

REPUBLICA DEMOCRATICA DE TIMOR LESTE

DISTRICT COURT OF DILI

BEFORE THE SPECIAL PANEL FOR SERIOUS CRIMES

CASE NO:

11/002 11/2002

INDICTMENT

**THE GENERAL PROSECUTOR OF THE DEMOCRATIC
REPUBLIC OF TIMOR LESTE**

-AGAINST-

VIDAL DOUTEL SARMENTO

FILOMENO BRITO

ANTONIO DOUTEL SARMENTO

THOMAS DOS REIS

AND

ALEXIO DE CARVALHO

I. INDICTMENT

The General Prosecutor of the Democratic Republic of Timor Leste, pursuant to his authority under UNTAET Regulations 2000/16 and 2000/30 as amended by Regulation 2001/25 charges:

VIDAL DOUTEL SARMENTO

FILOMENO BRITO

ANTONIO DOUTEL SARMENTO

THOMAS DOS REIS

AND

ALEXIO DE CARVALHO

WITH

CRIMES AGAINST HUMANITY OF:

**INHUMANE ACTS, TORTURE, PERSECUTION, MURDER, AND DEPORTATION OR
FORCIBLE TRANSFER OF POPULATION**

as set forth in this indictment .

II. NAME AND PARTICULARS OF THE ACCUSED

1. Name: **Vidal Doutel Sarmento**
 Place of birth: Manatuto District
 Age/Date of birth: unknown
 Sex: Male
 Nationality: East Timorese
 Address: believed to be in Indonesia
 Occupation: Former Bupati of Manatuto and founder and
 Commander of Mahadomi Militia

2. Name: **Filomeno Brito**
 Place of birth: Manatuto District
 Age/Date of birth: unknown
 Sex: Male
 Nationality: East Timorese
 Address: believed to be in Indonesia
 Occupation: Section Commander of Mahadomi Militia

3. Name: **Antonio Doutel Sarmento**
 Place of birth: Manatuto District
 Age/Date of birth: unknown
 Sex: Male
 Nationality: East Timorese
 Address: believed to be in Indonesia
 Occupation: Section Commander of Mahadomi Militia

4. Name: **Thomas Dos Reis**
 Place of birth: Manatuto District
 Age/Date of birth: unknown
 Sex: Male
 Nationality: East Timorese
 Address: believed to be in Indonesia
 Occupation: Section Commander of Mahadomi Militia

5. Name: **Alexio De Carvalho**
 Place of birth: Manatuto District
 Age/Date of birth: unknown
 Sex: Male
 Nationality: East Timorese
 Address: believed to be in Indonesia
 Occupation: Section Commander of Mahadomi Militia

III. INTRODUCTORY STATEMENT OF FACTS

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

Indonesian security authorities (TNI and POLRI) had the responsibility to ensure a safe environment devoid of violence or other forms of intimidation as well as the general maintenance of law and order before and during the popular consultation. The TNI and POLRI failed to meet these obligations and made no attempt to disarm or neutralize the militia groups. They were allowed to act with impunity.

8. The Indonesian Military in East Timor consisted of both regular territorial forces (BTT) and Special Combat Forces, i.e. the Strategic Reserve Command (KOSTRAD), (*Komando Strategis Angkatan Darat*) and Special Forces Command (KOPASUS) (*Komando Pasukan Khusus*), all of which had units, staff officers and soldiers stationed in East Timor.
9. From February 1999 to October 1999, the Indonesian Police Force (POLRI), the state agency for upholding law and public order were also present in East Timor. It included a Mobile Police Brigade (BRIMOB), whose Units and members were stationed in East Timor, including in Manatuto District.
10. Manatuto is one of the thirteen districts of East Timor. Between April 1999 and October 1999, **Vidal Doutel Sarmento** was the Bupati of Manatuto.
11. Between April 1999 and October 1999 the Mahadomi Militia Group (*Manatuto Hadomi Integrasi* ("Manatuto Loves Integration")) operated throughout Manatuto District. It comprised of hundreds of members. **Vidal Doutel Sarmento** was its Supreme Commander and **Filomeno Brito**, **Antonio Doutel Sarmento**, **Thomas Dos Reis** and **Alexio De Carvalho** were Section Commanders. Each of these Section Commanders was responsible for more than one hundred militia members and they often operated jointly.
12. Mahadomi militia was formally inaugurated on or about 18 May 1999. It was founded sometime earlier by Vidal Doutel Sarmento who was at this time serving as the Bupati in Manatuto District. The Mahadomi militia that was inaugurated on or about 18 May was a fusion of Mahadomi militia based in Manatuto and the Morok militia based in Laclubar and Siobada sub-districts in Manatuto. The inauguration ceremony was presided over by Francisco Lopez Da Cruz who was then a representative of East Timor in Indonesia. All the Section Commanders also attended this ceremony. During the ceremony, Vidal Doutel Sarmento spoke in favour of integration and promised the militia that he would supply them with firearms.
13. The Mahadomi militia group operated in collaboration with units of the TNI in Manatuto and the POLRI.
14. Between May 1999 and October 1999 Mahadomi militia operated from Manatuto town. During this period members of Mahadomi militia carried out acts of violence against those members of the civilian population in Manatuto who were considered to be pro-independence, linked to or sympathetic to the independence cause. The attacks included intimidations, threats, unlawful detention, arsons, murders, forcible deportation and other acts of persecution. Many acts were directed against civilians who were perceived to be supporters of

