Arlindo Bere Dasi (13) ✓
 Agostino Lopes (14) ✓
 Manuel Lopes (15) ✓

MILITIA

Joao da Silva Tavares (16) ✓
 Jorge Tavares (17)
 Paulo Gonsalves (18) ✓
 Francisco Viegas Bili Ato (19) ✓
 Feliciano Mau Bere (20) ✓
 Jose Apalagi (21) ✓
 Alcanzo Pereira (22) ✓
 Carlito Gama (23) ✓
 Adao Salsinha Babo (24) ✓
 Flaviano Dasi Lelo (25) ✓
 Aprecio Miguel (26) ✓
 Justinho Borges (27) ✓
 Arnold Soares [aka Jaime] (28) ✓
 Rui Bere Loe (29)
 Agostinho Bili Tae (30) ✓
 Joao Coli (31) ✓
 Manuel Maia (32) ✓ 2x

ORIGINAL ENGLISH VERSION

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I. INDICTMENT

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

TNI

Burhanuddin Siagian (1)
Sutrisno (2)
Assis Fontes (3)
Mahalan Agus Salim (4)
Tito Lete Bere (5)
Yeohanis Loe Dasi (6)
Guilherme Atusuri (7)
Haerola [LNU] (8)
Manuel Mau Bau (9)
Silvano Siga Mau (10)
Manuel Mali Lete (11)
Gustavo Soares (12)
Arlindo Bere Dasi (13)
Agostino Lopes (14)
Manuel Lopes (15)

MILITIA

Joao da Silva Tavares (16)
Jorge Tavares (17)
Paulo Gonsalves (18)
Francisco Viegas Bili Ato (19)
Feliciano Mau Bere (20)
Jose Apalagi (21)
Alcanzo Pereira (22)
Carlito Gama (23)
Adao Salsinha Babo (24)
Flaviano Dasi Lelo (25)
Aprecio Miguel (26)
Justinho Borges (27)
Arnold Soares [aka Jaime] (28)
Rui Bere Loe (29)
Agustinho Bili Tae (30)
Joao Coli (31)
Manuel Maia (32)

With

CRIMES AGAINST HUMANITY:

**MURDER, TORTURE, PERSECUTION, IMPRISONMENT or SEVERE
DEPRIVATION OF PHYSICAL LIBERTY and FORCIBLE TRANSFER OF
POPULATION**

As set forth in this indictment.

II. NAME AND PARTICULARS OF THE ACCUSED

1. Name: **Burhanuddin Siagian**
Place of Birth: Originally from Sumatra, Republic of Indonesia
Age/Date of Birth: Between 45-50
Sex: Male
Nationality: Indonesian
Address: Believed to be a Colonel in Denpasar, Bali
Occupation at the time: Dandim of Kodim 1636, Maliana, Bobonaro District
2. Name: **Lt. Sutrisno [aka Trisno]**
Place of Birth: Originally from Java, Republic of Indonesia
Age/Date of Birth: Between 35-45 years old
Sex: Male
Nationality: Indonesian
Address: Believed to be posted in the province of Aceh
Occupation at the time: TNI, Head of Intelligence at Kodim 1636
3. Name: **Assis Fontes**
Place of Birth: East Timorese
Age/Date of Birth: Approximately 45 years old
Sex: Male
Nationality: Indonesian/East Timorese
Address: West Timor, Republic of Indonesia
Occupation at the time: TNI, SGI Sergeant Major at Kodim 1636
4. Name: **Mahalan Agus Salim**
Place of Birth: Republic of Indonesia
Age/Date of Birth: Between 45-55 years old
Sex: Male
Nationality: Indonesian
Address: Believed to be in the Republic of Indonesia
Occupation at the time: TNI, SGI Commander, SGI post in Marco
5. Name: **Tito Lete Bere**
Place of Birth: East Timor
Age/Date of Birth: Approximately 34 years old
Sex: Male
Nationality: Indonesian/East Timorese
Address: West Timor, Republic of Indonesia
Occupation at the time: TNI member, Sub-district Cailaco
6. Name: **Yeohanis Loe Dasi**
Place of Birth: East Timor
Age/Date of Birth: Approximately 50 years old
Sex: Male
Nationality: Indonesian/East Timorese
Address: Believed to in Bali, Republic of Indonesia
Occupation at the time: TNI member, Sub-district Cailaco

7. Name: **Guilherme Atusuri**
Place of Birth: East Timor
Age/Date of Birth: Between 40-50 years old
Sex: Male
Nationality: East Timorese
Address: Believed to be in the Republic of Indonesia
Occupation at the time: TNI member, Sub-district of Cailaco
8. Name: **Haerola [LNU from Java]**
Place of Birth: Indonesia
Age/Date of Birth: Approximately 40 years old
Sex: Male
Nationality: Indonesian
Address: Believed to be in the Republic of Indonesia
Occupation at the time: TNI, Commander, BTT post in Purugua
9. Name: **Manuel Mau Bau**
Place of Birth: East Timor
Age/Date of Birth: Approximately 43 years old
Sex: Male
Nationality: Indonesian/East Timorese
Address: West Timor, Republic of Indonesia
Occupation at the time: TNI member, Sub-district of Cailaco
10. Name: **Silvano Siga Mau**
Place of Birth: East Timor
Age/Date of Birth: Approximately 37 years old
Sex: Male
Nationality: Indonesian/East Timorese
Address: West Timor, Republic of Indonesia
Occupation at the time: TNI member, Sub-district of Cailaco
11. Name: **Manuel Mali Lete**
Place of Birth: Maliana
Age/Date of Birth: Approximately 36 years old
Sex: Male
Nationality: Indonesian/East Timorese
Address: Believed to be in West Timor, Republic of Indonesia
Occupation at the time: TNI member, Sub-district of Cailaco
12. Name: **Gustavo Soares**
Place of Birth: East Timor
Age/Date of Birth: Approximately 32 years old
Sex: Male
Nationality: Indonesian/East Timorese
Address: West Timor, Republic of Indonesia
Occupation at the time: TNI member, Sub-district of Cailaco
13. Name: **Arlindo Bere Dasi**
Place of Birth: East Timor

- Age/Date of Birth: Approximately 42 years old
Sex: Male
Nationality: Indonesian/East Timorese
Address: Believed to be in West Timor, Republic of Indonesia
Occupation at the time: TNI member, Sub-district of Cailaco
14. Name: **Agostino Lopes**
Place of Birth: East Timor
Age/Date of Birth: Approximately 52 years old
Sex: Male
Nationality: Indonesian/East Timorese
Address: Believed to be in West Timor, Republic of Indonesia
Occupation at the time: TNI member
15. Name: **Manuel Lopes**
Place of Birth: East Timor
Age/Date of Birth: Approximately 52 years old
Sex: Male
Nationality: Indonesian/East Timorese
Address: Believed to be in West Timor, Republic of Indonesia
Occupation at the time: TNI member
16. Name: **Joao da Silva Tavares**
Place of Birth: East Timor
Age/Date of Birth: Approximately 72 years old
Sex: Male
Nationality: Indonesian/East Timorese
Address: West Timor, Republic of Indonesia
Occupation at the time: Panglima, Head of Integration Fighting Forces in East Timor
17. Name: **Jorge Tavares**
Place of Birth: East Timor
Age/Date of Birth: Between 50-55 years old
Sex: Male
Nationality: Indonesian/East Timorese
Address: West Timor, Republic of Indonesia
Occupation at the time: Head of the FPDK for the District of Bobonaro
18. Name: **Paulo Gonsalves**
Place of Birth: East Timor
Age/Date of Birth: Between 45-50 years old
Sex: Male
Nationality: Indonesian/East Timorese
Address: West Timor, Republic of Indonesia
Occupation at the time: Halilintar militia Commander, District of Bobonaro
19. Name: **Francisco Viegas Bili Ato**
Place of Birth: East Timor
Age/Date of Birth: Between 35-45 years old
Sex: Male

