



UNTAET

United Nations Transitional Administration in East Timor

Case No: LI-1-99-SC

The General Prosecutor of the United Nations
Transitional Administration in East Timor

Against

Leoneto Martins, Augustinho Alves Correia, Jose Afat, Lieutenant Colonel Asep Kuswani, Captain Purwanto, Sgt. Major Carlos Amaral, Lieutenant Dominicus Yance Sado, Lieutenant Colonel Adios Salova, Tome Diogo, Domingos Mendez aka Domingos Askopas, Henrique Moreira, Jorge Veigas, Manuel Sousa, Joao Sera aka Joao Loumeza, Felipe Graciano, Zacharia Alves, Jacinto Goncalves, Floriano Da Silva aka Floriano Dato Meta, Domingos Goncalves aka Domingos Limen Sanak and Victor Da Cruz.

1. INDICTMENT

The General Prosecutor of the United Nations Transitional Administration for East Timor, pursuant to his authority under UNTAET Regulations 2000/15, 2000/16 and 2000/30 charges:

Leoneto Martins, Augustinho Alves Correia, Jose Afat, Lieutenant Colonel Asep Kuswani, Captain Purwanto, Sgt. Major Carlos Amaral, Lieutenant Dominicus Yance Sado, Lieutenant Colonel Adios Salova, Tome Diogo, Domingos Mendez aka Domingos Askopas, Henrique Moreira, Jorge Veigas, Manuel Sousa, Joao Sera aka Joao Loumeza, Felipe Graciano, Zacharia Alves, Jacinto Goncalves, Floriano Da Silva aka Floriano Dato Meta, Domingos Goncalves aka Domingos Limen Sanak and Victor Da Cruz.

WITH

**CRIMES AGAINST HUMANITY: EXTERMINATION, MURDER, PERSECUTION,
INHUMANE ACTS, ENFORCED DISAPPEARANCE. DEPORTATION OR
FORCIBLE TRANSFER OF POPULATION.**

as set forth in this indictment.

II. NAME AND PARTICULARS OF THE ACCUSED

01.

Name: **Leoneto Martins**
 Date of Birth/Age: Unknown
 Place of Birth: Kaikasa, Gugleur, sub district of Maubara, Liquica
 Location: Unknown
 Function at the time of the event: District Administrator of Liquica (Bupati)

02.

Name: **Agustinho Alves Correia**
 Date of Birth/Age: Unknown
 Place of Birth: East Timor
 Location: Indonesia
 Function at the time of the event: Sub-district Administrator Dato Liquica (Camat)

03.

Name: **Jose Afat**
 Date of Birth/Age: Unknown
 Place of Birth: East Timor
 Location: Indonesia
 Function at the time of the event: Sub-district Administrator of Maubara (Camat)

04.

Name: **Lieutenant Colonel Asep Kuswani**
 Date of Birth/Age: Unknown
 Place of Birth: Unknown
 Location: Indonesia
 Function at the time of the event: TNI Commander for Liquica District (Dandim)

07.

Name: **Captain Purwanto**
 Date of Birth/Age: Unknown
 Place of Birth: Unknown
 Location: Indonesia
 Function at the time of the event: TNI Deputy Commander for Liquica District

08.

Name: **Sergeant Major Carlos Amaral**
 Date of Birth/Age: Unknown
 Place of Birth: Unknown
 Location: Indonesia
 Function at the time of the event: TNI Commander for Maubara Sub-District (DANRAMIL)

09.

Name: **Lieutenant Dominicus Yance Sado**
 Date of Birth/Age: Unknown
 Place of Birth: Unknown
 Location: Indonesia
 Function at the time of the event: TNI Commander in Bazartete sub-District (DANRAMIL)

10.

Name: **Lieutenant Colonel Adios Salova**
 Date of Birth/Age: Unknown
 Place of Birth: Unknown
 Location: Indonesia
 Function: POLRI Commander for Liquica District (Kapolres)

11.

Name: **Tome Diogo**
 Date of Birth/Age: 1952
 Place of Birth: Fatumasi, Bazartete, Liquica
 Location: Indonesia
 Function at the time of the event: TNI Intelligent officer

12.

Name: **Domingos Mendez aka Domingos Askopsas**
 Date of Birth/Age: Unknown
 Place of Birth: East Timor
 Location: Indonesia
 Function at the time of the event: TNI Soldier Maubara

13.

Name: **Henrique Moreira**
 Date of Birth/Age: Unknown
 Place of Birth: Atabai, Maliana
 Location: Indonesia

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Function at the
time of the event: TNI officer Bazartete

14.

Name: **Jorge Veigas**
Date of Birth/Age: Unknown
Place of Birth: East Timor
Location: Indonesia
Function at the
time of the event: TNI officer Maubara

15.

Name: **Manuel Sousa**
Date of Birth/Age: Unknown
Place of Birth: East Timor
Location: Indonesia
Function at the
time of the event: Commander of BMP militia for the District of Liquica

16.

Name: **Joao Sera aka Joao Loumeza,**
Date of Birth/Age: Unknown
Place of Birth: East Timor
Location: Indonesia
Function at the
time of the event: Vice Commander of BMP militia for the District of Liquica.

17.

Name: **Zacharia Alves**
Date of Birth/Age: Unknown
Place of Birth: East Timor
Location: Indonesia
Function at the
time of the event: BMP Commander Bazartete and Liquica

18.

Name: **Floriano Da Silva aka Floriano Dato Meta**
Date of Birth/Age: Unknown
Place of Birth: East Timor
Location: Indonesia
Function at the
time of the event: BMP Commander in Gugleur

19.

Name: **Jacinto Goncalves**
Date of Birth/Age: Unknown
Place of Birth: East Timor
Location: Indonesia
Function at the
time of the event: BMP Commander in Bazartete

20.

Name: **Victor Lopez aka Victor Handoko**
Date of Birth/Age: Unknown
Place of Birth: East Timor
Location: Indonesia
Function at the
time of the event: BMP Commander in Bazartete

21.

Name: **Domingos Goncalves aka Domingos Limen Sanak**
Date of Birth/Age: Unknown
Place of Birth: East Timor
Location: Indonesia
Function at the
time of the event: BMP Commander in Bazartete

22.

Name: **Victor Da Cruz**
Date of Birth/Age: Unknown
Place of Birth: East Timor
Location: Indonesia
Function at the
time of the event: BMP member in Bazartete

III. INTRODUCTORY STATEMENT OF FACTS

1. In 1999, a widespread or systematic attack directed against the civilian population was committed in East Timor. This attack occurred during two interconnected periods of intensified violence. The first period followed the announcement on 27 January 1999 by the Government of the Indonesia, that the people of East Timor would be allowed to choose between autonomy with Indonesia or Independence until 4 September 1999, the date of the announcement of the result of the popular consultation in which 78.5 per cent voted against the proposed special autonomy within the Unitary State of the Republic of Indonesia. The second period followed the announcement of the result of the popular consultation on 4 September through 25 October 1999.

2. The attack against the civilian population of East Timor was part of an orchestrated campaign of violence, that included, among other things, incitement, intimidation, threats to life, murders, assaults, rapes, kidnappings and other forms of violence, carried out by pro-autonomy militia, members of the Indonesian Armed Forces, ABRI (*Angkatan Bersenjata Republik Indonesia*), renamed TNI (*Tentara Nasional Indonesia in 1999*), and of the Indonesian Police Force (POLRI) with the acquiescence and active participation of Civilian and Military Authorities.

3. The large-scale attack was directed against civilians of all age groups, predominantly against individuals who supported or who 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.

4. As part of the widespread or systematic attack against the civilian population attacks were also carried out against property and livestock, including mass destruction of houses by fire, stealing of property and the killing and stealing of livestock.

5. The widespread or systematic attack resulted in the internal displacement of thousands of persons (IDPs). Additionally, the forcible transfer and deportation of the civilian population within East Timor and to West Timor, Indonesia was an essential feature of the orchestrated campaign of violence.

6. The violence carried out by pro-autonomy militias in 1999 in East Timor continued in West Timor, where thousands of East Timorese were deported and forcibly transferred. Pro-autonomy militias continued their campaign of violence that included, intimidation, forced coercion to join the militia, threats to life, murders, assaults and other forms of violence. Furthermore, refugees were often forced to stay in West Timor and prevented to come back to East Timor.

7. During the events referred to in this Indictment the District Civil Administration was headed by the *Bupati* (District or Regency Administrator), who was appointed by the local parliament and Governor of East Timor with the approval of the Minister of Interior of the Republic of Indonesia. The *Bupati*, as head of the civil administration governs the District along with the TNI Commander for the District (Dandim).

8. During the events referred to in this Indictment, the Indonesian Armed Forces in East Timor consisted of both the regular territorial forces (BTT) and special combat forces, i.e. the Strategic Reserve Command (KOSTRAD), (*Komando Strategis Angkatan Darat*) and Special Forces Command (KOPASSUS) (*Komando, Pasukan Khusus*), all of which had units, staff officers and soldiers stationed in East Timor.

9. In 1999, there were ten regional TNI commands in the Republic of Indonesia, called KODAMs. The Commander of each Regional KODAM reported directly to the Commander in Chief of the Indonesian Armed Forces.

10. Each Regional KODAM was then divided into smaller commands, which included the KOREMs. KOREMs were in turn subdivided into KODIMs, which were then further sub-divided into KORAMILs.

11. In 1999, the Regional Military area command for the TNI stationed in East Timor was KODAM IX (Udayana IX), which was located in Bali. The KODAM was headed by the Pangdam who reported directly to the Commander in Chief of the Indonesian Armed Forces.

12. In 1999, KOREM 164 was the TNI military Region command, based in Dili, East Timor. The Danrem headed the KOREM.

13. In 1999 in East Timor, there was one KODIM in each of the 13 Districts. Specifically, KODIM 1627 was located in Dili, KODIM 1638 was located in Liquica; KODIM 1636 was located in Ermera, KODIM 1637 was located in Suai, KODIM 1639 was located in Oecussi, KODIM 1631 was located in Manututu, KODIM 1628 was located in Baucau, KODIM 1630 was located in Viqueque, KODIM 1629 was located in Los Palos, KODIM 1632 was located in Aileu, KODIM 1635 was located in Manufahi, KODIM 1634 was located in Ainaro and KODIM 1633 was located in Same.

14. Each of these KODIMs were sub-divided into KORAMILs. The KORAMILs were located at the sub-district level.

15. In 1999 KOPASSUS [Komando Pasukan Khusus] was a Special Force of the Army. Its headquarters were in East Jakarta. KOPASSUS members were trained in intelligence gathering, special operations, sabotage and airborne and sea borne landings. SGI (Satuan Gabungan Intelijen) was a special investigation unit.

16. In 1999 KOSTRAD [Komando Strategis Angkatan Darat] was a Special Force. Members were also trained in intelligence gathering, special operations, sabotage and airborne and sea borne landings.

17. POLRI is the Indonesian Police Force, the state agency for upholding the law and public order. Until April 1, 1999, POLRI was part of the Indonesian Military Forces (ABRI), under the jurisdiction of the Commander in Chief of the Indonesian Armed Forces. The Indonesian Police Force also included the Mobile Police Brigade (BRIMOB), whose Units and members were stationed in East Timor.