FALINTIL (Forças Armadas De Libertação Nacional De Timor Leste: Armed Forces for the Liberation of East Timor) or supporters of independence.

15. **Vidal Doutel Sarmento**, and **Filomeno Brito**, **Antonio Doutel Sarmento**, **Thomas Dos Reis** and **Alexio De Carvalho** as Commander and Section Commanders respectively of the Mahadomi militia, had effective authority and control over its members.
16. **Vidal Doutel Sarmento** held regular meetings with the Section Commanders of the militia. He also held meetings with civil servants who were serving in Manatuto.

IV. STATEMENT OF FACTS

A. ATTACK AT LALEIA

17. Gregorio Sebastiao Gusmao was a supporter of independence for East Timor. Salustiano Sousa was the Village Chief and Commander of the Mahadomi militia in Laleia village. Sometime in May 1999, Salustiao Sousa told Gregorio Sebastiao Gusmao that he was required by **Vidal Doutel Sarmento** to surrender himself to the Mahadomi Militia in Manatuto. Gregorio Sebastiao Gusmao refused to do so.
18. On or about 16 May 1999, Salustiao Sousa went to Manatuto and informed the militia commanders that Gregorio Sebastiao Gusmao had refused to surrender himself to the militia.
19. **Filomeno Brito**, **Antonio Doutel Sarmento** and **Alexio De Carvalho** led a group of militia to Laleia village in order to apprehend Gregorio Sebastiao Gusmao. The militia commanders including Filomeno Brito were armed with firearms while the other members of the militia were armed with machetes.

INHUMANE ACTS AGAINST VICTOR CAJAT DE SOUSA

20. On their way to Laleia, the militia commanders started firing their weapons in the air and at houses. Victor De Sousa was at this time traveling along the Manatuto Bridge. When the militia arrived there, an unidentified member of the militia traveling on a motorcycle attempted to chop him with a machete. Realising that his safety was being threatened Victor De Sousa jumped off the bridge and started to run away. **Filomeno Brito** and another militia shot Victor De Sousa twice causing him serious injuries on his back and his hand.
21. Victor De Sousa was later taken to hospital in Dili where his injuries were treated.

MURDER OF HUMBERTO CASAMIRO BAROS

22. Humberto Casamiro Baros was a supporter of independence for East Timor. He went to Manatuto to deliver medicines to FALINTIL. Due to the threats to his life in Dili, he remained in Manatuto to hide from the militia and TNI.
23. **Filomeno Brito, Antonio Doutel Sarmiento and Alexio De Carvalho** together with the members of the Mahadomi militia under their command and control and Salustiao Sousa attacked the house of Gregorio Sebastiao Gusmao shooting their firearms at the house. The civilians who were present ran away to save their lives. Humberto Casamiro Baros was present and he also attempted to run away. **Filomeno Brito** shot him at the back killing him instantly.
24. On the orders of **Filomeno Brito, Antonio Doutel Sarmiento and Alexio De Carvalho**, the other members of the militia removed the body of Humberto Casamiro Baros and buried it at Balak Laleia.
25. The family members of Humberto Casamiro Baros recovered his body and reburied him in Dili.

B. TORTURE AND IMPRISONMENT OR OTHER SEVERE DEPRIVATION OF PHYSICAL LIBERTY IN VIOLATION OF FUNDAMENTAL RULES OF INTERNATIONAL LAW

26. Sometime in May 1999, the Mahadomi established militia posts in many places in Manatuto District including at the Manatuto monument in Manatuto town. Members of the militia armed with machetes and their commanders armed with assault rifles guarded these posts.
27. Between May and September 1999, members of the Mahadomi militia led by their commanders would go on patrol throughout Manatuto campaigning for integration as well as intimidating supporters of independence to vote for autonomy.
28. During these patrols, the members of the Mahadomi militia would seek out known supporters of independence or persons perceived to have any links with FALINTIL, arrest them and take them to the Indonesian military barracks where they would be tortured.