- Nationality: Indonesian/East Timorese
 Address: West Timor, Republic of Indonesia
 Occupation at the time: Halilintar militia Deputy Commander, District of Bobonaro
20. Name: **Feliciano Mau Bere**
 Place of Birth: East Timor
 Age/Date of Birth: Unknown
 Sex: Male
 Nationality: Indonesian/East Timorese
 Address: West Timor, Republic of Indonesia
 Occupation at the time: Halilintar militia member, District of Bobonaro
21. Name: **Jose Apalagi**
 Place of Birth: East Timor
 Age/Date of Birth: Between 35-45 years old
 Sex: Male
 Nationality: Indonesian/East Timorese
 Address: West Timor, Republic of Indonesia
 Occupation at the time: Halilintar militia member, District of Bobonaro
22. Name: **Alcanzo Pereira**
 Place of Birth: East Timor
 Age/Date of Birth: Unknown
 Sex: Male
 Nationality: Indonesian/East Timorese
 Address: West Timor, Republic of Indonesia
 Occupation at the time: Halilintar militia member, District of Bobonaro
23. Name: **Carlito Gama**
 Place of Birth: East Timor
 Age/Date of Birth: Approximately 24 years old
 Sex: Male
 Nationality: Indonesian/East Timorese
 Address: West Timor, Republic of Indonesia
 Occupation at the time: Halilintar militia member, District of Bobonaro
24. Name: **Adao Salsinha Babo**
 Place of Birth: East Timor
 Age/Date of Birth: Between 45-55 years old
 Sex: Male
 Nationality: Indonesian/East Timorese
 Address: West Timor, Republic of Indonesia
 Occupation at the time: Guntur militia Commander, Sub-district of Cailaco
25. Name: **Flaviano Dasi Lelo**
 Place of Birth: East Timor
 Age/Date of Birth: Between 40-45 years old
 Sex: Male
 Nationality: Indonesian/East Timorese
 Address: West Timor, Republic of Indonesia

- Occupation at the time: Guntur militia Deputy-Commander, Sub-district of Cailaco
26. Name: **Aprecio Miguel**
 Place of Birth: East Timor
 Age/Date of Birth: Between 30-35 years old
 Sex: Male
 Nationality: Indonesian/East Timorese
 Address: West Timor
 Occupation at the time: Guntur militia member, Sub-district of Cailaco
27. Name: **Justinho Borges**
 Place of Birth: East Timor
 Age/Date of Birth: Between 40-50 years old
 Sex: Male
 Nationality: Indonesian/East Timorese
 Address: West Timor, Republic of Indonesia
 Occupation at the time: Guntur militia member, Sub-district of Cailaco
28. Name: **Arnold Soares [aka Jaime]**
 Place of Birth: East Timor
 Age/Date of Birth: Born in 1977
 Sex: Male
 Nationality: Indonesian/East Timorese
 Address: Unknown, is presently at large
 Occupation at the time: Guntur militia member, Sub-district of Cailaco
29. Name: **Rui Bere Loe**
 Place of Birth: East Timor
 Age/Date of Birth: Between 25-30 years old
 Sex: Male
 Nationality: Indonesian/East Timorese
 Address: West Timor, Republic of Indonesia
 Occupation at the time: Guntur militia member, Sub-district of Cailaco
30. Name: **Agustinho Bili Tae**
 Place of Birth: East Timor
 Age/Date of Birth: Unknown
 Sex: Male
 Nationality: Indonesian/East Timorese
 Address: Believed to be in the Republic of Indonesia
 Occupation at the time: Guntur militia member, Sub-district of Cailaco
31. Name: **Joao Coli**
 Place of Birth: East Timor
 Age/Date of Birth: Approximately 52 years old
 Sex: Male
 Nationality: Indonesian/East Timorese
 Address: West Timor, Republic of Indonesia
 Occupation at the time: DMP militia member, Sub-district of Maliana

32. Name:	Manuel Maia
Place of Birth:	East Timor
Age/Date of Birth:	Unknown
Sex:	Male
Nationality:	Indonesian/East Timorese
Address:	Believed to be in the Republic of Indonesia
Occupation at the time:	DMP militia member, Sub-district of Maliana

III. INTRODUCTORY STATEMENT OF FACTS

1. A widespread or systematic attack was committed 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 through 25 October 1999.
2. The widespread or systematic attack was part of an orchestrated campaign of violence, that included among other things incitement, threats to life, intimidation, unlawful confinements, assaults, forced displacements, arsons, murders, rapes, torture and other forms of violence carried out by members of the pro-autonomy militia, 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 (Kepolisian Republik Indonesia) with the acquiescence and active participation of civilian and military authorities.
3. With the backing of the TNI and the Civil Administration, more than twenty-five militia groups operated throughout East Timor. Their goal was to support autonomy with Indonesia. The Integration Fighting Forces, PPI (Kepolisian Republik Indonesia) under the command of Joao Tavares and Eurico Guterres was the umbrella organization under which these militia groups were organized. With the acquiescence of 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 widespread or systematic attacks, acting and operating with impunity.
4. The widespread or systematic attack was directed against civilians and 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 or systematic attack against the civilian population, the militia destroyed property including houses and livestock belonging to the civilian population.

6. The widespread or systematic attack 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 terms of the 5 May 1999 Agreements, between Indonesia, Portugal and the United Nations on the popular consultation, the Indonesian Security Authorities 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.
8. The Indonesian Military in East Timor consisted of both regular territorial forces 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 in East Timor.
9. From February 1999 to October 1999, the Indonesian Police Force (POLRI), the state agency for upholding the law and public order were also present in East Timor. It included a Mobile Police Brigade, BRIMOB (Brigade Mobil), whose units and members were stationed in East Timor, including in the Bobonaro District.

IV. SPECIFIC STATEMENTS OF FACTS

10. Throughout 1999 and up until approximately August 27, 1999, **Burhanuddin Siagian** was the TNI Commander (Dandim) of Kodim 1636 in Maliana, District of Bobonaro. During this time, **Burhanuddin Siagian** exercised control over TNI members stationed in the District of Bobonaro and at Kodim 1636.
11. From approximately March to September 1999, **Lt. Sutrisno** [aka Trisno] was the Officer in Charge of Intelligence, SGI (Satuan TUGAS Inteligen) for the Indonesian Armed Forces in Bobonaro District. During this time, **Lt. Sutrisno** exercised control over TNI members stationed in the District of Bobonaro.
12. From approximately January 1999 to September 1999, **Joao Tavares** was the head (Panglima) of the Integration Fighting Forces (PPI) in East Timor, the umbrella organization of all active militia groups in East Timor. During this time, **Joao Tavares** exercised control over the militia members operating in the District of Bobonaro.
13. In 1999, the following militia groups, among others, operated in the Bobonaro District: the DADURUS MERAH PUTIH operated in the Sub-district of Maliana; the HALILINTAR and the HARMOI MERAH PUTIH operated in the Sub-district of Atabae; the HAMETIN MERAH PUTIH operated in the Sub-district of Bobonaro; the FIRME MERAH PUTIH and the SAKO LOROMONU operated in the Sub-district of Balibo; the GUNTUR MERAH PUTIH operated in the Sub-district of Cailaco and the KAER METAN MERAH PUTIH (KMMP) operated in the Sub-district of Lolotoe.

14. The Halilintar Militia was formed in the District of Bobonaro prior to 1999. Throughout April 1999, **Paulo Gonsalves** was the Commander of the Halilintar militia and **Francisco Viegas Bili Ato** was the Deputy Commander. The Headquarters of the Halilintar militia was in the Sub-district of Atabae.
15. Throughout the month of April 1999, **Paulo Gonsalves** and **Francisco Viegas Bili Ato** exercised control over the Halilintar militia members.
16. From approximately March 1999 through September 1999, the militia groups in Bobonaro District operated in close collaboration with the Indonesian Military Forces based in the District of Bobonaro. The TNI and militia members jointly carried out a widespread or systematic attack against the civilian population in the District of Bobonaro.
17. One aspect of the widespread or systematic attack was the seeking out, torturing, detention and murder of individuals believed to be supporters of independence by members of the TNI and the militia's stationed in the District of Bobonaro.
18. The highest-level members of the Indonesian Armed Forces based in the District of Bobonaro openly participated in this widespread or systematic attack against independence supporters. In addition, the highest-level militia leaders in the district of Bobonaro also openly participated in this attack.
19. On 8 April 1999, a large rally was held in Maliana to announce the creation of the Front for Peace, Democracy and Justice (FPDK) for the District of Bobonaro. The FPDK was the political wing of the militia groups in East Timor. The Chief of the FPDK for Bobonaro District was **Jorge Tavares**. In attendance, among others, were Dandim **Burhanuddin Siagian**, Lt. **Sutrisno**, **Joao Tavares** and the Civil administration District Chief (Bupati) **Guilherme Dos Santos**. The civil servants of the District of Bobonaro had to attend the rally.
20. During the rally, **Burhanuddin Siagian** and **Joao Tavares** made speeches threatening to kill supporters of independence. **Guilherme Dos Santos** also made a statement for the pro-autonomy cause. Finally **Jorge Tavares** indicated his intention to create a list targeting civilians believed to be supporters of independence.