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18. On 1 April 1999 the Indonesian Police Forces were separated from the ABRI. Despite this separation, the Indonesian Police Forces remained under the jurisdiction of the Commander in Chief of the Indonesian Armed Forces. The POLRI headquarters was in Jakarta. In Indonesia, the POLRI had seventeen regional commands. (POLDAs).

19. In 1999, there was a Police Regional Command, the POLDA, in East Timor. Its headquarters was in in Comoro, Dili.

20. In addition, in 1999 there was a POLRES police unit in each of the 13 districts. In each of the districts there were additional units located at various places termed POLSEKs.

21. In 1999, numerous militia groups existed and operated in East Timor. Their goal was to support autonomy within Indonesia. These militia groups were organized under the pro-integration forces (*Pasukan Pejuang Integrasi or PPI*) and were allowed to act with impunity.

22. Under the terms of the 5 May 1999 Agreements, between 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. The Indonesian security authorities failed to take the necessary measures to meet their obligations and made no attempt to disarm or neutralize the militia groups.

23. For each count charging Crimes against Humanity, the acts or omissions by the accused persons were undertaken as part of a widespread or systematic attack directed against the civilian population, with knowledge of the attack.

IV. SPECIFIC STATEMENT OF FACTS

24. Liquica is one of the 13 districts of East Timor. The District of Liquica is divided into three sub-districts: Liquica, Maubara and Bazartete. In 1999, the Bupati was the District Administrator and a sub-district administrator, the Camat, headed each sub-district.

25. In 1999, there was a People Representative Council in each district. This Council was the legislative authority of the district. In Liquica the DPRD (*Dewan Perwakilan Rakyat Daerah/ Region People's Representative Council*) consisted of 20 members. Four of those positions were permanently allocated to TNI although TNI was not a political party. The remaining sixteen Council positions were allocated proportionally by the party officials according to the results of the election, which were held every five years. The DPRD from 1997 to September 1999 consisted of thirteen members from GOLKAR (*Golongan Karya/Indonesian Labour Party*), three members from the PDI (*Partai Demokrasi Indonesia/Indonesian Democratic Party*) and the four members of the ABRI (*Angkatan Bersenjata Republik Indonesia/Indonesian Armed Force*). In 1999, the Chairman of the Liquica Parliament was Lt. Colonel Irwan Suhono until Pedro Sousa replaced him sometime in July 1999.

26. Between 1995 and September 1999 **Leoneto Martins** was the *Bupati* (District or Regency Administrator) of Liquica District. He was the head of the District administration (Pemda) and had the responsibility and obligation to govern Liquica District along with the TNI Commander for the District (Dandim) and the Police Commander (KAPOLRES).

27. Before being Bupati of Liquica, **Leoneto Martins** had been the sub-district administrator for Maubara from 1976 to 1984. From 1984 to 1986 he was the sub-district administrator for Bazartete. Afterwards he worked as Chief of Koni at Pemda. Koni was a sub-division of Kesejahteraan (Prosperity), which was a sub-division of Social Department. Koni was an office in charge of sports. In 1994 Leoneto MARTINS was appointed chief of Kesejahteraan in Liquica and became Bupati in 1995. **Leoneto Martins** was also an honorary member of Kopassus.

28. The District Administration office had more than 200 employees. In 1999, civil servants were required to sign a letter pledging their support for autonomy. Refusal to sign this letter could lead to serious consequences, to the extent of dismissal. **Leoneto Martins** dismissed several employees, Camats and village chiefs because they were suspected of being pro independence or member of CNRT (*National Council of Timorese Resistance*).

29. From January 1999 to August 1999, **Leoneto Martins** organized morning briefings for government employees where he would remind them that they had to support GOLKAR and that they should not get involved with the CNRT. SGI officers in civilian clothes would attend those morning briefings. Their duties were to investigate the employees who were suspected of being supporters of CNRT and obtain any relevant information against them. Similar morning briefings were also held in the sub-districts. After April 1999, several militiamen also attended those meetings and would often intimidate the employees.

30. In 1999, **Agustinho Alves Correia** was the Camat or Head Administrator of Liquica sub-district. Before becoming the Camat of Liquica sub-district **Agustinho Alves Correia** had been the Chief of Kepegawaian (Employment Section) in the Pemda.

31. In 1999, **Jose Afat** was the Camat or Head Administrator of the sub-district of Maubara.

32. In 1999, **Tito Baros Jong** was the Camat or Head Administrator of the sub-district of Bazartete.

33. The Government and civilian authorities, including the *Bupati*, and the Camats of the Sub-districts, as head of regions, had the obligation to prevent violations of human rights and ensure that the perpetrators of those violations were brought to justice.

34. Between January and September 1999, the TNI force present in Liquica District was KODIM 1638 Battalion. Its headquarters were in Dato Liquica. The commander was **Lt. Col Asep Kuswani** and **Capt. Purwanto** was his deputy.

35. The District Commander assisted by his deputy had the obligation and the responsibility of maintaining the peace and security and protect the population in collaboration with the Police Force.

36. In each sub-district the KORAMIL (Military Commands) was headed by a DANRAMIL. The KORAMIL in Bazartete sub-district was under the command of **Lieutenant Dominicus Yance Sado** and Snd. Lieutenant Jerbo was his deputy.

37. The KORAMIL in Maubara was under the command of **Sgt. Major Carlos Amaral** and Sgt. Suparno was the deputy. **Sgt. Major Carlos Amaral** was a member of KOPASSUS.

38. The KORAMIL in Liquica was under the command of **Francisco Arnol** and **Serka Yong** was his deputy.

39. Between January and September 1999, the POLRES (District level Police) in Liquica was under the command of **Lt Col. Adios Salova** until July 1999 when Maj. **Joko Irianto** replaced him. The Deputy commander was **Capt. Rahmat Muliana**.

40. The Police force had the responsibility to uphold the law and maintain law and order. They had the obligation to protect the population and provide security and ensure order.

Creation of the BMP (Beshi Merah Putih)

41. As early as mid 1998, the **Bupati Leoneto Martins**, **Agustinho Alves Correia**, **Manuel Sousa**, a member of the District Council until 1997, **Jose Afat**, **Carlos Amaral**, **Tome Diogo**, a TNI intelligence officer and others held meetings at the private residence of the Bupati in Maubara and discussed a strategy to, on one hand, eliminate the CNRT in the district and on the other hand, coordinate with the TNI and the police to achieve this goal.

42. **Leoneto Martins, Jose Afat, Carlos Amaral and Manuel Sousa** created the BMP militia (*Beshi Merah Putih*) in late 1998 in Kaikasa, sub-district of Maubara, Liquica District.

43. The first members of the BMP militia were recruited and organized in Vatuboro, sub-district of Maubara, Liquica. The decision to recruit members in that village was based on several reasons but mainly because they had the support and collaboration of the TNI Battalion BTT 143, which was based in Vatuboro.

44. During the events of 1999, the overall Commander of the BMP militia in the Liquica District was **Manuel Sousa**. His deputy commanders were **Felipe Graciano** and **Joao Sera aka Joao Loumeza**. They were also acting as sub-district Commander and Deputy commanders respectively in the sub-district of Maubara. Each sub-district had a Commander and a Deputy commander. This structure was the same in the villages and sub-villages where BMP militia was organized.

45. The BMP militia was under the command and control of civil administration and military authorities, including **Leoneto Martins, Jose Afat, Carlos Amaral and Tome Diogo**. Among the orders given to the militias were to locate, identify, arrest and kill CNRT members and pro-independence supporters and to steal their properties and destroy their houses.

46. In Maubara, several TNI soldiers worked in close collaboration with the BMP militia. Among others were **Domingos Mendez aka Domingos Askopas**, a patrol officer from Maubara, **Jorge Veigas** an Intelligence officer from Maubara, Teofilo Da Silva and Filomeno Mahetu a TNI operations member in Kodim Liquica.

47. From January to April 1999, the BMP militia was more active in the sub-district of Maubara, where they intimidated, threatened and attacked the civilian population who were perceived to be independence supporters. Militia posts were created, militias were recruited and violence increased. Due to the violence in the district, hundreds of civilian, in particular, the male population, fled their houses to seek refuge in other villages, districts or in the mountains.

48. In March 1999, an inauguration ceremony for the creation of the BMP militia in Maubara was held in Vaviquina Village, which was attended by several officials including **Leoneto Martins**, Parliament Representatives from Dili, Eurico Guterres and Joao Tavares. Part of the ceremony was devoted to performing a traditional swearing in ceremony that consisted of mixing animal blood with wine, which was then drunk by the militia. The purpose of this traditional swearing in ceremony was to show the militia members' allegiance to Indonesia and to their commanders. During the same period of time, other ceremonies were held for the BMP militia at different locations, including at the Bupati's residence.

49. From January to April 1999, the BMP militia was more active in the sub-district of Maubara than it was in the sub-districts of Liquica and Bazartete.

50. Around April 1999, **Leoneto Martins** wanted the BMP militia of Maubara to intensify their operations of violence and to extend it to the sub-districts of Liquica and Bazartete.

51. The decision was finally taken to organize and recruit BMP militia within the respective sub-districts instead of using the Maubara section. **Leoneto Martins** appointed **Tome Diogo** to organize the BMP militia in those sub-districts and ensure that they would become as active as the one in Maubara. **Zacharia Alves**, ex member of Kamra (People security Force), was appointed commander for both the sub-district of Liquica and Bazartete. Alfonso de Jesus was appointed as his deputy. Tomas Onas aka Mau Onas was appointed platoon commander for Liquica sub-district and **Jacinto Goncalves** was appointed platoon commander for Bazartete.

52. After the formation of the militia, **Jacinto Goncalves** went to see the TNI commander of Bazartete, **Lieutenant Dominicus Yance Sado** and asked him to appoint four TNI soldiers to join his militia in Bazartete. **Lieutenant Dominicus Yance Sado** appointed **Henrique Moriera**, Rosario Jeronimo, Julio Soares and Andre Goncalves. These four TNI soldiers were assigned to assist the BMP in their operations.

53. Between January 1999 and September 1999, **Leoneto Martins**, **Sgt. Major Carlos Amaral**, **Manuel Sousa**, **Zacharia Alves**, **Florian Da Silva aka Florian Dato Meta**, **Joao Sera aka Joao Loumeza**, **Tome Diogo** and others recruited, often under threats, villagers into the BMP militia.

54. On the order of **Leoneto Martins**, money from the Pemda budget was diverted to support the BMP militia and other pro autonomy organizations. This money was used to buy food, fuel and other supplies to be distributed to militia members and autonomy supporters and to pay the militia's salary.

55. Between April and August 1999 the Bupati, **Leoneto Martins** caused members of the BMP militia to be supplied with rice at regular intervals. On his order several tons of rice were stored in his storage room at his the Bupati Residence and was for the exclusive use of BMP militia and autonomy supporters.

56. Between April and August 1999, members from numerous BMP posts collected rice from the Bupati Residence. Their leaders would speak to the Bupati and then the rice would be given to them.