TORTURE AND DETENTION/IMPRISONMENT OF ANTONIO CAMPOS SOARES

29. Antonio Campos Soares was a supporter of independence for East Timor. Sometime in April 1999, he fled Manatuto and went to Dili because he feared for his life. On 11 May 1999, Antonio Campos Soares left Dili and returned to Manatuto. At the Manatuto bridge he was arrested by members of the Mahadomi militia who had mounted a militia post there. He was then taken to the SGI (Military Intelligence Service) office in the TNI compound in Manatuto.

30. At the SGI office, Antonio Campos Soares was interrogated by officers of the SGI regarding his support for the independence movement in East Timor. During the interrogation, TNI officers beat him with sticks while members of the militia looked on.
31. Antonio Campos Soares was tortured at the SGI office for about six hours. He sustained serious injuries as a result of the beating.
32. After the torture at the SGI office, Antonio Campos Soares was then transferred to the militia post located at the bottom of Satutum Hill in Manatuto. While there, members of the Mahadomi militia under the command and control of **Vidal Doutel Sarmiento**, and **Filomeno Brito**, tied the hands and wrists of Antonio Campos Soares with a rope. Members of the militia also tied his feet and ankles with a wire.
33. After Antonio Campos Soares was tied up, members of the militia blindfolded him and beat him up.
34. Antonio Campos Soares was left to sleep on the floor blindfolded with his limbs tied very tightly throughout the night.
35. On or about 12 May 1999, the militia went into the room where Antonio Campos Soares was detained and removed the blindfold and the rope around his arms and wrists. An Indonesian man walked into the room and asked Antonio Campos Soares questions regarding his support for FALINTIL. The Indonesian man also beat Antonio Campos Soares during this questioning.
36. Antonio Campos Soares was detained by the members of the Mahadomi militia in the room at the militia post for eight days. Throughout all this period, his feet and ankles were tied together very tightly with a wire.
37. After the eighth day, Antonio Campos Soares was transferred to the Police Station in Manatuto. He remained in Police custody for another twelve days together with Joao Da Costa and Paulino Soares.

TORTURE AND DETENTION/IMPRISONMENT OF JOAO DA COSTA

38. Joao Da Costa was a supporter of independence and a member of the clandestine. On 13 May 1999, **Filomeno Brito** and **Antonio Doutel Sarmiento** went to the house of Joao Da Costa in Manatuto armed with knives. They suspected him of supporting FALINTIL.
39. **Filomeno Brito** and **Antonio Doutel Sarmiento** took Joao Da Costa to his other house. Other members of the Mahadomi militia were already there searching the house. At the house, **Filomeno Brito** and **Antonio Doutel Sarmiento** questioned Joao Da Costa about a radio he used to communicate with FALINTIL.
40. **Filomeno Brito** and **Antonio Doutel Sarmiento** then took Joao Da Costa to the SGI office in Manatuto. While at the office, Joao Da Costa was interrogated by a member of the militia called Francisco Xiemenes regarding the help he was

giving FALINTIL. After Francisco Ximenes left the room, some KOPASUS and other TNI members came into the room and interrogated him again.

41. While this interrogation was going on, a truck carrying military reserves and members of the Mahadomi militia arrived at the SGI office. Some members of the militia blindfolded Joao Da Costa and beat him.
42. Joao Da Costa was held at the SGI office and was tortured everyday for six days. He was later transferred to the POLRI Office where he was detained for two weeks.

TORTURE AND DETENTION/IMPRISONMENT OF PAULINO SOARES

43. Paulino Soares was a member of the clandestine movement in Manatuto. On or about 14 May 1999, members of the Mahadomi militia under the command of **Filomeno Brito** went to the house of Paulino Soares to find him. The members of the militia were armed with firearms, machetes and swords.
44. When the militia found Paulino Soares in his house, they ordered him at gun point to get into the mini bus in which the militia came.
45. Paulino Soares got into the mini bus as ordered. Members of the militia then blindfolded him and tied his hands and legs together.
46. **Filomeno Brito** and the members of the militia took Paulino Soares to the SGI office at the TNI compound in Manatuto. While at the SGI office, the members of the militia together with the members of the TNI beat Paulino Soares while he was still blindfolded and tied.
47. During the beating, members of the TNI questioned Paulino Soares about his involvement with the clandestine movement.
48. The members of the Mahadomi militia and TNI beat Paulino Soares for about three hours.
49. Paulino Soares was then detained at the SGI building for approximately two weeks. During this period, Paulino Soares was tortured almost every day using methods such as electric shocks, burning him with cigarettes and tying him up in different positions. Paulino Soares suffered serious injuries during these torture sessions, including swelling of the body and recurring headaches.
50. Sometime during his detention at the SGI building, Paulino Soares made a confessionary statement to the SGI that he was a member of the clandestine movement. He was later released to the POLRI in Manatuto.
51. At the Police Station in Manatuto, Antonio Campos Soares, Joao Da Costa and Paulino Soares were each forced to sign a declaration that they would stop supporting the "Freedom Movement".