A. The imprisonment and torture of Domingos Guterres, Jose Andrade and the torture of Adriano Joao

(a) Imprisonment and torture of Domingos Guterres

21. In March 1999, Domingos Guterres drove a minibus (mikrolet) owned by Jose Andrade and many times stayed at the home of Jose Andrade.
22. In March 1999, Jose Andrade was a leader of the National Council of Timorese Resistance (CNRT) in the District of Bobonaro. The CNRT was a political organization promoting the independence of East Timor for the upcoming popular consultation. The Headquarters of the CNRT was located at his house in Lahomea, Sub-district of Maliana.

23. On or about 21 March 1999, members of the TNI, including **Lt. Sutrisno**, stopped the minibus Domingos Guterres was driving in front of Kodim 1636 in Maliana.
24. The members of the TNI, including **Lt. Sutrisno**, forcibly dragged Domingos Guterres out of the minibus and began beating him.
25. The members of the TNI, including **Lt. Sutrisno**, beat Domingos Guterres for an extended period on the street. One of the TNI members said to Domingos Guterres that he was being beaten because he was a supporter of independence.
26. The members of the TNI then took Domingos Guterres into Kodim 1636 in Maliana and put him into a detention cell.
27. While in the cell, members of the TNI beat him and questioned him about his collaboration with Jose Andrade and his support for independence. Further they questioned him about killings allegedly committed by the Armed Forces of National Liberation of East Timor (Falintil) and forced Domingos Guterres to implicate Jose Andrade in these killings.
28. Domingos Guterres was detained at the Kodim from 21 March 1999 until sometime after 12 April 1999.

(b) Imprisonment and torture of Jose Andrade

29. On or about 22 March 1999, in the afternoon, **Lt. Sutrisno** went with approximately 12 members of the TNI in a Kijang (minivan) to the house of Jose Andrade located in the village of Lahomea, Sub-district of Maliana, and arrested Jose Andrade.
30. **Lt. Sutrisno** and the TNI members forcefully put Jose Andrade into the Kijang and took him to the Koramil office located in the village of Lahomea, Sub-district of Maliana, District of Bobonaro. On the way to the Koramil, members of the TNI in the vehicle shouted slogans from the car, and threatened that all pro-independence people would be killed.
31. Once at the market area in Maliana, the Kijang stopped. On the orders of **Lt. Sutrisno**, the TNI members took Jose Andrade out of the car and beat him on the street until he was unconscious. When Jose Andrade regained consciousness, he was at the Koramil.
32. At the Koramil, **Lt. Sutrisno** ordered members of the TNI to beat Jose Andrade again. Members of the TNI also interrogated Jose Andrade about pro-independence supporters and threatened to kill all supporters of independence.
33. After questioning and beating Jose Andrade at the Koramil office, at approximately 7:00 pm, Jose Andrade was taken back to his house in Lahomea where TNI members searched for weapons and documents.
34. After TNI members searched his house, Jose Andrade was forcibly taken to Kodim 1636 in Maliana where he was beaten again.

35. After this beating, members of the TNI took Jose Andrade to the accused **Dandim Burhanuddin Siagian** and **Lt. Sutrisno**. In a room in the Kodim, **Dandim Burhanuddin Siagian** and **Lt. Sutrisno** interrogated Jose Andrade. They gave Jose Andrade the option of either supporting autonomy or be killed.
36. Jose Andrade was forced to write a statement saying he supported pro-autonomy, which was subsequently published in the Suara Timor Timur newspaper. Jose Andrade was kept in custody at the Kodim 1636 and then transferred to the POLRI headquarters in Maliana where he was detained until 6 April 1999.
37. On or about 13 April 1999 (see *infra* paragraph 107), Jose Andrade's house was attacked by members of the militia and burned.

(c) The torture of Adriano Joao

38. In April 1999, Adriano Joao was the Secretary of the CNRT in the District of Bobonaro and supported independence.
39. On or about 13 April 1999, members of the militia sought out and abducted Adriano Joao from his relative's house in Maliana. The members of the militia began beating him with sticks and iron bars and dragged him to the house of **Joao Tavares**, located in Maliana. Militia members were also verbally abusing him because he was believed to be a supporter of independence.
40. At the house, while **Joao Tavares** watched, members of the militia beat Adriano Joao. After the beating, Adriano Joao was released.

B. The murder, torture and persecution of perceived independence supporters in Cailaco following the death of Manuel Gama on 12 April 1999

41. In the morning of 12 April 1999, Manuel Gama, the Chief of Finance of the District of Bobonaro was killed in an ambush in the area of Poegoa, Cailaco Sub-district. The perpetrators of the attack on Manuel Gama were believed to be Falintil members.
42. On 12 April 1999, TNI and Halilintar militia members attacked the civilian population of the Sub-district of Cailaco perceived to support independence. This attack was an integral part of the ongoing campaign of violence against the civilian population of East Timor. The attack against the civilian population of Cailaco was undertaken simultaneously in different areas of the Sub-district and can be divided into five (5) events:
- (a) The torture of perceived independence supporters in the surrounding villages of Marco,
 - (b) The torture of suspected independence supporters in the village of Poegoa,
 - (c) The making of a plan by the TNI and Militia leaders in Maliana and their journey to the village of Marco,

- (d) The murders of Joao Evangelista Lima Vidal, Carlito [aka Anis] Mau Leto and Domingos Resi Mau on top of the hill in the village of Poegoa,
- (e) The murders of Paulino Soares, Jose Pau Lelo, Antonio Soares and Manuel Maulelo Araujo at the SGI post in Marco.

(a) The torture of perceived independence supporters in the surrounding villages of Marco

43. Soon after the ambush against Manuel Gama, militia member **Adao Salsinha Babo** informed the SGI post in Marco (TNI intelligence office located next to the Koramil) that Manuel Gama had been killed.
44. **Mahalan Agus Salim**, Commander of the SGI post in Marco, gave the order to TNI and Halilintar militia members to go and look for the individuals responsible for the murder of Manuel Gama.
45. Halilintar militia members, including **Paulo Gonsalves, Francisco Viegas Bili Ato, Feliciano Mau Bere** and TNI **Mahalan Agus Salim** went to the surrounding villages of Marco and forced the villagers to travel to Marco. Once in Marco, TNI and Halilintar militia members forced civilians including men, women and children to go to the Koramil.
46. At the Koramil, the women and children were separated from the men. The women and children were escorted to an empty house close to the Koramil. These women and children were detained in this house for approximately four days before being released. Rosa Preitas and Balbina Preitas were among the women detained.
47. Americo Barretto and Antonio Borges were working in the rice fields in Genubou when **Francisco Viegas Bili Ato** forced them to go to the Koramil in Marco. Balthazar Preitas, Carlito Mau Leto and Domingos Resi Mau were arrested in Poegoa and also forced by TNI and militia members to go to the Koramil. Carlito Mau Leto and Domingos Resi Mau had been beaten. Their hands were also tied behind their backs.
48. Americo Barretto, Antonio Borges, Balthazar Preitas, Carlito Mau Leto and Domingos Resi Mau were then forcibly detained at the SGI post (next to the Koramil) by TNI and militia members.
49. Initially TNI member **Mahalan Agus Salim** said that the men arrested and detained could not be beaten because no such order had been received from the Kodim in Maliana or from **Panglima Joao Tavares**.
50. Later, a TNI member told the TNI and Militia present that the order had come from the Kodim in Maliana and **Panglima Joao Tavares** to beat and kill the detainees.
51. The detainees were told to lie on the floor and the TNI and militiamen present hit them with their fists and boots. They were also beaten with rifle butts while being questioned about the murder of Manuel Gama. **Mahalan Agus Salim** and militia

member **Feliciano Mau Bere** took part in the beatings. All the detainees sustained injuries as a result of the beatings.

i) Americo Barreto [aka Loco Batu]

52. After the beating, Americo Barreto was dragged inside the SGI post and locked in a small room. Later that afternoon, Americo Barreto heard the sound of gunfire coming from outside the SGI post. The next morning Americo Barreto was released.

ii) Antonio Borges

53. Antonio Borges was told to get up and he sat on the steps of the SGI post. Later a TNI member took him to a house behind the Koramil. In the afternoon, Antonio Borges heard the sound of gunfire coming from the area of the Koramil. Antonio Borges was forced to stay in this house for approximately two nights and then returned to his village.

iii) Balthazar Preitas

54. After the beating, Balthazar Preitas was taken to a room inside the SGI post. He was detained with Zefrino Soares Paulo and Silvano Maupilo (see *infra* paragraph 83). Later that afternoon, he heard many shots being fired outside the area of the Koramil. During the night, a TNI member took Balthazar Preitas to a house located behind the Koramil. He was detained in this house for approximately three days before being released.

iv) Carlito [aka Anis] Mau Leto and Domingos Resi Mau

55. Later that same day, Carlito Mau Leto and Domingos Resi Mau were transferred by ambulance back to Poegoa (see *infra* paragraph 68).