57. Between January to August 1999, **Leoneto Martins** often said openly to the militia leaders that supporters of CNRT should be beaten, their houses should be burnt and their leaders should be killed.

58. From January to September 1999, the TNI soldiers worked in close collaboration with the BMP militia. This collaboration included joint operations and attacks against civilians where the militia unlawfully arrested and abducted civilians who were subsequently taken to and interrogated at TNI barracks or militia Posts. It also included acts of intimidation, torture, murders and burning of homes of pro-independence supporters or perceived supporters of independence supporters. Before

such operations, the BMP commanders would coordinate with **Jose Afat**, **Manuel Sousa** and **Sgt. Major Carlos Amaral** who would in turn report to **Leoneto Martins**.

59. From January to September 1999, the BMP militia acted with impunity. The Police seldom investigated the crimes they committed against the civilian population. Furthermore, **Kapolres**, **Lt. Col. Adios Salova** gave specific orders to the Police not to investigate or prosecute the perpetrators of crimes if they were militia.

FPDK

60. In early 1999, an organization called FPDK (*Forum Persatuan Demokrasi & Keadilan*) was created first in Dili and then in every district in East Timor. Its goal was to promote autonomy. In May 1999, FPDK was formed in Liquica District and the **Bupati**, **Leoneto Martins**, appointed **Jose Afat** president.

61. FPDK conducted campaigns to promote autonomy throughout Liquica District. They also distributed supplies such as food and other goods to the people in order to win votes for autonomy.

62. When members of FPDK went to the villages in Liquica District they were always accompanied by a large number of TNI soldiers and BMP militia. **Tome Diogo** was assigned to organize, with different militia leaders, the TNI and militia force that was to attend those campaigns. As time got closer to the ballot the campaigns became more and more violent. On several occasions acts of violence were committed against villagers who did not want to attend these meetings or who were perceived to be pro independence. On at least one occasion, in Lauhata, the **Bupati**, **Leoneto Martins**, the **Dandim Lt. Col. Asep Kuswani** and the **Kapolres Lt. Col. Adio Salova** attended these campaigns. During that campaign the militia beat a civilian. None of them intervened or stopped the militiamen.

63. Following the 5 May agreement and in order to show the international community that the militia was being disarmed a ceremony was held on 8 May 1999 in Liquica, where the militia was invited to turn their weapons to the authorities. Two or three days later the militia were allowed to take some of their weapons back.

64. Furthermore, around the same time, the **Dandim Lt Col. Asep Kuswani** and the **Kapolres Lt. Col. Adio Salova** warned the BMP militia members that they should continue their operations but they should use caution and be sure that no journalists or international staff would be there to witness their operations. They advised them to hide their weapons when they saw international staff.

Campaing of violence from January to September 1999

65. The campaign of violence and intimidation in Liquica started at the very beginning of 1999. As early as January 1999, the BMP militia in Maubara started to recruit members and intimidate the civilian population, tracking them all the way into the mountains, arresting, detaining and beating them.

March 1999

66. On or about 13 March 1999, following an attack by BMP militia members against civilians in Maubara, hundreds of people assembled in Dato, Liquica in front of **Leoneto Martins'** residence and asked him to stop the violence and the intimidation by the militia. No action was taken against the militia by either **Leonito Martins** as Bupati or by **Lt. Col. Adios Salova** as Kapolres (Chief of Police).

April 1999

67. On 4 April 1999 fights and violence occurred between pro autonomy groups and pro independent groups in the village of Pukelara, Dato, Liquica. The same day in Loidahar, Liquica, a group of militia armed with machetes and knives attacked the house of a villager. When the people living in the neighbourhood realized the situation they assembled and they were able to chase the militia away. The militia escaped and took refuge at the KORAMIL office in Dato, Liquica.

68. On that same day the Bupati, **Leoneto Martins** was informed of these incidents. During that day **Leoneto Martins**, **Tome Diogo** and other Intelligence Officers met for a long period of time at the Bupati's residence.

69. On the 4 April 1999, Marcolino Soares, a militia leader ordered his men to go to the Koramil in Maubara. When they arrived in Maubara a meeting was held between **Manuel Sousa**, **Sgt. Major Carlos Amaral**, Marculino Soares and others. After the meeting **Marcolino Soares** told his men that they would spend the night in Maubara and would go to Liquica the next day.

70. On 5 April, militia continued to assemble in Maubara. They went to Maubara following the orders given to them by their commanders. Transport had been organized by their commanders to take them to Liquica. The BMP militia and TNI soldiers then proceed to Liquica.

71. Informed that the BMP militia were on their way to attack Liquica and in order to protect the population, a group of civilians organized themselves to go to the border of Liquica and Maubara and repel the attack.

72. Upon their arrival at the border, the civilians encountered both BMP militiamen and TNI soldiers armed with automatic weapons. The militia and the TNI soldiers started shooting at the group of civilians. Thomas de Jesus and seven other persons were injured. Thomas De Jesus died four days later as a result of his injuries.

73. Outnumbered and incapable of defending themselves the group of civilians fled to Liquica and sought refuge. The militia then started to march to Liquica town from different directions and in different groups. The groups burnt down houses on their way from Maubara to Liquica. When they entered Liquica they started to terrorize, assault and kill civilians and burned down houses. They also erected roadblocks along the road between Dili and Maubara to prevent people from escaping.

74. During the entire day of 5 April 1999, due to the violence to which they were subjected to, dozens of people, men, women and children, fled their homes and went to

the Liquica Church compound to seek protection. Several people also sought refuge at the Kodim office, the Koramil and other places they thought safe.

75. During a morning briefing held on the 5 April at the KODIM, Snd Lt. Nyoman instructed his men of the imminence of an attack by the militia against the refugees at the church and told them to be on alert and not to leave the KODIM headquarters.

76. On 5 April when **Manuel Sousa** arrived from Maubara with his militia he went to the Kodim office where he met the Bupati, **Leoneto Martins**. Also present were **Col Asep Kuswani**, **Capt Purwanto**, **Tome Diogo**, several militia leaders, members of Parliament and other people. **Manuel Sousa** ordered some of his men to attack the town, to find the village chief and kill him.

77. During the day, **Capt Purwanto** told the militia not to attack the church but to go and look for the CNRT leaders at their homes.

78. Throughout the day, TNI soldiers and militiamen committed acts of violence and intimidation against the civilian population who were not hiding at the church compound. **Domingos Mendez aka Askopas**, **Zacharia Alves** and their men burned the house of a teacher while another group from Maubara burned down the houses of CNRT supporters.

79. During the same day, **Jose Afat** and militiamen went to Maumeta village and looted several houses. **Jose Afat** incited the militia to loot the houses and to mark them. Later that evening the militia came back to Maumeta and burned down some of the houses that had been looted and marked during the day.

Attack on the house of Jacinto Da Costa and Murder of Fernando Da Costa

80. On 5 April 1999, BMP militiamen, policemen and TNI soldiers attacked the house of Jacinto Da Costa Perreira who was the village chief of Dato, Liquica. When the police and TNI soldiers arrived they search Jacinto Da Costa Perreira's house but they found no one. The group found dozens of civilians who had sought refuge in a house behind that of Jacinto Da Costa Perreira house. Afterwards the police took the civilians to the Koramil office.

81. From Jacinto Da Costa's house the same group went to Fernando Da Costa's house. Fernando Da Costa was a CNRT supporter. When they arrived, a police officer arrested Fernando Da Costa. When he was taken out of his house TNI soldiers present outside beat him. After the beating Fernando Da Costa was taken to the Polres station in Liquica and put in a cell. He was detained there for 2 days with other people. During his detention a TNI soldier beat Fernando Da Costa.

82. On 7 April 1999 seven detainees, including Fernando Da Costa, were taken from the Polres station to the Koramil office under the escort of TNI soldiers, including **Tome Diogo**. The Commander of the Koramil ordered four of the detained persons to be released but Fernando Da Costa and two other individuals were kept in detention at the Koramil station.

83. On 7 April 1999 on the orders of **Tome Diogo**, militiamen brought Fernando Da Costa from the KORAMIL office to Fernando Da Costa's home. When they arrived at Fernando Da Costa's home the house had been burned down and no one was there. Then the militia brought Fernando Da Costa back to the KORAMIL. When they arrived at the KORAMIL several people were present including **Tome Diogo**, two TNI soldiers, Francisco Dos Santos, a police officer, **Zacharia Alves** and other militiamen. Then, the militia and the TNI soldiers, including **Tome Diogo** and **Zacharias Alves** brought Fernando Da Costa and two other individuals to Maubara in front of the KORAMIL.

84. When they arrived at the KORAMIL they met with several TNI soldiers, including **Domingos Mendez aka Domingos Askopas** and militiamen. There, Fernando Da Costa was stabbed several times by **Agusto Botak**, a militiaman, **Domingos Mendez aka Domingos Askopas**, Francisco Dos Santos, **Zacharia Alves** in turn. He died as a result of these injuries.

Murder of Herminio Dos Santos

85. Herminio Dos Santos was a CNRT supporter. On 5 April 1999, **Domingos Mendez aka Domingos Askopas**, Filomeno Mahetu, both TNI soldiers and militia decided to kill Herminio Dos Santos.

86. Anastacio Martins, a militiaman, informed Herminio Dos Santos that **Domingos Mendez aka Domingos Askopas** had planned to kill him. On 5 April, on the advise of Anastacio Martins, Herminio Dos Santos took his family to a TNI military camp (III) located near both the T.V. Satellite tower and his house.

87. While at the military camp Herminio Dos Santos heard noises coming from the direction of his house and informed the Commander of the military camp, Commander Agus of the situation. The Commander went to Herminio Dos Santos' house. A short while later **Domingos Mendez aka Domingos Askopas**, **Jorge Veigas**, Filomeno Mahetu and Matues Ramos a patrol officer from Maubara, and two militia members arrived at the military camp. Upon arrival **Domingos Mendez aka Domingos Askopas** pointed at Herminio Dos Santos and said that he was the person they were looking for and Filomeno Mahetu said, "You are the man who always make politics against us".

88. Then Teofilo, a militiaman, gave a rope to **Jorge Veigas** to tie Herminio Dos Santos' hands behind his back. Before tying his hands **Jorge Veigas** hit Herminio Dos Santos on the head and in the face with his rifle, causing serious injury to his face.

89. When they left the military camp the group said they were bringing Herminio Dos Santos to the District Military Station at Nartutu. The commander of the military camp, Commander Agus, did not intervene or prevent either the beating of Herminio Dos Santos or his abduction by the TNI soldiers and the militiamen.

90. **Domingos Mendez aka Domingos Askopas** and the group then took Herminio Dos Santos near the river and killed him. **Domingos Mendez aka Domingos Askopas** cut his throat and stabbed him, causing his death.

Dissapearance of Laurindo Da Costa Goncalves

91. Laurindo Da Costa Goncalves was a CNRT supporter and was the brother of Jacinto Da Costa Perreira (village chief of Dato, Liquica). On 5 April 1999 in the afternoon, in Maumeta, sub-district of Bazartete, members of the BMP militia including Cesarino and **Felipe Graciano**, Vice-Commander of the BMP militia arrived at Laurindo Da Costa Goncalves' house and abducted him.