52. Paulino Soares was detained at the Police Station until sometime around the end of May 1999.

53. On or about 31 May 1999, **Vidal Doutel Sarmiento** and the then Police Commander in Manatuto addressed Antonio Campos Soares, Joao Da Costa and Paulino Soares. **Vidal Doutel Sarmiento** told them that they would be released and that they must return to their communities, be "good boys" and support autonomy.

C. PERSECUTION (Violation of the right to property, right to shelter, freedom of choice and freedom of association)

54. Between April and September 1999, **Vidal Doutel Sarmiento**, held several meetings in Manatuto in which he invited a number civil servants. During these meetings, **Vidal Doutel Sarmiento** told the civil servants that they must support integration with Indonesia. He also told them that Manatuto would be destroyed if the independence option were to win the vote.

55. Sometime in May 1999, **Vidal Doutel Sarmiento** compiled a list of civil servants who were suspected of being supporters of independence. These individuals were threatened with termination of employment if they continued to support independence.

56. **Vidal Doutel Sarmiento** ordered all civil servants in Manatuto to sign a declaration that they will support integration with Indonesia. Many civil servants signed the declaration and those who did not left Manatuto in fear of their lives.

57. During the run up to the popular consultation, **Vidal Doutel Sarmiento** had meetings in his office on an almost daily basis with the TNI Commander in Manatuto and the Commanders of the militia, including **Filomeno Brito, Antonio Doutel Sarmiento, Thomas Dos Reis** and **Alexio De Carvalho**.

58. The Commanders of the Mahadomi militia were allowed to openly carry and use firearms while other members of the militia carried machetes. With these arms, the militia together with some of its POLRI and TNI members traveled throughout Manatuto threatening and intimidating the population to vote for autonomy.

59. The Indonesian security forces and the civil administration in Manatuto under the leadership of the Bupati and commander of the militia **Vidal Doutel Sarmiento**, encouraged and supported the militia and did nothing to stop them from intimidating and terrorizing the civilian population.

60. **Vidal Doutel Sarmiento** in his capacity as Bupati of Manatuto provided funding for the militia.

61. **Vidal Doutel Sarmiento** held numerous meetings with members of the Mahadomi militia just before the popular consultations. During these meetings, he told the militia that East Timor must forever remain within Indonesia. He told them that Manatuto would be destroyed if the Independence movement would

win the vote and that the people would be taken to West Timor. He also promised to provide the members of the militia with more fire- arms.

62. Due to the intimidation and threats against the civilian population in Manatuto by **Vidal Doutel Sarmento** and members of his Mahadomi militia, shortly after voting in the popular consultation many people in Manatuto left their homes and fled to the hills in fear of their lives.
63. On 4 September 1999, the results of the popular consultations were announced. **Vidal Doutel Sarmento** ordered the members of the Mahadomi militia to burn the houses in Manatuto. Pursuant to this order, **Filomeno Brito, Antonio Doutel Sarmento, Thomas Dos Reis** and **Alexio De Carvalho** led the members of the militia and some East Timorese members of POLRI and TNI who were also members of the militia in destroying Manatuto.
64. On 5 September 1999, **Vidal Doutel Sarmento** provided firearms to the section commanders of the Mahadomi militia.
65. On 6 September 1999, the militia started burning houses in Manatuto targeting mainly the houses of those people they considered to be supporters of independence.
66. From 7 September 1999 the militia started burning all the houses and public buildings in Manatuto.
67. During the destruction of Manatuto, **Vidal Doutel Sarmento** dressed in full KOPASUS uniform and carrying a gun traveled around Manatuto viewing the destruction being carried out by the militia.

D. **FORCIBLE TRANSFER AND DEPORTATION**

68. Pursuant to the orders given by **Vidal Doutel Sarmento**, the Section Commanders of the Mahadomi Militia **Filomeno Brito, Antonio Doutel Sarmento, Thomas Dos Reis** and **Alexio De Carvalho** led the members of the militia in search of the civilian population in order to forcibly transfer the population to Manatuto and eventually deport them to West Timor.
69. **Vidal Doutel Sarmento** arranged for trucks, some belonging to the TNI in Manatuto to deport the civilian population to West Timor.
70. Members of the militia led by **Filomeno Brito, Antonio Doutel Sarmento, Thomas Dos Reis** and **Alexio De Carvalho** went to many villages in Manatuto and forcibly transferred them to Manatuto town.
71. Over four thousand people were gathered in Manatuto town.
72. All the civilians who were assembled in Manatuto were thereafter forcibly taken to West Timor in trucks except for about one thousand people who remained in Manatuto because there were not enough vehicles to take them all to West

Timor. Some civilians were forced to pay for their own transportation to West Timor.