(b) The torture of suspected independence supporters in the village of Poegoa

56. Members of the TNI and militia, including **Yeohanis Loe Dasi**, **Manuel Mali Lete**, **Gustavo [LNU from Raiheu]** and **Arlindo Bere Dasi** went to the village of Poegoa, Sub-district of Cailaco and searched for independence supporters.

i) The arrest and torture of Joao Evangelista Lima Vidal, Esterlino Soares [aka Esterlino Loe Bere], Zefrino Soares Paulo [aka Zefrino Loe-Lako] and Silvano Maupilo in the village of Poegoa

57. TNI members **Manuel Mali Lete**, **Gustavo [LNU from Raiheu]** and **Arlindo Bere Dasi** forced Joao Evangelista Lima Vidal and Esterlino Soares to come out of the house they were in. **Manuel Mali Lete**, **Gustavo [LNU]** and **Arlindo Bere Dasi** beat Joao Evangelista Lima Vidal and Esterlino Soares by jumping on them and kicking them. The TNI members also hit them with rifles they were carrying.
58. Across the street, other TNI members arrested Zefrino Soares Paulo along with Silvano Maupilo.

59. Zefrino Soares Paulo, Silvano Maupilo, Joao Evangelista Lima Vidal and Esterlino Soares were then forcibly taken near the place where Manuel Gama was killed.
60. Members of the TNI, including **Yeohanis Loe Dasi** and members of the militia beat Zefrino Soares Paulo, Silvano Maupilo and Joao Evangelista Lima Vidal.
61. Esterlino Soares was not beaten at that place. He was released and told to go to the village of Marco.
62. The TNI members tied the hands of Zefrino Soares Paulo and Silvano Maupilo behind their backs with palm leaves and also tied them to trees. Once tied to the trees both men were again beaten.
63. **Lt. Sutrisno**, upon hearing the news of the death of Manuel Gama traveled with other TNI members from Maliana to the location where the attack had taken place in Poegoa.
64. Once at the scene, **Lt. Sutrisno** asked Joao Leto Mali Lopes, a nurse from Marco, where the body of Manuel Gama was located.
65. Joao Leto Mali Lopes had arrived with his ambulance. Joao Leto Mali Lopes had confirmed the death of Manuel Gama. Later that morning Joao Leto Mali Lopes drove the dead body to Manuel Gama's house in the village of Marco.
66. **Lt. Sutrisno** proceeded then to the area where Zefrino Soares Paulo, Silvano Maupilo and Joao Evangelista Lima Vidal were being detained. **Lt. Sutrisno** approached Joao Evangelista Lima Vidal who was by then lying on the ground. **Lt. Sutrisno** kicked Joao Evangelista Lima Vidal in the face and body. **Lt. Sutrisno** was at that time the highest-ranking TNI member on the scene.
67. Other TNI members also started beating Zefrino Soares Paulo, Silvano Maupilo and Joao Evangelista Lima Vidal again. The beating took place in the presence of **Lt. Sutrisno**.

ii) The transfer of Carlito [aka Anis] Mau Leto and Domingos Resi Mau from the SGI post in Marco to the hill in Poegoa

68. Joao Leto Mali Lopes (the nurse) returned the body of Manuel Gama to Marco. TNI and militia members then forced him to drive Carlito Mau Leto and Domingos Resi Mau from Marco back to the site where Manuel Gama had been killed (see *supra* paragraph 55). Halilintar member **Feliciano Mau Bere** and other TNI members traveled in the car. Carlito Mau Leto and Domingos Resi Mau had their hands tied behind their backs.
69. Once in Poegoa, the TNI and militia members forcibly took Carlito Mau Leto and Domingos Resi Mau to the area where Joao Evangelista Lima Vidal was being beaten and tied them to trees.

(c) The making of a plan by the TNI and Militia leaders in Maliana and their journey to the village of Marco

70. In Maliana, **Dandim Burhanuddin Siagian** called and informed members of the civilian administration, including **Jorge Tavares**, that Manuel Gama had been killed.
71. After receiving this information, **Jorge Tavares** stated to the individuals present that clandestine supporters of independence had killed Manuel Gama. He also added that all CNRT members must be killed.
72. **Jorge Tavares** then went to a meeting at the office of Bupati Guilherme Dos Santos located in Maliana town. Members of the TNI, civilian administration and various militia groups had gathered there, including **Burhanuddin Siagian** and **Joao Tavares**.
73. After the meeting, **Jorge Tavares** stated that whoever was a clandestine supporter of independence within the civil service should be killed. **Burhanuddin Siagian** and **Joao Tavares** agreed with **Jorge Tavares**. The group then discussed a plan to kill all of the CNRT members and civil servants employed by the Government of Indonesia who were pro-independence supporters. It was also mentioned that **Lt. Sutrisno** had already traveled to Manuel Gama's house in Cailaco to see if CNRT members were present and if so, to kill them.
74. Members of the civilian administration, TNI and various militia groups, including **Joao Tavares**, **Jorge Tavares** and **Burhanuddin Siagian** then traveled to Kodim 1636 in Maliana.
75. Following this second meeting armed TNI, militia members and civilians including **Burhanuddin Siagian**, **Jorge Tavares** and **Joao Tavares** departed from Kodim 1636.

(d) The murders of Joao Evangelista Lima Vidal, Carlito [aka Anis] Mau Leto and Domingos Resi Mau on top of the hill in the village of Poegoa

76. The convoy of armed TNI, militia members and civilians stopped at the site where Manuel Gama was killed. **Joao Tavares**, **Burhanuddin Siagian** and **Jorge Tavares** walked to the place where Joao Evangelista Lima Vidal, Carlito Mau Leto, Domingos Resi Mau, Zefrino Soares Paulo and Silvano Maupilo were detained.
77. TNI and militia members continued to beat Joao Evangelista Lima Vidal in the presence of **Joao Tavares** and **Burhanuddin Siagian**.
78. **Joao Tavares** walked up to Zefrino Soares Paulo and said: "these are the people that receive money from the government, and they feed the Falintil. These people we have to kill". While pointing at Joao Evangelista Lima Vidal, **Joao Tavares** added: "this is a civil servant".
79. Following this order, two TNI members dragged Joao Evangelista Lima Vidal to the top of the hill just behind the area where Zefrino Soares Paulo and Silvano Maupilo were tied up. Other TNI members also followed behind Joao Evangelista Lima Vidal.

80. Zefrino Soares Paulo and Silvano Maupilo were forced to close their eyes at gunpoint. Then three TNI members untied Carlito Mau Leto and Domingos Resi Mau from the trees and brought them to the top of the hill. **Lt. Sutrisno** followed the detainees to the top of the hill. He was the only TNI member carrying a 5.56-caliber rifle.
81. Soon after, gunshots were heard coming from the top of the hill. Some of these gunshots sounded similar to a 5.56-caliber rifle. Joao Evangelista Lima Vidal, Carlito Mau Leto and Domingos Resi Mau were never to be seen alive again. That night their bodies were driven by truck to the coast and dumped into the sea (see *infra* paragraph 103).
82. After the killings, **Joao Tavares** gave the order to untie and release Zefrino Soares Paulo and Silvano Maupilo. They were put into the back of a yellow truck and driven to the Koramil in Marco.
83. Zefrino Soares Paulo and Silvano Maupilo were then taken to a room inside the Koramil. Balthazar Preitas was also detained in the same room with them (see *supra* paragraph 54). Later that afternoon, they heard many shots being fired outside the area of the Koramil. During the night, a TNI member took Zefrino Soares Paulo and Silvano Maupilo along with Balthazar Preitas to a house located behind the Koramil. They were detained in that house for approximately three further days before being released.

(e) The murders of Paulino Soares, Jose Pau Lelo, Antonio Soares and Manuel Mau'elo Araujo at the SGI post in Marco.

84. The convoy continued to the village of Marco. In Marco, the members of the convoy proceeded to the house of Manuel Gama where the population had been summoned to honor his dead body.
85. At the house of Manuel Gama, TNI and militia members paid their respect and met with the wife of Manuel Gama.
86. **Burhanuddin Siagian** walked onto the front veranda and shouted in an angry voice that all the people of Cailaco would be killed.
87. **Lt. Sutrisno** gave the order to arrest Paulino Soares, Jose Pau Lelo, Antonio Soares and Manuel Maulelo Araujo. The order was given in the presence of **Joao Tavares**.
88. Paulino Soares was setting up the tent in preparation of the ceremony for the death of Manuel Gama, when TNI and Militia members ordered him to go to the Koramil.
89. Other TNI and militia members looked into the crowd and arrested Jose Pau Lelo (the Village Chief of Daudo), Antonio Soares (a teacher from Marco) and Manuel Maulelo Araujo (a schoolteacher). They were also forced to go to the Koramil.
90. Some time after the arrest of Antonio Soares, Manuel Maulelo Araujo, Jose Pau Lelo and Paulino Soares, **Burhanuddin Siagian, Joao Tavares and Jorge Tavares** walked to the Koramil and met with **Lt. Sutrisno** and they had a conversation.