92. Laurindo Da Costa Goncalves was taken away and severely beaten by militiamen. Around 10 militiamen hit him with pieces of wood and stones, kicking and punching him repeatedly. About an hour after his abduction the same militia members came back to the house and asked the relatives of Laurindo Da Costa Goncalves for the key to the vehicle that had been allocated to Laurindo Da Costa Goncalves in his capacity of Chief of the Livestock Departement. They were told that the key was in the trouser's pocket of Laurindo Da Costa Goncalves. They left the house and soon after they started the vehicle and left with it. From 5 April 1999 to September 1999, **Felipe Graciano**, used the vehicle of Laurindo Da Costa Goncalves.

93. About two hours after they left a TNI soldier informed the relatives of Laurindo Da Costa Goncalves that he had received information from the militia that Laurindo Da Costa Goncalves had been killed. He was never seen since.

Murder of Ilidio Dos Santos

94. On 5 April 1999, Ilidio Dos Santos and his relatives went to the KORAMIL to seek refuge from the violence in Liquica. Late in the afternoon of the 5 April, six militiamen arrived at the KORAMIL and told Ilidio Dos Santos that they were going to kill him. The TNI soldiers and SGI present did not intervene. Ilidio Dos Santos managed to escape and ran in the direction of the church but was captured not far from the KORAMIL. Once he was captured, **Victor Lopez aka Victor Handoko** killed him by hitting him on the head with a machete.

95. About an hour after Ilidio Dos Santos had run away from the KORAMIL, **Victor Lopez aka Victor Handoko** came back to the KORAMIL and said to Ilidio's relatives that he had just killed him.

Church massacre

96. Due to the continued violence by BMP militia and despite the presence of militia and TNI around the church civilians continued to seek refuge at the Liquica Church, a place that had traditionally been safe. Between 5 and 6 April 1999 hundreds of civilians sought refuge at the church.

97. All through the day of 5 April, elements of BMP militia and TNI soldiers, including **Tome Diogo** were surrounding the church compound, firing their guns indiscriminately in the air while others were burning houses near the surrounding area. Columns of smoke could be seen further away.

98. On 5 April, a platoon of BRIMOB was sent from Dili to Dato Liquica and stayed there all day. The BRIMOB did not intervene or stop any of the assailants during the whole day.

99. Most of the civilians sought refuge in the church premises while numerous others hid inside the priest's residence.

100. A briefing was held on 6 April, at the KODIM headquarters. It was presided by **Lt Col Asef Kuswani**. At the briefing Snd.Lt. Nyoman told his men that the militia was likely to attack Liquica church. He told them to be on standby and asked them to protect the people who would come to seek refuge at the KODIM building but no orders were given either to protect the people at the church or to intervene and stop the militia.

101. During the morning, Damianus Dapa and Franciscus, both police officers went to the priest's residence and asked that Jacinto Da Costa Pereira and an other individual be handed over to them because the militia needed them. Jacinto Da Costa Pereira was the village chief of Dato Liquica. Their request was refused.

102. On the morning of 6 April 1999 only one platoon of BRIMOB was sent to Liquica. On their arrival they went to the Polres station where a briefing was held. After the briefing the Brimob and about 15 policemen were sent to the church compound to protect the people in the church.

103. During the morning, BMP militia who were behind the church were insulting the people in the church compound, throwing stones, injuring people and damaging motorcycles and vehicles parked within the compound. This caused people to panic. Militia also threatened the people that if they stayed at the Church compound they would be killed.

104. All through the morning additional members of the militia and TNI soldiers joined the ones surrounding the church reinforcing the number of assailants. Around noon the number of assailants increased dramatically, reaching hundreds. Among the militia and the TNI soldiers present there were **Tome Diogo**, Antonio Gomes and **Jorge Viegas**, **Zacharia Alves**, **Joao Sera aka Joao Loumesa**, **Jose Afat** and **Luiz Gama**.

105. During the morning Eurico Guterres the Commander of the Aitarak militia arrived in Liquica with several of his men. He went to the KODIM office and then went to the church compound. Eurico Guterres said that he wanted to solve the issue and would talk with **Leoneto Martins** and **Manuel Sousa**. He then left in the direction of the Kodim office.

106. Some time later, Eurico Guterres came back to to the priest's residence. He said he could not resolve the situation and asked the CNRT leaders to surrender. His request was denied. He advised all the women and children to leave the church and go to the Koramil. No one left because people were too afraid of being killed if they did. Eurico Guterres then left the compound.

107. Afterwards, five police officers led by Lieutenant John Rea came to the priest residence. One of the officer, Andreas, said he wanted to bring Jacinto Da Costa Pereira to the police HQ (POLDA) in Dili. The officers asked that Jacinto Da Costa Pereira hand over his firearms, which according to the police was brought by Jacinto Da Costa to the church when he sought refuge there. Jacinto Da Costa Pereira spoke to Andreas but refused to go with the police. The police were also informed that Jacinto Da Costa Pereira had no firearms in his possession and were asked to report this information to the Kapolres, **Lt. Col Adios Salova**.

108. During the morning, **Manuel Sousa, Floriano Da Silva aka Floriano Dato Meta and Leoneto Martins** told some members of the militia that they had to attack the church. They told the militia that they had to kill the people in the compound and those who tried to flee.

109. Just before the attack at the beginning of the afternoon, a meeting was held at the Kodim office, which was attended by **Manuel Sousa, Leoneto Martins, Col Kuswani, Capt. Purwanto**, Eurico Guterres and other militia leaders.

110. While they were at the Kodim, a gunshot was heard coming from the direction of the church. Immediately BRIMOB opened fire in the direction of the church compound. Then **Manuel Sousa** ordered his men to attack. On those orders BMP militia and TNI soldiers ran towards the compound and joined the others assailants in the attack against the civilians inside the church compound. **Manuel Sousa, Floriano Da Silva aka Floriano Dato Meta, Victor Lopez aka Victor Handoko** and others went inside the compound with their men.

111. Teargas was thrown inside the priest residence forcing many people to flee the residence. Those who tried to flee were brutally attacked by militiamen and soldiers waiting for them outside. BRIMOB officers and TNI soldiers started shooting in the direction of the priest residence.

112. Militia and TNI soldiers, including **Tome Diogo, Domingos Mendez aka Domingos Askopas** fired their weapons in the crowd of refugees composed of men, women and children. SGI and TNI members went on shooting into the crowd indiscriminately killing several people.

113. During the attack hundreds of people tried to flee but were pursued by soldiers, including **Tome Diogo** and militiamen, including **Joao Sera aka Joao Loumeza, Floriano Da Silva aka Floriano Dato Meta and Victor Lopez aka Victor Handoko** and were brutally beaten or killed. TNI soldiers, including **Tome Diogo and Domingos Mendez aka Domingos Askopas** and militiamen also went inside the priest residence and killed the people who had remained there.

114. During the attack soldiers and militiamen pursued several people, who tried to flee, all the way to the Bupati's residence, **Leonito Martins**, where they killed or severely injured them.

115. During the attack numerous civilians were seriously injured. Militiamen attacked the civilians with traditional weapons such as machetes, knives, arrows, rakitans and

automatic weapons. Numerous civilians sustained stab wounds, gunshot wounds, broken bones and other serious injuries.

116. As a consequence of this attack more than a hundred people were killed or injured.

117. Many people who tried to escape where either brought to or ran to **Leoneto Martins** residence or to the KODIM office. When the attack was over **Leoneto Martins** told the survivors that what happened was the consequence of not supporting autonomy. He told the militia present at his residence that now these civilians were pro autonomy. **Tome Diogo** and **Manuel Sousa** were present at this time.

118. After the incident, **Augustinho Alves Correia**, told the people that they had to put autonomy in their minds because they had seen the consequences of what would happen if they did not. He told them to go back to their house and raise the Indonesian flag.

119. After the massacre, a discussion between TNI commanders, the Bupati **Leoneto Martins** and Eurico Guterres took place about what to do with the bodies. Faced with high casualties and in order to cover up the extent of the massacre civil and military authorities ordered militiamen and soldiers to dispose the bodies. Policemen, soldiers and militiamen loaded dozens of bodies into trucks. One of the trucks went to the lake Masi where TNI soldiers threw around 15 dead bodies into the lake. **Tome Diogo** drove one of the trucks full of dead bodies in the direction of Maubara while another truck was driven to an unknown location.

120. On 6 April 1999, **Tome Diogo** brought 5 dead bodies to the Liquica hospital. The bodies were in the back of a truck. The pockets of the deceased were searched to find identification. Two of the deceased were identified as being Augusto Mouzinho and Celestino. Their names were inserted into the hospital record. After the identification the truck left the hospital with the 5 bodies.

121. That same night, five dead bodies were brought by **Sgt. Major Carlos Amaral, Jose Afat, Joao Sera aka Joao Lomesa** and Marcolino to a gravesite on the road to Maubara to be buried. The group first went to the militia post not very far from the place and ordered the militiamen to dig graves and bury the bodies. The militiamen were shown a burial site about 200 meters from the militia post.

122. Late on 6 April, the Chief of Polres, **Lt Col Adios Salova** gave instructions to his men to investigate the events that took place at the church. The report that was sent to Dili headquarters stated that that only five people were killed in the attack.

123. **Leoneto Martins, Augustinho Alves Correia, Jose Afat, Lt. Col Asep Kuswani, Captain Purwanto, Sergeant Major Carlos Amaral, Lt. Col Adios Salova, Tome Diogo, Domingos Mendez aka Domingos Askopas, Jorge Veigas, Manuel Sousa, Joao Sera aka Joao Loumeza, Felipe Graciano, Zacharia Alves, Floriano Da Silva aka Floriano Dato Meta, Victor Lopez aka Victor Handoko** knew or had reason to know that an attack against the civilian population was going to occur and did nothing to prevent the attack of occurring or punished the perpetrators.

124. On 8 April 1999, **Lt. Col Kuswani** and **Capt Purwanto** ordered some of their men to go to the church compound and clean the place up. They told them that they should not tell anyone what they saw because if they did they would be killed.

125. On 8 April 1999, **Leoneto Martins** and **Augustinho Alves Correia** continued to provide rice to the BMP militia.

Death of Carlos on 9 April 1999

126. On 9 April 1999, **Zacharia Alves**, ordered Augusto, Adriano, Antonino and Moises, all members of his group, to go and arrest a person named Carlos. The group left and came back a short while later with Carlos. When Carlos was brought to **Zacharia Alves**, his hands were tied behind his back and he was blindfolded. **Zacharia Alves** searched him and questioned him about the money for the CNRT. They found documents in his pockets in regards to CNRT activities. **Zacharia Alves** then ordered his group to bring Carlos to Pala near the Indonesian Military Cemetery. Carlos was put in a truck. He was blindfolded with an Indonesian flag and his hands were still tied behind his back. The group then brought Carlos near the beach in Pala. Augusto Botak, one member of the group, cut Carlos' throat then Antonino and Martino stabbed him. The group then buried the body. After killing Carlos, the group came back to Maumeta and reported to **Zacharia Alves**.