E. POST CONSULTATION MURDERS

73. The Commanders of the Mahadomi militia, the TNI and POLRI knowing that the supporters of integration had lost the vote, unleashed a campaign of terror and violence against the civilian population. Many people feared for their lives and ran to the hills.
74. The members of the militia led by **Filomeno Brito, Antonio Doutel Sarmiento, Thomas Dos Reis** and **Alexio De Carvalho**, including its East Timorese members who were also members of TNI and POLRI started patrolling the streets firing their firearms in the air threatening and intimidating the civilian population.
75. The militia targeted some civilians believed to be supporters of independence to be killed.
76. On or about 5 September 1999 **Vidal Doutel Sarmiento** provided firearms to members of the Mahadomi militia. **Filomeno Brito, Antonio Doutel Sarmiento, Thomas Dos Reis** and **Alexio De Carvalho** and other members of the militia under their command and control went to the house of **Vidal Doutel Sarmiento** where they were given the firearms.
77. **Filomeno Brito** ordered members of the Mahadomi militia to go to the mountains and bring back all the civilians who went to hide in the mountains.
78. In compliance with this order, members of the Mahadomi militia armed with firearms, swords and machetes went to the mountains in and around Manatuto seeking to capture and bring back to Manatuto those civilians who went to hide in the mountains.

MURDER OF ANTONIO PINTO

79. Antonio Pinto was a student at the Dili University. He was also an active member and organiser of the Youth and Freedom Movement.
80. Antonio Pinto lived in the village of Maabat in Manatuto. Soon after the announcement of the results of the popular consultation, members of the Mahadomi militia went to Maabat village firing their firearms in the air.
81. The residents of Maabat including Antonio Pinto were afraid of the militia and stayed at home.
82. On 7 September 1999, like most other people in the village of Maabat, Antonio Pinto, his wife and two children left their village and went to the mountains to hide from the militia in fear for their lives.

83. On 11 September 1999, Antonio Pinto, his wife and two children and over one hundred civilians from Maabat were hiding in the mountains around Kakurut Liden. While there, members of the Mahadomi militia and some TNI soldiers suddenly attacked them.
84. The group ran further into the mountains. Antonio Pinto was shot and killed by members of the Mahadomi militia and TNI.
85. The body of Antonio Pinto was later recovered by some of his friends and buried at the scene. Before the body was buried, Henrique Da Silva photographed the body.

MURDER OF NAZARIO LINO PEREIRA BELO (aka DOMINGOS/DOMINKIAK)

86. Nazario Lino Pereira Belo (aka Domingos) was a supporter of independence and was the co-ordinator of CNRT in Sau Village.
87. Sometime in August 1999, Nazario Lino Pereira Belo and his wife were informed that the militia was looking for him because he supported independence.
88. On or about 5 September 1999 **Filomeno Brito** ordered members of the Mahadomi militia to go and search for Nazario Lino Pereira Belo and bring him to the militia post.
89. Nazario Lino Pereira Belo and his family had gone to the mountains to hide themselves from the militia, TNI and POLRI.
90. On 13 September 1999, Nazario Lino Pereira Belo left their hiding place in the mountains to go to the rice field to look for food. While he was away, the militia attacked the place in the mountain where his family was hiding. The people there ran away to Lacklo.
91. Soon after the attack, the militia captured Nazario Lino Pereira Belo near the Manatuto Bridge. Militia members took Nazario Lino Pereira Belo to the militia post in Manatuto and handed him over to the militia commanders.
92. At the militia post, Nazario Lino Pereira Belo was taken to the kitchen with his hands tied behind his back. In the kitchen, members of the militia including **Thomas Dos Reis** and another militia member called Pascal killed him by stabbing him with knives and machetes.
93. Members of the militia then took the body of Nazario Lino Pereira Belo at the back of the pick up truck, drove to Manatuto beach and buried his body there.

MURDER OF SEBASTIAO DA COSTA (AKA SEBASTIAO BETIN)

94. Sebastiao Da Costa was a member of the clandestine movement from 1995 and Casimiru Guteres was a good friend of his.

95. Sebastiao Da Costa and Casimru Gutters felt threatened due to the violence unleashed on the civilian population by the Mahadomi militia, TNI and POLRI after the announcement of the results of the popular consultation.
96. On or about 5 September 1999, the two, together with their families went to hide in the hills. There were more than one thousand civilians hiding in that part of the forest.
97. On or about 14 September 1999 Sebastiao Da Costa and Casimiru Guterees together with a group of other civilians left their hiding place to go to their village to search for food.
98. On their way to their village, the Mahadomi militia attacked the group and the militia captured Sebastiao Da Costa, Casimiru Guteres, Antony Brito and his wife Maculada.
99. They were captured by militia member called Jose Maria and taken to the TNI compound in Manatuto. While there, Antony Brito and his wife Maculada were released.
100. On 16 September 1999, the militia leaders and members of the TNI and the church in Manatuto held a meeting at the Kodim barracks. Sebastiao Da Costa was at this time held in the custody of militia Commanders **Filomeno Brito**, **Antonio Doutel Sarmento** and **Alexio De Carvalho**.
- 101 **Filomeno Brito** ordered members of the militia to take Sebastiao Da Costa to the beach and kill him. Pursuant to this order, **Antonio Doutel Sarmento** and Francisco Evangelista grabbed Sebastiao Da Costa and put him in a mini bus and drove away.
102. Upon arrival at the beach, **Filomeno Brito** and **Antonio Doutel Sarmento** shot Sebastiao Da Costa and he died as a result. The militia buried him at the scene.