91. Soon after, **Lt. Sutrisno** gave the order to take the detainees outside the SGI post (next to the Koramil). **Manuel Mau Bau, Carlito Gama** and **Silvano Siga Mau** were amongst those who took the detainees outside. The detainees were told to run to the forest by, among others, **Paulo Gonsalves, Carlito Gama** and **Adao Salsinha Babo**.
92. Paulino Soares, the youngest of the detainees, started to run. He was shot and killed by, among others, **Lt. Sutrisno, Assis Fontes, Agostino Lopes, Manuel Lopes, Paulo Gonsalves, Francisco Viegas Bili Ato, Feliciano Mau Bere, Manuel Mau Bau, Alcanzo Pereira** and **Silvano Siga Mau**.
93. The same men took Antonio Soares (a teacher) outside of the SGI post. While he was walking, he was shot dead by, among others, **Lt. Sutrisno, Assis Fontes, Agostino Lopes, Manuel Lopes, Francisco Viegas Bili Ato, Feliciano Mau Bere, Manuel Mau Bau, Alcanzo Pereira** and **Silvano Siga Mau**.
94. **Francisco Viegas Bili Ato, Feliciano Mau Bere, Manuel Mau Bau** and **Silvano Siga Mau** then dragged Manuel Maulelo Araujo towards the roadway, beating him till he fell to the ground. **Lt. Sutrisno, Assis Fontes, Agostino Lopes, Manuel Lopes, Francisco Viegas Bili Ato, Feliciano Mau Bere, Manuel Mau Bau** and **Silvano Siga Mau**, among others, then shot him to death.
95. Jose Pau Lelo, (the Village Chief of Daudo) was also dragged out of the SGI post and shot to death by, among others, **Lt. Sutrisno, Assis Fontes, Agostino Lopes, Manuel Lopes, Francisco Viegas Bili Ato, Feliciano Mau Bere, Manuel Mau Bau** and **Silvano Siga Mau**.
96. Antonio Soares, Manuel Maulelo Araujo, Jose Pau Lelo and Paulino Soares were killed in the presence of **Burhanuddin Siagian, Joao Tavares** and **Jorge Tavares**.
97. The bodies of Antonio Soares, Manuel Maulelo Araujo, Jose Pau Lelo and Paulino Soares were gathered into one pile and guarded by TNI members.
98. After the killings, **Burhanuddin Siagian, Joao Tavares, Jorge Tavares** and **Lt. Sutrisno** returned to Manuel Gama's house. **Lt. Sutrisno** stopped in front of the house and stayed on the road.
99. **Burhanuddin Siagian** then addressed the crowd at the house of Manuel Gama threatening independence supporters that if needed they would be killed. **Burhanuddin Siagian** made his speech in the presence of **Jorge Tavares** and **Joao Tavares**.
100. After the address, a convoy of people, including **Joao Tavares, Jorge Tavares, Burhanuddin Siagian** and others returned to the Sub-district of Maliana.
101. That night, TNI and militia members dumped in the sea the bodies of the men killed that day on the hill in Poegoa and in the village of Marco.

C. The creation of the Guntur militia group and the following destruction of houses and forcible transfer of population

102. On the evening of 12 April 1999, there was a meeting of the TNI and Halilintar militia members at the house of Manuel Gama. Present were **Joao Tavares**, Halilintar militia Commander **Paulo Gonsalves**, **Dandim Burhanuddin Siagian**, **Adao Salsinha Babo**, **Flaviano Dasi Lelo**, **Guilherme Atusuri**, **Jose Apalagi**, **Mahalan Agus Salim**, **Lt. Sutrisno** and **Feliciano Mau Bere**.
103. They agreed to create another militia group to be called the Guntur Militia. **Adao Salsinha Babo** would become the Commander and **Flaviano Dasi Lelo** the Deputy Commander.
104. From then on, the Guntur militia members often acted in coordination with the Halilintar militia members and members of the TNI. Under the direction of **Paulo Gonsalves**, **Adao Salsinha Babo** and **Flaviano Dasi Lelo**, the Halilintar and Guntur militia members undertook a widespread or systematic attack, in collaboration with and active participation of members of the TNI in the Sub-district of Cailaco throughout April 1999.
105. On the morning of 13 April 1999, the villagers of Marco were forced by TNI and militia members to attend speeches from the leaders of this new group. The gathering was held outside the Koramil in Marco. Militiamen **Adao Salsinha Babo** and **Flaviano Dasi Lelo** spoke of the creation of the Guntur militia. Their mandate was to assist the Halilintar Militia and to live and die for pro-autonomy with Indonesia. **Joao Tavares** also made a speech. He stated that the Guntur militia needed more members to make it stronger and bigger and to join forces with Halilintar.
106. **Joao Tavares** had a list of perceived to be independence supporters. The militia would target and intimidate the persons named on that list by different means including destroying their houses. **Joao Tavares** also had the power to stop the militia from intimidating the named persons on his list.
107. Between 12 and 13 April 1999, in the Sub-district of Cailaco and the town of Maliana, houses of pro-independence supporters were attacked and burned or some of their property stolen. These include, among others, the houses of the CNRT leader Manuel Marghalaes, Joao Vicente, Marcos de Jesus, Joao Godhino, Joao Lopes, Anacleto Barreto, Guilherme Caeiro, Jose Andrade, Jose Pau Lelo (killed at the Koramil on 12 April 2002) and Adriano Joao. **Paulo Gonsalves**, **Adao Salsinha Babo**, **Jose Apalagi**, **Arnold Soares** were amongst those that stole and destroyed the property of Jose Pau Lelo.
108. On 13 April 1999, the villagers of Daudo were rounded up and forced by TNI members to move to the village of Biadila. The men were also forced to join the Guntur militia.
109. On 14 April 1999, the funeral of Manuel Gama took place in Marco. During the funeral, **Joao Tavares** made a speech in the presence of **Burhanuddin Siagian** where he promised to kill all Falintil members and their supporters. The people were told to

submit their names and join the new Guntur militia group. **Burhanuddin Siagian** also made threats of reprisal for the death of Manuel Gama.

110. In the following days, the TNI and militia members went to various sub-villages and villages in the Sub-district of Cailaco they believed to support independence and forced the villagers to move into camps or be killed.
111. On 15 April 1999, the population of the sub-village of Goulolo (approximately 700 to 800 people) was forced to move to the village of Turema. Once resettled in the village of Turema, the men were forced to join the Guntur militia in a show of support for autonomy and the fight against Falintil. Those that would not join the militia would be considered Falintil supporters and threatened to be relocated elsewhere.
112. On 16 April 1999, the population of the village of Raiheu (approximately 800 to 1000 people) was forced to move to the village of Ritabou.

D. The destruction of houses of pro-independence supporters on or about 18 April 1999 in various villages throughout the Sub-district of Cailaco

113. Members of the TNI, Guntur and Halilintar militia members gathered for a roll call at the Koramil in Marco on the morning of 18 April 1999.
114. Halilintar militia Commander **Paulo Gonsalves**, in the presence of **Jose Apalagi**, **Francisco Viegas Bili Ato**, TNI **Guilherme Atusuri**, **Adao Salsinha Babo**, TNI **Tito Lelo Bere**, **Flaviano Dasi Lelo**, **Arnold Soares** and **Aprecio Miguel**, addressed the militia members and told them that they would go to the villages in the surrounding mountains and destroy the homes of independence supporters. Militia members were also told to shoot at anyone making trouble or running away.
115. The members of the Guntur and Halilintar militia split into groups and went to various villages and looted, burned and destroyed the houses of independence supporters.
116. Some members of the militia and TNI went to the village of Bisale. Once in Bisale, TNI member **Tito Lelo Bere** ordered the destruction of the houses of independence supporters. The militia members who burned the houses included, among others, **Aprecio Miguel**, **Arnold Soares**. TNI **Tito Lelo Bere** was carrying a list with the names of believed to be independence supporters. The militia destroyed the houses of the civilians targeted on that list.
117. In addition, some of the members of the Guntur and Halilintar militia went to the village of Samutaben. **Tito Lelo Bere**, again from the list he was carrying, ordered the destruction of houses of independence supporters. **Aprecio Miguel** and **Arnold Soares**, among others, burned the houses. During the destruction and burning of houses in the village of Samutaben, Halilintar militia leader **Paulo Gonsalves** was present.
118. Some members of the TNI and militia went to the villages of Adusleten and Kalicoe, burning houses and destroying property.