Morning briefing of 12 April 1999

127. On 12 April 1999, days after the Liquica church massacre the Bupati, **Leoneto Martins** organized another morning meeting with the Pemda employees. Also present were the Dandim **Lt. Col. Asep Kuswani** and the Kapolres **Lt Col. Adios Salova**. Several militiamen attended this meeting. The militiamen were armed and were surrounding the employees. The Bupati spoke about the importance of supporting autonomy and the dangers of pretending to support autonomy while supporting independence. When the Bupati said this the militia started to shout that they would kill such people.

Killing of Henrique Borges, Carlos Dos Santos Da Costa and Leo Lakon on 15 April 1999

128. On or around 15 April 1999, a FPDK campaign had been organized to be held in Bogoro, Bazartete sub-district. TNI and militiamen participated in that campaign. Armando Dos Santos, a BMP commander in Lauhata, ordered some of his men to prepare themselves to go to the BMP post in Maumeta. When they arrived there they joined several TNI soldiers, including **Tome Diogo** and **Henrique Moreira**, BMP militia, including **Zacharia Alves** and civilian authorities including **Augustinho Alves Correia** and **Jose Afat**. There they left the BMP post in Maumeta to go to Mataulo, Bogoro for the FPDK campaign. They left in a convoy. On the way to Bogoro, around Pilila Beach, the convoy stopped because they saw four people, identified by one of the militiamen as being clandestine members, running in the direction of the beach.

129. The militia and the TNI soldiers, including **Tome Diogo** and **Henrique Moreira** ran after the four persons. One of the four persons, Henrique Borges, tried to escape

and ran into the water but was shot several times by TNI soldiers. Two of the other victims, Carlos Dos Santos Da Costa and Leo Lakon who at first ran away but surrendered eventually, were killed by militiamen, including Domingos from Kaikasa and Augusto Botak. Several hours later, **Tome Diogo** and Armando Dos Santos ordered militiamen to bury the three victims on the beach.

130. The militia captured the fourth individual that had run away. When he was captured Paulo Soares, a village chief but also a leader of the BMP militia, asked the TNI soldiers to spare him and his request was granted. The fourth individual was put in a truck and the convoy continued to Bogoro. When they arrived in Bogoro, the fourth individual was taken from the truck and brought near the river by militiamen Francisco, Orlandino and Simon. Simon wanted to kill him but a militiaman told them they still had to question him so they brought him back to the truck.

131. During this time, the campaign of FPKD continued and villagers were told to vote for integration. After the speeches the fourth individual was taken back to the BMP Post in Maumeta.

132. In Maumeta, **Zacharia Alves** and **Tome Diogo** asked militiamen to interrogate the fourth individual. After the interrogation, **Tome Diogo** and **Zacharia Alves** decided to kill him but again on the request of Paulo Soares, the individual was released on or around 16 April 1999.

Killing of Tobias Alves Correia and Elias Ataidi on or around 27 April 1999

133. On 27 April 1999, on the orders of **Tome Diogo** and others, Tobias Alves Correia, Elias Ataidi and another individual were abducted and brought to Tutuge, Loidahar, Liquica. The names of Tobias Alves and Elias Ataidi were on a list drawn by, among others, **Tome Diogo** and militia members from Pukelara.

134. Tobias Alves Correia, Elias Ataidi and a third individual that was with them, were found by TNI soldiers and militiamen near Rumaufu sub-village, Kabulimu, Data Foho. After being arrested the militiamen and the TNI soldiers tied their hands behind their backs and started beating them. Then they were forcibly brought further down the Tutuge road.

135. Once they arrived down the Tutuge road, a TNI soldier in the group made radio contact with other TNI in Liquica. A short while later a group of 20 militiamen and TNI soldiers arrived and took Tobias Alves Correia, Elias Ataidi and the third individual and forced them to walk towards Liquica. The group of militia that day was led by Onas Lobato and Francisco, a Polri member.

136. On their way to Liquica the group stopped and two militiamen were told to kill Tobias Alves Correia and Elias Ataidi. Then the militiamen assisted by the TNI soldiers present killed Tobias Alves Correia and Elias Ataidi. Augusto Botak killed Tobias by striking him with a machete. Eduardo from Pukelara killed Elias Ataidi by stabbing him in the back. The third individual was released because a militiaman identified him as pro-autonomy supporter. Then the militiamen buried the two bodies.

Acts of violence and intimidation

137. From April 1999 to August 1999, the violence against the civilian population by BMP militia continued in Liquica District and the campaign of FPKD for autonomy intensified. Acts of violence were committed during those campaigns.

138. In May 1999, in Lauhata, during one of these campaigns, Augusto Botak, Tomas Onas aka Mau Onas and **Victor Lopez aka Victor Handoko** beat a civilian, kicking and punching him while TNI present watched and laughed. **Leoneto Martins, Col Kuswani** and **Adios Salova** were present. They did not prevent, intervene, stop the beating or punish the perpetrators.

139. On 15 June 1999, TNI soldiers, including **Tome Diogo** and members of BMP militia went to Metagou Village to warn the people that if they did not vote for autonomy on 30 August 1999 they would all be killed.

140. On 22 August 1999, in Metagou during another FPKD campaign, on the orders and incitement of Augusto Botak and **Tome Diogo** militiamen beat two civilians who were suspected of being CNRT supporters. Augusto Botak forced the people present to witness the beating.

Inhumane acts and disappearance of Mariano Da Costa.

141. On 8 August 1999, a group of militiamen went to Tutuge, Loidahar, Liquica. Part of the group went to a house of a villager. There they asked him whether he had seen Falintil around or any people hiding.

142. Some time later, while the militiamen were still in the village, a truck came down the road and was ordered to stop by the militia. Aboard this truck was, among others, Mariano Da Costa, a UNAMET employee. When the occupants of the truck saw the militia, one of them jumped out and ran away. Some militia members ran after him. Mariano Da Costa stayed in the truck. When the vehicle stopped the militiamen grabbed Mariano Da Costa and dragged him down.

143. After being dragged down from the truck, Mariano Da Costa was asked by Americo Martins, a militiaman, to confirm his identity and to tell them if he was the one of the leaders of the CNRT. When Mariano Da Costa denied this, several militiamen beat him. Then Francisco, a Polri member, stopped the beating and told the militiamen to bring Mariano Da Costa to the militia post for interrogation.

144. Following this order, the militiamen brought Mariano Da Costa to the militia post in Pukalara. There, Mariano Da Costa was beaten again by militiamen and one of them, Julio Dos Santos, took a knife and cut Mariano Da Costa's left ear.

145. Afterwards Mariano Da Costa was taken to the house of Romaldo Martins, one of the militia leaders. There, the miliamen tied Mariano Da Costa's hands to a tree and one of them struck him in the face with a rakitan (home-made gun). From there the militia forcibly brought him to the militia post in Maumeta to be presented to **Tome Diogo** and **Zacharia Alves**. After a meeting, **Tome Diogo** and **Zacharia Alves** took the decision to bring Mariano Da Costa to West Timor to be killed.

146. Mariano Da Costa was then put into a truck and driven in the direction of Liquica by the militia. When the militia came back late in the evening, Francisco, the polri member and others told the other members of the militia that they had killed Mariano Da Costa. They said they had stabbed him to death. Mariano Da Costa was never seen since.

147. On 2 September 1999, BMP militia attended a meeting that was held at the sport field in Bazartete. At this meeting militiamen were told by **Jacinto Goncalves** and Laurindo Ribero, the Commander of the BMP in Leorema Village, that the Villages of Leorema and Buka Mera were strongholds of Falantil and that the villages should be attacked. They were told that they should destroy the villages and kill the people who did not vote for autonomy.

Killing of Jacinto Dos Santos, Pedro Alves and Francisco Da Silva

148. On 3 September 1999 a group of TNI soldiers and BMP militia arrested Pedro Alves, Jacinto dos Santos, Francisco Da Silva and three other individuals and forcefully brought them to a house in Metagou Village. The prisoners were transferred shortly after to the BMP Militia Post in Metagou. The BMP Militia Post was located beside the village office and very close to the TNI post.

149. Pedro Alves, Jacinto dos Santos, Francisco Da Silva and three others were arrested because they were suspected to be supporters of CNRT.

150. During the night of the 3 to 4 September 1999, BMP militiamen beat and tortured the prisoners.

151. On 4 September 1999, on the orders of **Henrique Moreira**, Pedro Alves was forcefully brought to Bazartete to be questioned by TNI officers. Three hours later Pedro Alves was brought back to the militia Post in Metagou.

152. During the same morning, just after the announcement of the result of the popular consultation, **Domingos Goncalves aka Domingos Limen Sanak** accompanied by Anastacio Martins, another militiaman came back to the BMP militia Post. Both of them were armed with traditional weapons. On their way back **Domingos Goncalves aka Domingos Limen Sanak** shouted that autonomy had lost and that it was time to clean the CNRT. When they reached the BMP militia post **Domingos Goncalves aka Domingos Limen Sanak** kicked Jacinto dos Santos and Anastacio Martins kicked Francisco Da Silva. Then another militiaman, in the presence of **Domingos Goncalves aka Domingos Limen Sanak** took a piece of wood and beat Jacinto dos Santos several times and hit another prisoner with a piece of wood severely injuring that prisoner's arm.

153. Following this beating **Domingos Goncalves aka Domingos Limen Sanak** and Anastacio Martins went to the TNI office and stayed there for a short period of time while the prisoners were kept under guard at the militia post. Soon after **Domingos Goncalves aka Domingos Limen Sanak** and Anastacio Martins left the TNI building accompanied by several TNI soldiers and went behind a school, which was located at very short distance from both the TNI office and the BMP militia post.

154. Shortly after, Jacinto Dos Santos was dragged behind the school. At that time he was already severely injured from the previous beating. **Domingos Goncalves aka Domingos Limen Sanak** shot him and Jacinto Dos Santos fell into the grave. Then **Domingos Goncalves aka Domingos Limen Sanak** shot him twice with a traditional home made gun. Immediately afterwards, militiamen and villagers were ordered to bury Jacinto Dos Santos. Jacinto Dos Santos was still moaning when the villagers buried him.

155. The second person to be executed was Pedro Alves. **Domingos Goncalves aka Domingos Limen Sanak** and Anastacio Martins brought Pedro Alves from the BMP militia post to the same location behind the school. When he was brought there, villagers, on the orders of militiamen, were already digging two additional graves. **Domingos Goncalves aka Domingos Limen Sanak** shot him with a traditional weapon. Then a militiaman hit Pedro Alves on the head with a piece of wood. Since Pedro Alves was still standing **Domingos Goncalves aka Domingos Limen Sanak** hit him on the head with a shovel. Pedro Alves then fell on the ground where a third militiaman stabbed him. Pedro Alves died from these injuries and was buried immediately by villagers.

156. The third person to be executed was Francisco Da Silva. When Francisco Da Silva was brought to the gravesite he had already been severely beaten. His clothes were covered in blood. When he arrived at the gravesite **Domingos Goncalves aka Domingos Limen Sanak** shot him in the back with a traditional weapon and a second militiaman hit him with a piece of wood on the head. Then Anastacio Martins shot him twice and stabbed him in the chest with a bayonet. Lastly a fourth militiaman stabbed Francisco Da Silva. Francisco Da Silva died from those injuries and was buried immediately by villagers.