F. **ATTACK AT LACKLO VILLAGE**

103. On or about 7 September 1999, the civilians in Lacklo received information that the TNI was going to leave Lacklo and that the village would be burnt down by KOPASUS. Many people in the village decided to take their families and some of their belongings to the mountains for safety.
104. Sometime in the afternoon, members of the TNI who were stationed at the military barracks in Lacklo started their preparations to leave. Many villagers went to the barracks to watch what was going on. Some members of the TNI continually fired their weapons in the air.
105. Later in the day, two military trucks and a pick up arrived in Lacklo. Except for the drivers the vehicles were empty.
106. The trucks headed to the military barracks were members of the TNI and their families boarded the trucks to leave Lacklo and go to West Timor.

107. The villagers who were present looked on and followed the trucks as they went down hill to lower Lacklo.
108. The trucks stopped when they arrived at the river between upper Lacklo and lower Lacklo.
109. At this time a group of militia belonging to the Mahadomi militia led by **Filomeno Brito** were walking up the road towards the church in lower Lacklo. The militia members including **Filomeno Brito** were armed with firearms. Some civilians were also gathered at the church watching what was going to happen in Lacklo. Among them were Elias Cabral, Gilberto Da Costa (De Carvalho), Jacinto Correia, Manuel Correia and Joao Caceres.
110. Members of the militia led by **Filomeno Brito** walked towards the aforementioned civilians standing by the church. **Filomeno Brito** and another member of his group opened fire on the civilians. The civilians started to run in different directions. **Filomeno Brito** and members of his group continued to shoot at the civilians killing Jacinto Correia, and Gilberto Da Costa (De Carvalho) and injuring Joao Caceres and Manuel Correia. After the shooting, **Filomeno Brito** and the members of his group left Lacklo.
111. The TNI also stopped their trucks by the river- bed and three East Timorese TNI members jumped out of the truck and started shooting at the civilians who were following the truck down the hill to lower Lacklo. During the shooting, they killed two civilians and injured four others.

V. GENERAL ALLEGATIONS

112. For each count charging crimes against humanity, the acts or omissions by the accused were undertaken as part of a widespread or systematic attack directed against the civilian population, and especially targeting those who were considered to be pro-independence, linked to or sympathetic to the independence cause for East Timor, with knowledge of the attack.

VI. CRIMINAL RESPONSIBILITY

Individual Criminal Responsibility

113. For each accused charged with individual responsibility under this indictment, the accused is responsible under Section 14 UNTAET Regulation 2000/15, if he:

"(a) commits such a crime, whether as an individual, jointly with another or through another person, regardless of whether that other person is criminally responsible;

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

Superior Criminal Responsibility

114. **Vidal Doutel Sarmiento, Filomeno Brito, Antonio Doutel Sarmiento, Thomas Dos Reis and Alexio De Carvalho** are criminally responsible as superiors for the acts of their subordinates pursuant to Section 16 of UNTAET Regulation 2000/15. Superior criminal responsibility is the responsibility of a superior for the acts of his subordinates if the superior *"knew or had reason to know that the subordinate was about to commit such acts or had done so and the superior failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof"*.

VII PURSUANT TO THE ABOVE, THE GENERAL ROSECUTOR CHARGES:

Vidal Doutel Sarmiento with counts 1 to 13

Filomeno Brito with Counts 1 to 13

Antonio Doutel Sarmiento with Counts 4,7,8 and 11

Thomas Dos Reis with Counts 7,8 and 10

Alexio De Carvalho with Counts 1, 2, 7, 8 and 11

Count 1. Crime Against Humanity: Inhumane Acts against Victor Cajat De Sousa

By their acts or omissions in relation to the events described in paragraphs 17 to 21 (inclusive), **Vidal Doutel Sarmento, Filomeno Brito, and Alexio De Carvalho** are responsible for causing serious injury to Victor De Sousa, on or about 16 May 1999 in Laleia Village, Manatuto District as part of a widespread or systematic attack against a civilian population with knowledge of the attack and thereby committed a CRIME AGAINST HUMANITY, INHUMANE ACTS a crime stipulated under Section 5.1(k) of UNTAET Regulation 2000/15 and for which they are individually responsible under Sections 14 and/ or 16 of UNTAET Regulation 2000/15.