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119. Some TNI and militia members went to the village of Asalau, burning houses of pro-independence supporters. In the village of Asalau, the members of the militia burned many houses of suspected independence supporters. Militia member **Arnold Soares** was among those that burned houses.
 120. TNI and militia members then returned by trucks to Marco and they were instructed to return for roll call the next day.

E. The murders of Aparicio Mali Tae and Carlos Sama Lelo on or about 19 April 1999

121. In April 1999, Aparicio Mali Tae and Carlos Sama Lelo lived in Purugua. Aparicio Mali Tae and Carlos Sama Lelo were brothers and strong supporters of independence.
122. In the morning, on or about 19 April 1999, the men of the sub-village of Purugua including Aparicio Mali Tae and Carlos Sama Lelo had been ordered by the TNI post Commander **Haerola [LNU]** to gather at the TNI post in Purugua to participate in community service.
123. Sometime after 11:00, Halilintar militia members **Francisco Viegas Bili Ato** and **Feliciano Mau Bere** arrived by motorcycle at the TNI post. A Mikrolet (mini bus) was also parked in front of the TNI post.
124. **Francisco Viegas Bili Ato** went up to Aparicio Mali Tae who was cutting grass in front of the hospital. **Francisco Viegas Bili Ato** forced Aparicio Mali Tae to walk to the TNI post. Aparicio Mali Tae was then forced by TNI members to get inside the mikrolet.
125. Carlos Sama Lelo who had been working at the TNI post was also forced by TNI members to get inside the mikrolet. TNI post Commander **Haerola [LNU]** drove the mikrolet in the direction of Marco while **Francisco Viegas Bili Ato** and **Feliciano Mau Bere** followed behind on motorcycles.
126. Aparicio Mali Tae and Carlos Sama Lelo were taken to the Koramil in Marco. The remains of the two victims were discovered in May 2002. The remains were located in a dry creek bed, at the end of a trail leading from the rear of the SGI post in Marco.

F. The murders of Armando Soares and Antonio Bazile on 19 April 1999.

127. Sometime between 14 and 19 April 1999, members of numerous militia groups from the District of Bobonaro and TNI members went to the village of Manapa, Sub-district of Cailaco, telling the villagers to move to the sub-village of Samutaben. Many of the men who were independence supporters had already fled from the village of Manapa. The remaining villagers of Manapa were forced to move to the village of Samutaben.
128. On or about 19 April 1999, members of the DMP (Dadurus Merah Putih) militia went to the village of Manapa and began burning the village and destroying houses.

129. Armando Soares and Antonio Bazile together with other civilians of Manapa village were forced to walk from the village of Manapa to the sub-village of Samutaben.
130. Members of the DMP militia, including **Joao Coli** and **Manuel Maia** approached the villagers and asked to see their identification cards. The members of the militia were armed with katanas (sword in a scabbard).
131. Suddenly, **Joao Coli** became angry and stated: "let's kill them". **Joao Coli** then began hitting Armando Soares on the head with a katana. **Joao Coli** also cut his neck. Armando Soares fell to the ground. Other militia members started hitting Armando Soares with katanas. Armando Soares died from his wounds.
132. The group of militia then arrested Antonio Bazile. Some of the militia members said they had to kill him since he was a university student. Militia members tied his hands behind his back and began walking towards the Koramil in Marco. As they were walking **Joao Coli** and **Manuel Maia** attacked Antonio Bazile and stabbed him to death.
133. The militia members left the bodies of the victims were they had been killed.

G. The murders of Jose Barros and Cornelius da Silva on 20 April 1999.

134. On the morning of April 20, 1999, members of the TNI, Halilintar and Guntur militia met for a roll call in Marco. Guntur Commander **Adao Salsinha Babo** addressed the group and told them they were to conduct an operation along the main road of Atadura village. They were ordered to seek and kill independence supporters.
135. Members of the group included, among others, **Jose Apalagi**, **Francisco Viegas Bili Ato**, **TNI Guilherme Atusuri**, **TNI Tito Lelo Bere**, **Arnold Soares**, **Flaviano Dasi Lelo**, **Aprecio Miguel**, **TNI Mahalan Agus Salim**, **Paulo Gonsalves** and **Feliciano Mau Bere**.
136. **Francisco Viegas Bili Ato**, **Mahalan Agus Salim**, **Jose Apalagi**, **Tito Lele Bere** and **Adoa Salsinha Babo** were armed with rifles.
137. The militia and TNI members proceeded to the sub-village of Maumela, village of Atadura. Upon their arrival in Maumela, militia members, including **Arnold Soares**, destroyed the shop of Manuel Maulelo Araujo (the school teacher), who had been killed on 12 April 1999 in Cailaco (see *supra* paragraph 94).
138. The group then went looking for teacher and suspected independence supporter Cornelius da Silva.
139. Cornelius da Silva was at the checkpoint in Maumela. Guntur militia commander **Adoa Babo Salsinha** and **TNI Tito Lelo Bere** ordered Guntur members to find him. Cornelius da Silva was found and brought to his house. Outside his house, **Tito Lelo Bere** questioned Cornelius da Silva about his pro-independence activities. Cornelius da Silva did not answer and was forcibly taken back to the checkpoint.
140. The group then walked to the village of Purugua. Upon their arrival, they went to the home of Jose Barros, also a teacher. **Jose Apalagi**, **Tito Lele Bere**, **Adoa Salsinha**

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Babo and **Francisco Viegas Bili Ato** ordered members of the group to destroy the home of Jose Barros.

141. Pursuant to the orders, TNI and militia members, including **Aprecio Miguel** and **Arnold Soares** destroyed the house of Jose Barros.
142. After this, TNI members took Jose Barros from the TNI post and brought him to the TNI and militia members waiting at his house in the village of Purugua.
143. Members of the group including **Francisco Viegas Bili Ato**, **Jose Apalagi**, **Adao Babo Salsinha**, **Arnold Soares**, **Aprecio Miguel** and **Yeohanis Dasi Lelo** started beating Jose Barros beside his destroyed house.
144. Jose Barros was beaten with rifle butts, punched and kicked. **Jose Apalagi** struck Jose Barros in the face with his rifle butt and Jose Barros fell to the floor bleeding.
145. Jose Barros was forced to walk to the church in Purugua. He was then taken into the bushes behind the church by, among others, **Jose Apalagi**, **Guilherme Atusuri**, **Aprecio Miguel**, **Francisco Viegas Bili Ato**, **Adao Babo Salsinha**, **Tito Lelo Bere**, **Arnold Soares**, **Flaviano Dasi Lelo** and **Mahalan Agus Salim**.
146. Before going into the bush, **Adao Babo Salsinha** ordered the other militia members to walk away and chant pro-autonomy slogans. Then automatic gunfire was heard coming from the direction where Jose Barros had been taken. Jose Barros was never seen alive again.
147. After the shooting, **Adao Babo Salsinha** and **Francisco Viegas Bili Ato** advised the militia members present, not to tell anyone about the killing of Jose Barros or they would be killed themselves.
148. The group then went to the house of TNI member **Yeohanis Loe Dasi** in Atudara. TNI, Guntur and Halilintar militia members, **Jose Apalagi**, **Guilherme Atusuri**, **Aprecio Miguel**, **Francisco Viegas Bili Ato**, **Adao Babo Salsinha**, **Flaviano Dasi Lelo**, **Feliciano Mau Bere**, **Arnold Soares**, **Justinho Borges**, **Rui Bere Loe**, **Agustinho Bili Tae**, **Tito Lelo Bere**, **Yeohanis Loe Dasi** and **Mahalan Agus Salim** had a meeting inside this house. During the meeting, TNI **Mahalan Agus Salim** ordered the members of the militia and TNI present to kill Cornelius da Silva.
149. The group then walked to Maumela and **Mahalan Agus Salim** ordered **Justinho Borges** and **Rui Bere Loe** to forcibly take Cornelius Da Silva from the checkpoint.
150. The group took Cornelius da Silva in the direction of Marco village. Cornelius da Silva was wearing a red and white flag on his head.
151. The wife of Cornelius da Silva was following the group when **Mahalan Agus Salim** told her that if she wanted to die with her husband, she should come along as well.
152. At the dry riverbed of Railulu, **Francisco Viegas Bili Alto** pushed Cornelius da Silva and told him to take the flag off his head. Following the order of **Mahalan Agus Salim**, **Justinho Borges** and **Rui Bere Loe** attempted to tie Cornelius da Silva's hands.