157. The next day, members of the militia, including **Domingos Goncalves aka Domingos Limen Sanak** forced the villagers from Metagou to go to Liquica where they were subsequently forcibly deported to West Timor.

Killing in Buka Mera

158. On 5 September 1999 members of the BMP militia, including **Domingos Goncalves aka Domingos Limen Sanak** and **Victor Da Cruz** and TNI soldiers, including **Henrique Moreira** went to Muka Bera Village and burned many of the houses there. The BMP militia also stole property and livestock. The militia burned and destroyed more than 80 houses in the village; among them were the houses of Paulo Goncalves. Paulo Goncalves was suspected of being a CNRT supporter. **Victor Da Cruz** and Domingos Goncalves set Paulo Goncalves' house on fire.

159. Under threats that they will be killed if they did not obey, some of the villagers were ordered by the militia and the TNI soldiers to leave their homes and walk to Bazartete. In Bazartete, they were detained at the District Military house and were forcibly deported to Atambua, West Timor on or around 10 September 1999. Before leaving Buka Mera the militia warned the remaining villagers that they would come back the next day to kill them.

160. On 7 September 1999, BMP militia and TNI soldiers, including **Henrique Moreira** returned to Buka Mera Village. **Victor Da Cruz** and other militiamen proceeded to the house where Paulo Goncalves was staying since his house had been burned two days before. When they reached the house they called out for Paulo Goncalves. At that time, both **Victor Da Cruz** and the other militiamen were armed.

161. When Paulo Goncalves came out, **Victor Da Cruz** hit Paulo Goncalves twice with a machete, once in the head and once in the chest thereby causing his death.

162. The same day BMP militia and TNI soldiers proceeded to the home of Guilherme Alves and called out the occupants. When Guilherme Alves and other occupants came out of their house, Guilherme Alves went to talk to **Victor Da Cruz**. **Victor Da Cruz** told Guilherme Alves that he would not kill him but asked him to get his sons. Guilherme's sons were in hiding at that time. When Guilherme Alves turned his back to walk away, **Victor Da Cruz** shot him several times. Guilherme Alves died and family members buried him several hours later.

163. After killing Guilherme Alves militiamen burned his house. The militia had brought petrol in plastic containers that they used to burn down the house.

164. On that same day, 7 September 1999, members of the BMP militia surrounded the home of Clementino Gonsalves. After surrounding his home, members of the BMP, including **Victor Da Cruz** dragged Clementino Goncalves out of the house where militiamen beat him. Then **Victor Da Cruz** killed Clementino Goncalves by shooting him in the head at close range.

165. TNI soldiers, including **Henrique Moreira**, who were present did not intervene or prevent either the killing of Clementino Goncalves, Guilherme Alves or Paulo Goncalves.

166. After the murders of Guilherme Alves, Paulo Goncalves and Clementino Goncalves members of the militia and TNI soldiers, including **Henrique Moreira** forced the villagers of Buka Mera at gunpoint to walk to Bazartete. The people were then brought to Liquica where they were later forcibly deported by boat to West Timor.

Legumea Village

167. Around 8 September 1999, armed BMP militia and TNI soldiers went to Legumea Village, sub district of Bazartete and forced some of the villagers to get into trucks. They threatened to kill the villagers if they did not obey their orders.

168. After forcing the people into the trucks, BMP militia and TNI members burned several houses. TNI soldiers had brought large cans of petrol with them that was used to burn down the houses. The villagers were forcibly taken to Liquica where they were detained for one night. The next day they were forcibly deported to Atambua, West Timor. They were transported to West Timor in an Indonesian military boat.

Death of Augusto Goncalves on or about 12 September 1999

169. On or about 12 September 1999, **Tome Diogo**, Jermano Da Costa and others were informed that people had been arrested by the BMP militia and were detained in Bogoro Village.

170. **Tome Diogo** and his group immediately left Ulrema and went to Bogoro Village. When they arrived Jermano Da Costa asked the BMP militia where were the people they had arrested. He asked them to get them and bring them to him, threatening the people that if the prisoners were to escape they would die in their place.

171. Members of the militia brought Augusto Goncalves to Jermano Da Costa and **Tome Diogo**. Jermano Da Costa shot Augusto Goncalves in the hip. Then Jermano gave his gun to **Tome Diogo**. **Tome Diogo** then shot Augusto Goncalves several times emptying one magazine.

172. Afterwards Jermano Da Costa gave the order to the militiamen to bury the victim. During that night TNI soldiers came back to the village where Augusto Goncalves was killed and asked the militia to show them where they had buried the body. After confirming that he had been buried the TNI soldiers left.

Destruction of property and deportation of civilians

173. From June to August 1999, **Asep Kuswani**, **Adios Salova** and **Leoneto Martins** discussed what they would do if they lost the popular consultation. They agreed that if autonomy were to lose they would deport the population to West Timor proving to the world that the majority of East Timorese did not support the result. They agreed that if people were refusing to go they should be killed. **Leoneto Martins** said that he would organize for ships and trucks to be available for the deportation of the civilians.

174. **Leoneto Martins** left East Timor for Atambua during the first week of September 1999. Before leaving he gave instructions and orders to the militia that if autonomy was to lose everything that belonged to Indonesia should be destroyed.

175. During the first three weeks of September, TNI soldiers and BMP militia, on the orders of local authorities and respective militia leaders, tracked, abducted and forcibly transferred thousands of civilians to specific locations for their deportation to West Timor. Military ships were organized and sent to East Timor in order to transport the civilians. During the weeks that followed the result of the popular consultation ships would come to Liquica every day to pick up civilians and bring them to West Timor.

176. Between 5 September to around the 19 September 1999, land transportation was also organized. Military trucks and civilian trucks were mobilized and were used to deport civilians to West Timor.

177. In accordance with the orders received, militia and TNI soldiers destroyed much of the district of Liquica. On 4 September 1999, after the announcement of the result of the popular consultation, the offices of Pemda were burned and destroyed. During September 1999, a large number of houses and buildings in the district were destroyed.

Responsibility

178. From January to September 1999, by virtue of their position, their statements, the orders they gave and their acts, **Leoneto Martins, Augustinho Alves Correia, Jose Afat, Lt. Col Asep Kuswani, Captain Purwanto, Sergeant Major Carlos Amaral, Lt. Doninicus Yance Sado, Lt. Col Adios Salova, Tome Diogo, Domingos Mendez aka Domingos Askopas, Henrique Moreira, Jorge Veigas, Manuel Sousa, Joao Sera aka Joao Loumeza, Felipe Graciano, Zacharia Alves, Jacinto Goncalves, Floriano Da Silva aka Floriano Dato Meta, Domingos Goncalves aka Domingos Limen Sanak, Victor Da Cruz, Victor Lopez aka Victor Handako** exercised authority over members of the police, the army or BMP militia. The military and militiamen, as from January 1999, committed massacres of the civilian population who were supporters or perceived to be pro independence supporters with the knowledge of **Leoneto Martins, Augustinho Alves Correia, Jose Afat, Lt. Col Asep Kuswani, Captain Purwanto, Sergeant Major Carlos Amaral, Lt. Doninicus Yance Sado, Lt. Col Adios Salova, Tome Diogo, Domingos Mendez aka Domingos Askopas, Henrique Moreira, Jorge Veigas, Manuel Sousa, Joao Sera aka Joao Loumeza, Felipe Graciano, Zacharia Alves, Jacinto Goncalves, Floriano Da Silva aka Floriano Dato Meta, Domingos Goncalves aka Domingos Limen Sanak, Victor Da Cruz, Victor Lopez aka Victor Handako**.

179. **Leoneto Martins, Augustinho Alves Correia, Jose Afat, Lt. Col Asep Kuswani, Captain Purwanto, Sergeant Major Carlos Amaral, Lt. Doninicus Yance Sado, Lt. Col Adios Salova, Tome Diogo, Domingos Mendez aka Domingos Askopas, Henrique Moreira, Jorge Veigas, Manuel Sousa, Joao Sera aka Joao Loumeza, Felipe Graciano, Zacharia Alves, Jacinto Goncalves, Floriano Da Silva aka Floriano Dato Meta, Domingos Goncalves aka Domingos Limen Sanak, Victor Da Cruz, Victor Lopez aka Victor Handako**, in their position of authority, acting in concert with each other participated in the planning, preparation or execution of a common strategy or plan to commit the crimes set forth above. The crimes were committed by them personally, by persons they assisted or by their subordinates, and with their knowledge or consent.

180. Knowing that crimes against the civilian population were being committed, the civil and military authorities, including **Leoneto Martins, Augustinho Alves Correia, Jose Afat, Lt. Col Asep Kuswani, Captain Purwanto, Sergeant Major Carlos Amaral, Lt. Doninicus Yance Sado, Lt. Col Adios Salova, Tome Diogo, Domingos Mendez aka Domingos Askopas, Henrique Moreira, Jorge Veigas, Manuel Sousa, Joao Sera aka Joao Loumeza, Felipe Graciano, Zacharia Alves, Jacinto Goncalves, Floriano Da Silva aka Floriano Dato Meta, Domingos Goncalves aka Domingos Limen Sanak, Victor Da Cruz, Victor Lopez aka Victor Handako** took no measures to prevent such crimes or to punish the perpetrators thereof.

V. CRIMINAL RESPONSIBILITY

INDIVIDUAL CRIMINAL RESPONSIBILITY

181. The accused are individual responsible for the crimes charged in this indictment. Individual responsibility under Section 14 UNTAET Regulation 2000/15, arises if an accused:

- “(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*
 - (ii) purpose of the group, where such activity or purpose involves the commission of a crime within the jurisdiction of the panels; or*

SUPERIOR RESPONSABILITY

182. *In addition to other grounds of criminal responsibility under the present regulation for serious criminal offences referred to in Sections 4 to 7 of the present regulation, the fact that any of the acts referred to in the said Sections 4 to 7 was committed by a subordinate does not relieve his superior of criminal responsibility if he 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.*

Pursuant to the above the Prosecutor

VI. CHARGES:

Leoneto Martins, Augustinho Alves Correia, Jose Afat, Lt Col Asep Kuswani, Captain Purwanto, Sgt. Major Carlos Amaral, Lieutenant Doninicus Yance Sado, Adios Salova, Tome Diogo, Domingos Mendez aka Domingos Askopas, Henrique Moreira, Jorge Veigas, Manuel Sousa, Joao Sera aka Joao Loumeza, Felipe Graciano, Zacharia Alves, Jacinto Goncalves, Floriano Da Silva aka Floriano Dato Meta, Domingos Goncalves aka Domingos Limen Sanak, Victor Da Cruz.