Count 2. Crime Against Humanity: Murder of Humberto Casimiro Baros

By their acts or omissions in relation to the events described in paragraphs 17 to 25 (inclusive), **Vidal Doutel Sarmento, Filomeno Brito, and Alexio De Carvalho** are responsible for the murder of Humberto Casimiro Baros, on or about 16 May 1999 in Laleia Village, Manatuto District as part of a widespread or systematic attack against a civilian population with knowledge of the attack and thereby committed a CRIME AGAINST HUMANITY, MURDER a crime stipulated under Section 5.1(a) of UNTAET Regulation 2000/15 and for which they are individually responsible under Sections 14 and/ or 16 of UNTAET Regulation 2000/15.

Count 3. Crime Against Humanity: Torture of Antonio Campos Soares

By their acts or omissions in relation to the events described in paragraphs 26 to 54 (inclusive), **Vidal Doutel Sarmento and Filomeno Brito** are responsible for the torture of Antonio Campos, on or about 11 May 1999 in Manatuto, Manatuto District as part of a widespread or systematic attack against a civilian population with knowledge of the attack and thereby committed a CRIME AGAINST HUMANITY, TORTURE a crime stipulated under Section 5.1(f) of UNTAET Regulation 2000/15 and for which they are individually responsible under Sections 14 and/ or 16 of UNTAET Regulation 2000/15.

Count 4. Crime Against Humanity: Torture of Joao Da Costa

By their acts or omissions in relation to the events described in paragraphs 38 to 54 (inclusive), **Vidal Doutel Sarmento, Filomeno Brito and Antonio Doutel Sarmento** are responsible for the torture of Joao Da Costa, on or about 13 May 1999 in Manatuto, Manatuto District as part of a widespread or systematic attack against a civilian population with knowledge of the attack and thereby committed a CRIME AGAINST HUMANITY, TORTURE a crime stipulated under Section 5.1(f) of UNTAET Regulation 2000/15 and for which they are individually responsible under Sections 14 and/ or 16 of UNTAET Regulation 2000/15.

Count 5. Crime Against Humanity: Torture of Paulino Soares

By their acts or omissions in relation to the events described in paragraphs 44 to 54 (inclusive), **Vidal Doutel Sarmento and Filomeno Brito** are responsible for the torture of Paulino Soares, on or about 14 May 1999 in Manatuto, Manatuto District as

part of a widespread or systematic attack against a civilian population with knowledge of the attack and thereby committed a CRIME AGAINST HUMANITY, TORTURE a crime stipulated under Section 5.1(f) of UNTAET Regulation 2000/15 and for which they are individually responsible under Sections 14 and/ or 16 of UNTAET Regulation 2000/15.

Count 6. Crime Against Humanity: Imprisonment or severe deprivation of physical liberty of Antonio Campos Soares, Joao Da Costa and Paulino Soares in violation of fundamental rules of International Law

By their acts or omissions in relation to the events described in paragraphs 26 to 54 (inclusive), **Vidal Doutel Sarmento** and **Filomeno Brito**, are responsible for the imprisonment or severe deprivation of the physical liberty of Antonio Campos Soares, Joao Da Costa and Paulino Soares in violation of fundamental rules of international law, in Manatuto, Manatuto District as part of a widespread or systematic attack against a civilian population with knowledge of the attack and thereby committed a CRIME AGAINST HUMANITY, IMPRISONMENT OR OTHER SEVERE DEPRIVATION OF PHYSICAL LIBERTY IN VIOLATION OF FUNDAMENTAL RULES OF INTERNATIONAL LAW a crime stipulated under Section 5.1(e) of UNTAET Regulation 2000/15 and for which they are individually responsible under Sections 14 and/ or 16 of UNTAET Regulation 2000/15.

Count 7. Crime Against Humanity: Persecution of Civilian Population of Manatuto by destruction of property, denial of right to shelter, denial of freedom of association and freedom of choice

By their acts or omissions in relation to the events described in paragraphs 55 to 68 (inclusive), **Vidal Doutel Sarmento**, **Filomeno Brito**, **Antonio Doutel Sarmento**, **Thomas Dos Reis** and **Alexio De Carvalho** are responsible for the persecution of the civilian population in Manatuto District, between May 1999 and October 1999 as part of a widespread or systematic attack against a civilian population with knowledge of the attack and thereby committed a CRIME AGAINST HUMANITY, PERSECUTION a crime stipulated under Section 5.1(h) of UNTAET Regulation 2000/15 and for which they are individually responsible under Sections 14 and /or 16 of UNTAET Regulation 2000/15.