153. **Francisco Viegas Bili Ato** pushed Cornelius da Silva away from **Justinho Borges** and **Rui Bere Loe** and then raised his rifle and shot Cornelius da Silva.
154. **Jose Apalagi, Tito Lelo Bere, Adao Salsinha Babo, Aprecio Miguel, Arnold Soares, Flaviano Dasi Lelo, Mahalan Agus Salim** and other TNI present also fired on the victim. Cornelius da Silva died from his wounds.
155. The group then left the dead body of Cornelius da Silva where it lay and continued to Marco. Later that afternoon, **Mahalan Agus Salim** ordered the dead body to be buried. The body of Cornelius da Silva was buried close to area where his was killed.
156. In all the incidents described in paragraphs 10 to 155, no punishment was imposed upon any of the TNI and militia members involved.

V. GENERAL ALLEGATIONS

157. The acts or omissions by the accused, described in this indictment, were undertaken as part of a widespread or systematic attack directed against the civilian population, with knowledge of the attack, and especially targeting those who were believed to be linked to or sympathetic with the independence cause in East Timor.

VI. CRIMINAL RESPONSABILITY

Individual Criminal Responsibility

158. **Burhanuddin Siagian (1), Sutrisno (2), Assis Fontes (3), Mahalan Agus Salim (4), Tito Lete Bere (5), Yeohanis Loe Dasi (6), Guilherme Atusuri (7), Haerola [LNU](8), Manuel Mau Bau (9), Silvano Siga Mau (10), Manuel Mali Lete (11), Gustavo Soares (12), Arlindo Bere Dasi (13), Agostino Lopes (14), Manuel Lopes (15), Joao da Silva Tavares (16), Jorge Tavares (17), Paulo Gonsalves (18), Francisco Viegas Bili Ato (19), Feliciano Mau Bere (20), Jose Apalagi (21), Alcanzo Pereira (22), Carlito Gama (23), Adao Salsinha Babo (24), Flaviano Dasi Lelo (25), Aprecio Miguel (26), Justinho Borges (27), Arnold Soares [aka Jaime] (28), Rui Bere Loe (29), Agostinho Bili Tae (30), Joao Coli (31), Manuel Maia (32)** are charged with individual criminal responsibility in this indictment. Each accused is responsible under Section 14 UNTAET Regulation 2000/15 if he:

“[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

159. **Burhanuddin Siagian (1), Lt. Sutrisno (2), Mahalan Agus Salim (4), Joao da Silva Tavares (16) and Paulo Gonsalves (18)** are charged with superior criminal responsibility in this indictment. They are responsible under Section 16 of UNTAET Regulation 2000/15 for the acts of their subordinates if they:

"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 perpetrator thereof."

VII. THE CHARGES

Pursuant to the above, the General Prosecutor of the Democratic Republic of Timor Leste charges:

A. For acts or omissions committed against Domingos Guterres and Jose Andrade

Count 1: Crimes Against Humanity – Torture

By their acts or omissions in relation to the events described in paragraphs 21 to 28 inclusive, **Burhanuddin Siagian (1)** and **Lt. Sutrisno (2)** are responsible as individuals or as superiors for the torture of Domingos Guterres, on or about 21 March 1999, in Maliana, Bobonaro District, which was committed as part of a widespread or systematic attack against a civilian population with knowledge of the attack, and thereby committed CRIMES AGAINST HUMANITY – TORTURE, a crime stipulated under Section 5.1(f) of UNTAET Regulation 2000/15.

Count 2: Crimes Against Humanity – Torture

By their acts or omissions in relation to the events described in paragraphs 29 to 37 inclusive, **Burhanuddin Siagian (1)** and **Lt. Sutrisno (2)** are responsible as individuals or as superiors for the torture Jose Andrade, on or about 22 March 1999, in Maliana, Bobonaro District, which was committed as part of a widespread or systematic attack against a civilian population with knowledge of the attack, and thereby committed CRIMES AGAINST HUMANITY – TORTURE, a crime stipulated under Section 5.1(f) of UNTAET Regulation 2000/15.

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Count 3: Crimes Against Humanity – Imprisonment or 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 paragraphs 21 to 36 inclusive, **Burhanuddin Siagian (1)** and **Lt. Sutrisno (2)** are responsible as individuals or as a superior for the imprisonment or severe deprivation of physical liberty of Domingos Guterres and Jose Andrade in violation of fundamental rules of international law, on or about 21 and 22 March 1999, in Maliana, Bobonaro District, which was committed as part of a widespread or systematic attack against a civilian population with knowledge of the attack, and thereby committed **CRIMES AGAINST HUMANITY – IMPRISONMENT OR SEVERE DEPRIVATION PHYSICAL LIBERTY**, a crime stipulated under Section 5.1(e) of UNTAET Regulation 2000/15.

B. For acts or omissions committed against Adriano Joao

Count 4: Crimes Against Humanity – Torture

By his acts or omissions in relation to the events described in paragraphs 38 to 40 inclusive, **Joao Tavares (16)** is responsible as a superior for the torture of Adriano Joao, on or about 13 April 1999, in Maliana, Bobonaro District, which was committed as part of a widespread or systematic attack against a civilian population with knowledge of the attack, and thereby committed a **CRIME AGAINST HUMANITY – TORTURE**, a crime stipulated under Section 5.1(f) of UNTAET Regulation 2000/15.

C. For acts or omissions committed against Americo Barretto [aka Loco Batu], Antonio Borges, Balthazar Preitas, Carlito [aka Anis] Mau Leto and Domingos Resi Mau and other unknown persons

Count 5: Crimes Against Humanity – Torture

By their acts or omissions in relation to the events described in paragraphs 43 to 55 inclusive, **Burhanuddin Siagian (1)**, **Mahalan Agus Salim (4)**, **Joao Tavares (16)**, **Paulo Gonsalves (18)**, **Francisco Viegas Bili Ato (19)** and **Feliciano Mau Bere (20)** are responsible as individuals or as superiors for the torture of Americo Barretto [aka Loco Batu], Antonio Borges, Balthazar Preitas, Carlito [aka Anis] Mau Leto and Domingos Resi Mau, on or about 12 April 1999, in Marco, Bobonaro District, which was committed as part of a widespread or systematic attack against a civilian population with knowledge of the attack, and thereby committed **CRIMES AGAINST HUMANITY – TORTURE**, a crime stipulated under Section 5.1(f) of UNTAET Regulation 2000/15.

Count 6: Crimes Against Humanity – Persecution by unlawful detention

By their acts or omissions in relation to the events described in paragraphs 43 to 55 inclusive, **Burhanuddin Siagian (1), Mahalan Agus Salim (4), Joao Tavares (16), Paulo Gonsalves (18), Francisco Viegas Bili Ato (19) and Feliciano Mau Bere (20)** are responsible as individuals or as superiors for the persecution by the unlawful detention of Americo Barretto [aka Loco Batu], Antonio Borges, Balthazar Preitas, Rosa Preitas, Balbina Preitas and other unknown persons, on or about 12 April 1999, in Marco, Bobonaro District, which was committed as part of a widespread or systematic attack against a civilian population with knowledge of the attack, and thereby committed **CRIMES AGAINST HUMANITY – PERSECUTION**, a crime stipulated under Section 5.1(h) of UNTAET Regulation 2000/15.

D. For acts or omissions committed against Joao Evangelista Lima Vidal, Esterlino Soares [aka Loe Bere], Zefrino Soares Paulo [aka Loe-Lako], Silvano Maupilo, Carlito [aka Anis] Mau Leto and Domingos Resi Mau

Count 7: Crimes Against Humanity – Torture

By their acts or omissions in relation to the events described in paragraphs 56 and 57, **Burhanuddin Siagian (1), Mahalan Agus Salim (4), Manuel Mali Lete (11), Gustavo Soares (12), Arlindo Bere Dasi (13) and Joao Tavares (16)** are responsible as individuals or as superiors for the torture of Joao Evangelista Lima Vidal and Esterlino Soares [aka Loe Bere], on or about 12 April 1999, in Poegoa, Bobonaro District, which was committed as part of a widespread or systematic attack against a civilian population with knowledge of the attack, and thereby committed **CRIMES AGAINST HUMANITY – TORTURE**, a crime stipulated under Section 5.1(f) of UNTAET Regulation 2000/15.

Count 8: Crimes Against Humanity – Torture

By their acts or omissions in relation to the events described in paragraphs 60, 66 and 67, **Lt. Sutrisno (2) and Yeohanis Loe Dasi (6)** are responsible as individuals or as superiors for the torture of Joao Evangelista Lima Vidal, Zefrino Soares Paulo [aka Loe-Lako] and Silvano Maupilo, on or about 12 April 1999, in Poegoa, Bobonaro District, which was committed as part of a widespread or systematic attack against a civilian population with knowledge of the attack, and thereby committed a **CRIME AGAINST HUMANITY – TORTURE**, a crime stipulated under Section 5.1(f) of UNTAET Regulation 2000/15.