COUNT 1: CRIMES AGAINST HUMANITY: PERSECUTION

By their acts or omissions in relation to events described in paragraphs 65 to 177, **Leoneto Martins, Augustinho Alves Correia, Jose Afat, Lt. Col. Asep Kuswani, Captain Purwanto, Sergeant Major Carlos Amaral, Cap. Doninicus Yance Sado, Lt. Col Adios Salova, Tome Diogo, Domingos Mendez aka Domingos Askopas, Henrique Moreira, Jorge Veigas, Manuel Sousa, Joao Sera aka Joao Loumeza, Felipe Graciano, Zacharia Alves, Jacinto Goncalves, Floriano Da Silva aka Floriano Dato Meta, Domingos Goncalves aka Domingos Limen Sanak, Victor Da Cruz, Victor Lopez aka Victor Handako** are responsible jointly with others, for the persecution of the civilian population on political ground committed between January 1999 to September 1999, in Liquica District, as part of a widespread or systematic attack against a civilian population, with knowledge of this attack and thereby committed a CRIME AGAINST HUMANITY, persecution, a crime stipulated in Section 5.1 (h) of UNTAET Regulation 2000/15 and for which he is individually responsible pursuant to Section 14 and 16 and which is punishable in reference to Section 10.1 of UNTAET Regulation 2000/15.

COUNT 2: CRIMES AGAINST HUMANITY: MURDER

By their acts or omissions in relation to events described in paragraphs 80 to 84 **Leoneto Martins, Augustinho Alves Correia, Jose Afat, Lt Col. Asep Kuswani, Captain Purwanto, Sgt. Major Carlos Amaral, Lieutenant Adios Salova, Tome Diogo, Domingos Mendez aka Domingos Askopas, Jorge Veigas, Filomeno Mahetu, Manuel Sousa, Joao Sera aka Joao Loumeza, Felipe Graciano, Zacharia Alves** are responsible jointly with others, for the murder of Fernando Da Costa committed on 7 April 1999, Sub-district of Maubara, District of Liquica, as part of a widespread or systematic attack against a civilian population, with knowledge of this attack and thereby committed a CRIME AGAINST HUMANITY, murders, a crime stipulated in Section 5.1 (a) of UNTAET Regulation 2000/15 and for which he is individually responsible pursuant to Section 14 and 16 and which is punishable in reference to Section 10.1 of UNTAET Regulation 2000/15.

COUNT 3: CRIMES AGAINST HUMANITY: MURDER

By their acts or omissions in relation to events described in paragraphs 85 to 90 **Leoneto Martins, Augustinho Alves Correia, Jose Afat, Lt Col Asep Kuswani, Captain Purwanto, Sgt. Major Carlos Amaral, Lieutenant Adios Salova, Tome Diogo, Domingos Mendez aka Domingos Askopas, Jorge Veigas, Manuel Sousa, Joao Sera aka Joao Loumeza, Felipe Graciano,** are responsible jointly with others,

for the murder of Herminio Dos Santos committed on 5 April 1999, Sub-district of Liquica, District of Liquica, as part of a widespread or systematic attack against a civilian population, with knowledge of this attack and thereby committed a CRIME AGAINST HUMANITY, murders, a crime stipulated in Section 5.1 (a) of UNTAET Regulation 2000/15 and for which he is individually responsible pursuant to Section 14 and 16 and which is punishable in reference to Section 10.1 of UNTAET Regulation 2000/15.

COUNT 4: CRIMES AGAINST HUMANITY: INHUMANE ACTS

By their acts or omissions in relation to events described in paragraphs 91 to 93 **Leoneto Martins, Augustinho Alves Correia, Jose Afat, Lt Col Asep Kuswani, Captain Purwanto, Sgt. Major Carlos Amaral, Lieutenant Adios Salova, Tome Diogo, Manuel Sousa, Joao Sera aka Joao Loumeza, Felipe Graciano**, are responsible jointly with others, for the inhumane acts committed against Laurindo Da Costa Goncalves on 5 April 1999, Sub-district of Liquica, District of Liquica, as part of a widespread or systematic attack against a civilian population, with knowledge of this attack and thereby committed a CRIME AGAINST HUMANITY, inhumane acts, a crime stipulated in Section 5.1 (k) of UNTAET Regulation 2000/15 and for which he is individually responsible pursuant to Section 14 and 16 and which is punishable in reference to Section 10.1 of UNTAET Regulation 2000/15.

COUNT 5: CRIMES AGAINST HUMANITY: ENFORCED DISAPPEARANCE

By their acts or omissions in relation to events described in paragraphs 91 to 93 **Leoneto Martins, Augustinho Alves Correia, Jose Afat, Lt Col Asep Kuswani, Captain Purwanto, Sgt. Major Carlos Amaral, Lieutenant Adios Salova, Tome Diogo, Manuel Sousa, Joao Sera aka Joao Loumeza, Felipe Graciano**, are responsible jointly with others, for the enforced disappearance of Laurindo Da Costa Goncalves committed on 5 April 1999, Sub-district of Liquica, District of Liquica, as part of a widespread or systematic attack against a civilian population, with knowledge of this attack and thereby committed a CRIME AGAINST HUMANITY, enforced disappearance, a crime stipulated in Section 5.1 (i) of UNTAET Regulation 2000/15 and for which he is individually responsible pursuant to Section 14 and 16 and which is punishable in reference to Section 10.1 of UNTAET Regulation 2000/15.

COUNT 6: CRIMES AGAINST HUMANITY: MURDER

By their acts or omissions in relation to events described in paragraphs 94 and 95 **Leoneto Martins, Augustinho Alves Correia, Jose Afat, Lt Col Asep Kuswani, Captain Purwanto, Sgt. Major Carlos Amaral, Lieutenant Adios Salova, Tome Diogo, Manuel Sousa, Joao Sera aka Joao Loumeza, Felipe Graciano, Victor Lopez aka Victor Handoko** are responsible jointly with others, for the murder Ilidio Dos Santos committed on 5 April 1999, Sub-district of Liquica, District of Liquica, as part of a widespread or systematic attack against a civilian population, with knowledge of this attack and thereby committed a CRIME AGAINST HUMANITY, murders, a crime stipulated in Section 5.1 (a) of UNTAET Regulation 2000/15 and

for which he is individually responsible pursuant to Section 14 and 16 and which is punishable in reference to Section 10.1 of UNTAET Regulation 2000/15.

COUNT 7: CRIMES AGAINST HUMANITY: EXTERMINATION

By their acts or omissions in relation to events described in paragraphs 110 to 116, **Leoneto Martins, Augustinho Alves Correia, Jose Afat, Lt Col Asep Kuswani, Captain Purwanto, Sgt. Major Carlos Amaral, Lt Col Adios Salova, Tome Diogo, Domingos Mendez aka Domingos Askopas, Jorge Veigas, Manuel Sousa, Joao Sera aka Joao Loumeza, Felipe Graciano, Zacharia Alves, Floriano Da Silva aka Floriano Dato Meta, Victor Lopez aka Victor Handoko** are responsible jointly with other, for the extermination of more than fifty civilians committed on 6 April 1999, at the Liquica Church, Liquica Dato, Sub-district of Liquica, District of Liquica, as part of a widespread or systematic attack against a civilian population, with knowledge of this attack and thereby committed a CRIME AGAINST HUMANITY, extermination, a crime stipulated in Section 5.1 (b) of UNTAET Regulation 2000/15 and for which he is individually responsible pursuant to Section 14 and 16 and which is punishable in reference to Section 10.1 of UNTAET Regulation 2000/15.

COUNT 8: CRIMES AGAINST HUMANITY: MURDERS

By their acts or omissions in relation to events described in paragraphs 110 to 116, **Leoneto Martins, Augustinho Alves Correia, Jose Afat, Lt Col Asep Kuswani, Captain Purwanto, Sgt. Major Carlos Amaral, Lt Col Adios Salova, Tome Diogo, Domingos Mendez aka Domingos Askopas, Jorge Veigas, Manuel Sousa, Joao Sera aka Joao Loumeza, Felipe Graciano, Zacharia Alves, Floriano Da Silva aka Floriano Dato Meta, Victor Lopez aka Victor Handoko** are responsible jointly with other, for the murders of more than fifty civilians committed on 6 April 1999, at the Liquica Church, Liquica Dato, Sub-district of Liquica, District of Liquica, as part of a widespread or systematic attack against a civilian population, with knowledge of this attack and thereby committed a CRIME AGAINST HUMANITY, extermination, a crime stipulated in Section 5.1 (a) of UNTAET Regulation 2000/15 and for which he is individually responsible pursuant to Section 14 and 16 and which is punishable in reference to Section 10.1 of UNTAET Regulation 2000/15.

COUNT 9: CRIMES AGAINST HUMANITY: INHUMANE ACTS

By their acts or omissions in relation to events described in paragraphs 110 to 116, **Leoneto Martins, Augustinho Alves Correia, Jose Afat, Lt Col Asep Kuswani, Captain Purwanto, Sgt. Major Carlos Amaral, Lt Col Adios Salova, Tome Diogo, Domingos Mendez aka Domingos Askopas, Jorge Veigas, Manuel Sousa, Joao Sera aka Joao Loumeza, Felipe Graciano, Zacharia Alves, Floriano Da Silva aka Floriano Dato Meta, Victor Lopez aka Victor Handoko** are responsible jointly with other, for inhumane acts committed against hundred of civilians on 6 April 1999, at the Liquica Church, Liquica Dato, Sub-district of Liquica, District of Liquica, as part of a widespread or systematic attack against a civilian population, with knowledge of this attack and thereby committed a CRIME AGAINST HUMANITY, extermination, a crime stipulated in Section 5.1 (k) of UNTAET

Regulation 2000/15 and for which he is individually responsible pursuant to Section 14 and 16 and which is punishable in reference to Section 10.1 of UNTAET Regulation 2000/15.

COUNT 10: CRIMES AGAINST HUMANITY: MURDER

By their acts or omissions in relation to events described in paragraph 126, **Leoneto Martins, Lt. Col Asep Kuswani, Captain Purwanto, Lt. Col Adios Salova, Tome Diogo, Lt. Dominicus Yance Sado, Henrique Moreira, Manuel Sousa, Joao Sera aka Joao Loumeza, Felipe Graciano, Zacharia Alves, Jacinto Goncalves** are responsible jointly with other, for the murders of Carlos committed around 9 April 1999, in Maumeta, Sub-district of Bazartete, District of Liquica, as part of a widespread or systematic attack against a civilian population, with knowledge of this attack and thereby committed a CRIME AGAINST HUMANITY, murder, a crime stipulated in Section 5.1 (a) of UNTAET Regulation 2000/15 and for which he is individually responsible pursuant to Section 14 and 16 and which is punishable in reference to Section 10.1 of UNTAET Regulation 2000/15.

COUNT 11: CRIMES AGAINST HUMANITY: MURDERS

By their acts or omissions in relation to events described in paragraphs 128 to 132, **Leoneto Martins, Lt. Col Asep Kuswani, Captain Purwanto, Lt. Col Adios Salova, Tome Diogo, Lt Dominicus Yance Sado, Henrique Moreira, Manuel Sousa, Joao Sera aka Joao Loumeza, Felipe Graciano, Zacharia Alves, Jacinto Goncalves** are responsible jointly with other, for the murders of Henrique Borges, Carlos Dos Santos Da Costa, Leo Lakon committed around 15 April 1999, in Maumeta, Sub-district of Bazartete, District of Liquica, as part of a widespread or systematic attack against a civilian population, with knowledge of this attack and thereby committed a CRIME AGAINST HUMANITY, murder, a crime stipulated in Section 5.1 (a) of UNTAET Regulation 2000/15 and for which he is individually responsible pursuant to Section 14 and 16 and which is punishable in reference to Section 10.1 of UNTAET Regulation 2000/15.