Count 8. Crime Against Humanity: Deportation or Forcible Transfer of civilian population of Manatuto

By their acts or omissions in relation to the events described in paragraphs 69 to 73 (inclusive), **Vidal Doutel Sarmento**, **Filomeno Brito**, **Antonio Doutel Sarmento**, **Thomas Dos Reis** and **Alexio De Carvalho** are responsible for the deportation or forcible transfer of the civilian population of Manatuto District in September 1999, as part of a widespread or systematic attack against a civilian population with knowledge of the attack and thereby committed a CRIME AGAINST HUMANITY, DEPORTATION OR FORCIBLE TRANSFER a crime stipulated under Section 5.1(d) of UNTAET Regulation 2000/15 and for which they are individually responsible under Sections 14 and/or 16 of UNTAET Regulation 2000/15.

Count 9. Crime Against Humanity: Murder of Antonio Pinto

By their acts or omissions in relation to the events described in paragraphs 74 to 86 (inclusive), **Vidal Doutel Sarmiento** and **Filomeno Brito** are responsible for the murder of Antonio Pinto, on or about 11 September 1999 in Manatuto District as part of a widespread or systematic attack against a civilian population with knowledge of the attack and thereby committed a CRIME AGAINST HUMANITY, MURDER a crime stipulated under Section 5.1(a) of UNTAET Regulation 2000/15 and for which they are individually responsible under Section 16 of UNTAET Regulation 2000/15.

Count 10. Crime Against Humanity: Murder of Nazario Lino Pereira Belo

By their acts or omissions in relation to the events described in paragraphs 74 to 94 (inclusive), **Vidal Doutel Sarmiento**, **Filomeno Brito** and **Thomas Dos Reis** are responsible for the murder of Nazario Lino Pereira Belo, on or about 13 September 1999 in Manatuto District as part of a widespread or systematic attack against a civilian population with knowledge of the attack and thereby committed a CRIME AGAINST HUMANITY, MURDER a crime stipulated under Section 5.1(a) of UNTAET Regulation 2000/15 and for which they are individually responsible under Sections 14 and/ or 16 of UNTAET Regulation 2000/15.

Count 11. Crime Against Humanity: Murder of Sebastiao Da Costa

By their acts or omissions in relation to the events described in paragraphs 74 to 103 (inclusive), **Vidal Doutel Sarmiento**, **Filomeno Brito**, **Antonio Doutel Sarmiento**, and **Alexio De Carvalho** are responsible for the murder of Sebastiao Da Costa, on or about 14 September 1999 in Manatuto District as part of a widespread or systematic attack against a civilian population with knowledge of the attack and thereby committed a CRIME AGAINST HUMANITY, MURDER a crime stipulated under Section 5.1(a) of UNTAET Regulation 2000/15 and for which they are individually responsible under Sections 14 and/ or 16 of UNTAET Regulation 2000/15

Count 12. Crime Against Humanity: Murder of Jacinto Correia and Gilberto Da Costa

By their acts or omissions in relation to the events described in paragraphs 74 to 112 (inclusive), **Vidal Doutel Sarmiento** and **Filomeno Brito** are responsible for the murder of Jacinto Correia, and Gilberto Da Costa, on or about 7 September 1999 in Manatuto District as part of a widespread or systematic attack against a civilian population with knowledge of the attack and thereby committed a CRIME AGAINST HUMANITY, MURDER a crime stipulated under Section 5.1(a) of UNTAET Regulation 2000/15 and for which they are individually responsible under Sections 14 and/ or 16 of UNTAET Regulation 2000/15

Count 13. Crime Against Humanity: Inhumane Acts against Joao Caceres and Manuel Correia

By their acts or omissions in relation to the events described in paragraphs 74 to 112 (inclusive), **Vidal Doutel Sarmiento** and **Filomeno Brito** are responsible for causing

serious injury to Joao Caceres and Manuel Correia, on or about 7 September 1999 in Manatuto District as part of a widespread or systematic attack against a civilian population with knowledge of the attack and thereby committed a CRIME AGAINST HUMANITY, INHUMANE ACTS a crime stipulated under Sections 5.1(k) and 14(3)(f) of UNTAET Regulation 2000/15 and for which they are individually responsible under Sections 14 and/ or 16 of UNTAET Regulation 2000/15

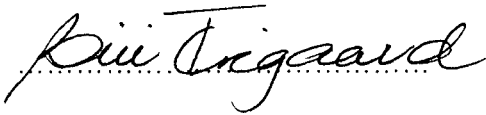
VIII. LIST OF VICTIMS

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

IX. REQUEST FOR TRIAL

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

Dated this 6th day of November 2002

A handwritten signature in black ink, appearing to read 'Siri Frigaard', written over a dotted line.

Siri Frigaard

Deputy General Prosecutor for Serious Crimes