Count 9: Crimes Against Humanity – Murder

By their acts or omissions in relation to the events described in paragraphs 76 to 83 inclusive, **Burhanuddin Siagian (1), Lt. Sutrisno (2), Joao Tavares (16) and Jorge Tavares (17)** are responsible as individuals or as superiors for the murder of Joao Evangelista Lima Vidal, Carlito [aka Anis] Mau Leto and Domingos Resi Mau, on or about 12 April 1999, in Poegoa, Bobonaro District which was committed as part of a widespread or systematic attack against a civilian population with knowledge of the attack, and thereby committed **CRIMES AGAINST HUMANITY – MURDER**, a crime stipulated under Section 5.1(a) of UNTAET Regulation 2000/15.

E. For acts or omissions committed against Paulino Soares, Jose Pau Lelo, Antonio Soares and Manuel Maulelo Araujo

Count 10: Crimes Against Humanity – Murder

By their acts or omissions in relation to the events described in paragraphs 84 to 101 inclusive, **Burhanuddin Siagian (1), Lt. Sutrisno (2), Assis Fontes (3), Manuel Mau Bau (9), Silvano Siga Mau (10), Agostino Lopes (14), Manuel Lopes (15), Joao Tavares (16), Jorge Tavares (17), Paulo Gonsalves (18), Francisco Viegas Bili Ato (19), Feliciano Mau Bere (20), Alcanzo Pereira (22), Carlito Gama (23) and Adao Salsinha Babo (24)** are responsible as individuals or as superiors for the murder of Paulino Soares, Jose Pau Lelo, Antonio Soares and Manuel Maulelo Araujo, on or about 12 April 1999, in Marco, Bobonaro District, which was committed as part of a widespread or systematic attack against a civilian population with knowledge of the attack, and thereby committed **CRIMES AGAINST HUMANITY – MURDER**, a crime stipulated under Section 5.1(a) of UNTAET Regulation 2000/15.

F. For acts or omissions committed against the civilian population of the Sub-district of Cailaco

Count 11: Crimes Against Humanity – Forcible transfer of a civilian population

By their acts or omissions in relation to the events described in paragraphs 43-69, 102-112 and 127-133 inclusive, **Burhanuddin Siagian (1), Mahalan Agus Salim (4), Joao Tavares (16), Paulo Gonsalves (17), Francisco Viegas Bili Ato (19), Feliciano Mau Bere (20), Adao Salsinha Babo (24), Flaviano Dasi Lelo (25), Joao Coli (31) and Manuel Maia (32)** are responsible as individuals or as superiors for the forcible transfer of population within the Sub-district of Cailaco, Bobonaro District, between 12 and 20 April 1999, which was committed as part of a widespread or systematic attack against a civilian population with knowledge of the attack, and thereby committed **CRIMES AGAINST HUMANITY – DEPORTATION OR FORCIBLE TRANSFER OF POPULATION**, a crime stipulated under Section 5.1(d) of UNTAET Regulation 2000/15.

Count 12: Crimes Against Humanity – Persecution by the destruction of property

By their acts or omissions in relation to the events described in paragraphs 107, 113- 119, 128 and 134-141 inclusive, **Burhanuddin Siagian (1), Tito Lelo Bere (5), Yeohanis Loe Dasi (6), Guilherme Atusuri (7), Joao Tavares (16), Paulo Gonsalves (18), Francisco Viegas Bili Ato (19), Jose Apalagi (21), Adao Salsinha Babo (24), Flaviano Dasi Lelo (25), Aprecio Miguel (26), Arnold Soares (28), Joao Coli (31) and Manuel Maia (32)** are responsible as individuals or as superiors for the persecution of a civilian population by the destruction of property in the Sub-district of Cailaco, Bobonaro District, between 12 and 20 April 1999, which was committed as part of a widespread or systematic attack against a civilian population with knowledge of the attack, and thereby committed **CRIMES AGAINST HUMANITY – PERSECUTION**, a crime stipulated under Section 5.1(h) of UNTAET Regulation 2000/15.

G. For acts or omissions committed against Aparicio Mali Tae and Carlos Sama Lelo

Count 13: Crimes Against Humanity – Murder

By their acts or omissions in relation to the events described in paragraphs 121 to 126 inclusive, **Burhanuddin Siagian (1), Haerola [LNU] (8), Joao Tavares (16), Francisco Viegas Bili Ato (19) and Feliciano Mau Bere (20)** are responsible as individuals or as superiors for the murder of Aparicio Mali Tae and Carlos Sama Lelo, on or about 19 April 1999, in Marco, Bobonaro District, which was committed as part of a widespread or systematic attack against a civilian population with knowledge of the attack, and thereby committed **CRIMES AGAINST HUMANITY – MURDER**, a crime stipulated under Section 5.1(a) of UNTAET Regulation 2000/15.

OR ALTERNATIVELY

Crimes Against Humanity – Persecution by unlawful detention

By their acts or omissions in relation to the events described in paragraphs 121 to 126 inclusive, **Burhanuddin Siagian (1), Haerola [LNU] (8), Joao Tavares (16), Francisco Viegas Bili Ato (19) and Feliciano Mau Bere (20)** are responsible as individuals or as superiors for the persecution by the unlawful detention of Aparicio Mali Tae and Carlos Sama Lelo, on or about 19 April 1999, in Purugua, Bobonaro District, which was committed as part of a widespread or systematic attack against a civilian population with knowledge of the attack, and thereby committed **CRIMES AGAINST HUMANITY – PERSECUTION**, a crime stipulated under Section 5.1(h) of UNTAET Regulation 2000/15.

H. For acts or omissions committed against Armando Soares and Antonio Bazile

Count 14: Crimes Against Humanity – Murder

By their acts or omissions in relation to the events described in paragraphs 127 to 133 inclusive, **Joao Tavares (16), Joao Coli (31) and Manuel Maia (32)** are responsible as individuals or a superior for the murder of Armando Soares and Antonio Bazile, on or about 19 April 1999, in Marco, Bobonaro District, which was committed as part of a widespread or systematic attack against a civilian population with knowledge of the attack, and thereby committed CRIMES AGAINST HUMANITY – MURDER, a crime stipulated under Section 5.1(a) of UNTAET Regulation 2000/15.

I. For acts or omissions committed against Jose Barros and Cornelius da Silva

Count 15: Crimes Against Humanity – Murder

By their acts or omissions in relation to the events described in paragraphs 134 to 155 inclusive, **Burhanuddin Siagian (1), Mahalan Agus Salim (4), Tito Lelo Bere (5), Yeohanis Loe Dasi (6), Guilherme Atusuri (7), Joao Tavares (16), Paulo Gonsalves (18), Francisco Viegas Bili Ato (19), Feliciano Mau Bere (20), Jose Apalagi (21), Adao Salsinha Babo (24), Flaviano Dasi Lelo (25), Aprecio Miguel (26), Arnold Soares (28), Rui Bere Loe (29) and Agostinho Bili Tae (30)** are responsible as individuals or as superiors for the murder of Jose Barros and Cornelius da Silva, on or about 20 April 1999, in Marco, Bobonaro District, which was committed as part of a widespread or systematic attack against a civilian population with knowledge of the attack, and thereby committed CRIMES AGAINST HUMANITY – MURDER, a crime stipulated under Section 5.1(a) of UNTAET Regulation 2000/15

Count 16: Crimes Against Humanity – Murder

By their acts or omissions in relation to the events described in paragraphs 134 to 155 inclusive, **Justinho Borges (27), Rui Bere Loe (29) and Agostinho Bili Tae (30)** are responsible for the murder of Cornelius da Silva, on or about 20 April 1999, in Marco, Bobonaro District, which was committed as part of a widespread or systematic attack against a civilian population with knowledge of the attack, and thereby committed CRIMES AGAINST HUMANITY – MURDER, a crime stipulated under Section 5.1(a) of UNTAET Regulation 2000/15

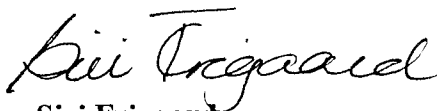
VIII. VICTIMS

The list of victims and the list of evidence, which form part of this indictment are attached as Annex "A" and Annex "B" respectively.

IX. REQUEST FOR TRIAL

The Deputy General Prosecutor for Serious Crimes hereby requests the Special Panel for Serious Crimes of the District Court of Dili to assume jurisdiction and to try this case expeditiously.

Dated at Dili, 3 February 2003



Siri Frigaard

Deputy General Prosecutor for Serious Crimes