COUNTS 12: CRIMES AGAINST HUMANITY: MURDERS

By their acts or omissions in relation to events described in paragraphs 133 to 136, **Leoneto Martins, Lt. Col Asep Kuswani, Captain Purwanto, Lt. Col Adios Salova, Tome Diogo, Manuel Sousa, Joao Sera aka Joao Loumeza, Felipe Graciano, Zacharia Alves**, are responsible jointly with other, for the murders of Tobias Alves Correia and Elias Ataidi committed around 27 April 1999, in Tutuge, Loidahar, Liquica, as part of a widespread or systematic attack against a civilian population, with knowledge of this attack and thereby committed a CRIME AGAINST HUMANITY, murder, a crime stipulated in Section 5.1 (a) of UNTAET Regulation 2000/15 and for which he is individually responsible pursuant to Section 14 and 16 and which is punishable in reference to Section 10.1 of UNTAET Regulation 2000/15.

COUNTS 13: CRIMES AGAINST HUMANITY: INHUMANE ACTS

By their acts or omissions in relation to events described in paragraphs 141 to 147, **Leoneto Martins, Lt. Col Asep Kuswani, Captain Purwanto, Lt. Col Adios Salova, Tome Diogo, Manuel Sousa, Joao Sera aka Joao Loumeza, Felipe Graciano, Zacharia Alves** are responsible jointly with other, for the inhumane acts against Mariano Da Costa committed around 9 August 1999, in Tutuge, Loidaha, District of Liquica, as part of a widespread or systematic attack against a civilian population, with knowledge of this attack and thereby committed a CRIME AGAINST HUMANITY, inhumane acts, a crime stipulated in Section 5.1 (k) of UNTAET Regulation 2000/15 and for which he is individually responsible pursuant to Section 14 and 16 and which is punishable in reference to Section 10.1 of UNTAET Regulation 2000/15.

COUNTS 14: CRIMES AGAINST HUMANITY: ENFORCED DISAPPEARANCE

By their acts or omissions in relation to events described in paragraphs 141 to 147, **Leoneto Martins, Lt. Col Asep Kuswani, Captain Purwanto, Lt. Col Adios Salova, Tome Diogo, Manuel Sousa, Joao Sera aka Joao Loumeza, Felipe Graciano, Zacharia Alves** are responsible jointly with other, for the enforced disappearance of Mariano Da Costa committed around 9 August 1999, in Tutuge, Loidaha, District of Liquica, as part of a widespread or systematic attack against a civilian population, with knowledge of this attack and thereby committed a CRIME AGAINST HUMANITY, enforced disappearance, a crime stipulated in Section 5.1 (i) of UNTAET Regulation 2000/15 and for which he is individually responsible pursuant to Section 14 and 16 and which is punishable in reference to Section 10.1 of UNTAET Regulation 2000/15.

COUNTS 15: CRIMES AGAINST HUMANITY: MURDERS

By their acts or omissions in relation to events described in paragraphs 148 to 156, **Leoneto Martins, Lt. Col Asep Kuswani, Captain Purwanto, Lt. Col Adios Salova, Tome Diogo, Lt Dominicus Yance Sado, Henrique Moreira, Manuel Sousa, Joao Sera aka Joao Loumeza, Felipe Graciano, Zacharia Alves, Jacinto Goncalves, Domingos Goncalves aka Domingos Limen Sanak** are responsible jointly with other, for the murders of Jacinto Dos Santos, Pedro Alves and Francisco Da Silva committed around 4 September 1999, in Metagou, Sub-district of Bazartete, District of Liquica, as part of a widespread or systematic attack against a civilian population, with knowledge of this attack and thereby committed a CRIME AGAINST HUMANITY, murder, a crime stipulated in Section 5.1 (a) of UNTAET Regulation 2000/15 and for which he is individually responsible pursuant to Section 14 and 16 and which is punishable in reference to Section 10.1 of UNTAET Regulation 2000/15.

COUNTS 16: CRIMES AGAINST HUMANITY: MURDER

By their acts or omissions in relation to events described in paragraphs 158 to 165, **Leoneto Martins, Jose Afat, Lt. Col Asep Kuswani, Captain Purwanto, Lt. Col Adios Salova, Tome Diogo, Lt Dominicus Yance Sado, Henrique Moreira,**

Manuel Sousa, Joao Sera aka Joao Loumeza, Felipe Graciano, Zacharia Alves, Jacinto Goncalves, Victor Da Cruz are responsible jointly with other, for the murders of **Guilhermo Alves, Clementino Gonzalves, Paulo Goncalves** committed around 7 September 1999, in **Buka Mera**, Sub-district of **Bazartete**, District of **Liquica**, as part of a widespread or systematic attack against a civilian population, with knowledge of this attack and thereby committed a **CRIME AGAINST HUMANITY**, murder, a crime stipulated in Section 5.1 (a) of UNTAET Regulation 2000/15 and for which he is individually responsible pursuant to Section 14 and 16 and which is punishable in reference to Section 10.1 of UNTAET Regulation 2000/15.

COUNTS 17: CRIMES AGAINST HUMANITY: MURDER

By their acts or omissions in relation to events described in paragraphs 169 to 172, **Leoneto Martins, Lt. Col Asep Kuswani, Captain Purwanto, Lt. Col Adios Salova, Tome Diogo** are responsible jointly with other, for the murder of **Augusto Goncalves Guilhermo** committed around 12 September 1999, in **Bogoro Village**, sub-district of **Bazartete**, District of **Liquica**, as part of a widespread or systematic attack against a civilian population, with knowledge of this attack and thereby committed a **CRIME AGAINST HUMANITY**, murder, a crime stipulated in Section 5.1 (a) of UNTAET Regulation 2000/15 and for which he is individually responsible pursuant to Section 14 and 16 and which is punishable in reference to Section 10.1 of UNTAET Regulation 2000/15.

COUNTS 18: CRIMES AGAINST HUMANITY: DEPORTATION

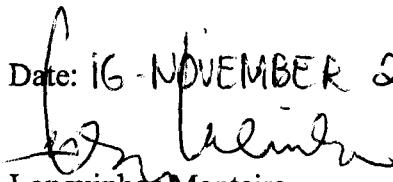
By their acts or omissions in relation to events described in paragraphs 157, 166, 167, 168, 173 to 176, **Leoneto Martins, Jose Afat, Lt. Col Asep Kuswani, Captain Purwanto, Sergeant Major Carlos Amaral, Lt. Col Adios Salova, Lt. Dominicus Yance Sado, Tome Diogo, Domingos Mendez aka Domingos Askopas, Henrique Moreira, Manuel Sousa, Joao Sera aka Joao Loumeza, Felipe Graciano, Zacharia Alves, Jacinto Goncalves, Floriano Da Silva aka Floriano Dato Meta, Domingos Goncalves aka Domingos Limen Sanak, Victor Da Cruz** are responsible jointly with other, for the deportation of the thousands of civilians from East Timor to West Timor committed between the 5 September 1999 to 19 September 1999, as part of a widespread or systematic attack against a civilian population, with knowledge of this attack and thereby committed a **CRIME AGAINST HUMANITY**, deportation, a crime stipulated in Section 5.1 (d) of UNTAET Regulation 2000/15 and for which he is individually responsible pursuant to Section 14 and 16 and which is punishable in reference to Section 10.1 of UNTAET Regulation 2000/15.

VII. SUPPORTING MATERIAL

The supporting material is attached as annex A and B

VIII. REQUEST FOR TRIAL

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

Date: 16 - NOVEMBER 2001

Longuinhos Monteiro
General Prosecutor



UNTAET

United Nations Transitional Administration in East Timor

Feito No: LI-1-99-SC

O Procurador Geral da Administração Transitória
Das Nações Unidas em Timor Leste

Contra

Leoneto Martins, Augustinho Alves Correia, Jose Afat, Lieutenant Colonel Asep Kuswani, Captain Purwanto, Sgt. Major Carlos Amaral, Lieutenant Dominicus Yance Sado, Lieutenant Colonel Adios Salova, Tome Diogo, Domingos Mendez aka Domingos Askopas, Henrique Moreira, Jorge Veigas, Manuel Sousa, Joao Sera aka Joao Loumeza, Felipe Graciano, Zacharia Alves, Jacinto Goncalves, Floriano Da Silva aka Floriano Dato Meta, Domingos Goncalves aka Domingos Limen Sanak, Victor Da Cruz e Victor Lopez aka Victor Handoko.

**REQUERIMENTO DE ADITAMENTO DA DENÚNCIA E DO ANEXO A, ANEXO B,
MOÇÃO PARA PROTEÇÃO DE TESTEMUNHAS, MOÇÃO PARA DECRETAÇÃO
DE SIGILO E NÃO REVELAÇÃO DE DOCUMENTOS E REQUERIMENTO PARA
EXPEDIÇÃO DE MANDADO DE PRISÃO**

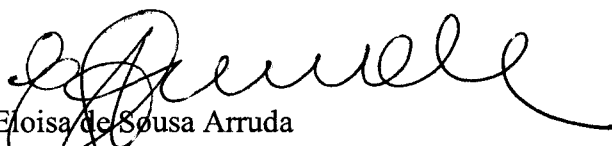
A Representante do Ministério Público que este subscreve, vem, nos termos do disposto no art. 32.1 do Regulamento UNTAET 30/2000, requerer ao Painel Especial para Crimes Graves o Aditamento da Denúncia ofertada em 22 de novembro de 2001 perante este Juízo, bem como dos demais documentos constantes do título acima o que faz pelas razões as seguir expostas:

1. Quando da elaboração da denúncia, o nome de VICTOR LOPEZ aka VICTOR HANDOKO, apesar de ter constado no item II entre os nomes e identificações dos arguidos, não constou do cabeçalho.
2. O mesmo defeito se repetiu no Anexo A, Anexo B, Moção para proteção de testemunhas, Moção para decretação de sigilo e não revelação de documentos, e Requerimento para expedição de Mandado de Prisão.
3. Além disso, na denúncia, no título II. NAME AND PARTICULARS OF THE ACCUSED, a numeração está incorreta, pois salta do número 04 para o número 07.
4. Com relação ao acusado FELIPE GRACIANO, a despeito de ter seu nome constado do cabeçalho, não constou do item II entre os nomes e identificações dos arguidos. Isso aconteceu na denúncia e no anexo A.
5. No título COUNT 2: CRIMES AGAINST HUMANITY: MURDER, constou incorretamente o nome de FILOMENO MAHETU.

Diante disso, o Ministério Público está apresentando à este Painel Especial para Crimes Graves todos os documentos devidamente corrigidos para que passem a constar dos autos e possam ser apreciados.

Termos em que
Pede Deferimento.

Dili, 03 de dezembro de 2001



Eloisa de Sousa Arruda
Promotora para Crimes Graves