

DISTRICT COURT OF DILI

BEFORE THE SPECIAL PANEL FOR SERIOUS CRIMES

Case No: BO-116-99-SC

INDICTMENT

THE DEPUTY GENERAL PROSECUTOR FOR SERIOUS CRIMES

Against

- (1) RUBEN GONSALVES
- (2) RUBEN TAVARES
- (3) JOAO OLIVEIRA
- (4) JOAQUIM MAIA PEREIRA
- (5) JOAO TAVARES

I. INDICTMENT

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

With

CRIMES AGAINST HUMANITY: MURDER, TORTURE, PERSECUTION

As set forth in this indictment.

II. NAME AND PARTICULARS OF THE ACCUSED



Name: **(1)Ruben Monteiro Gonsalves a.k.a ALU**
Place of Birth: East Timor
Date of Birth/Age: Approximately 40 years old
Sex: Male
Nationality: East Timorese
Address: Believed to be in West Timor
Occupation at the time: Joint Commander of the Sako Loro Monu militia, Batugade, Bobonaro District

Name: **(2)Ruben Tavares**
Place of Birth: East Timor
Date of Birth/Age: Approximately 40 years old
Sex: Male
Address: Believed to be in West Timor
Nationality: East Timorese
Occupation at the time: Joint Commander of the Sako Loro Monu militia, Batugade, Bobonaro District

Name: **(3)Joao Oliveira a.k.a ANO**
Place of Birth: East Timor
Date of Birth/Age: 35-40 years old
Sex: Male
Nationality: East Timorese
Address: Believed to be in West Timor
Occupation at the time: Commander of the FIRMI militia, Balibo, Bobonaro District

Name: **(4)Joaquim Maia Pereira**
Place of Birth: East Timor
Date of Birth/Age: 30-35 years old
Sex: Male
Nationality: East Timorese
Address: Believed to be in West Timor
Occupation at the time: Deputy Commander of the FIRMI militia, Balibo, Bobonaro District

Name: **(5)Joao Da Silva Tavares**
Place of Birth: East Timor
Date of Birth/Age: Approximately 73 years old
Sex: Male
Nationality: East Timorese
Address: Believed to be in Yogyakarta, Java, Indonesia
Occupation at the time: Head of all militia groups in East Timor during 1999, *Panglima Perjuangan Integrasi* (Integration Fighting Forces of East Timor)

III. INTRODUCTORY STATEMENT OF FACTS

1. A widespread and systematic attack was committed against the civilian population in East Timor in 1999. The attack occurred during two interconnected periods of intensified violence. The first period followed an 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 and systematic attack was part of an orchestrated campaign of violence, that included among other things incitement, threats to life, intimidation, unlawful confinements, assaults, forced displacements, arsons, murders, rapes, torture and other forms of violence carried out by members of the pro-autonomy militia, members of the Indonesian Armed Forces, ABRI (*Angkatan Bersenjata Republik Indonesia*) renamed TNI (*Tentara Nasional Indonesia*) in 1999, and members of the Indonesian Police Forces, POLRI (*Kepolisian Republik Indonesia*) with the acquiescence and active participation of civilian and military authorities.
3. With the backing of the TNI and the Civil Administration, more than twenty-five militia groups operated throughout East Timor. Their goal was to support autonomy with Indonesia. The Integration Fighters Forces, PPI (*Pasukan Perjuangan Integrasi*) under the command of **(5)Joao Da Silva Tavares** and Eurico Guterres was the umbrella organization under which these militia groups were organized. With the acquiescence of TNI and the Civil Administration, PPI commanders issued, called upon and incited militia groups and their members to intimidate independence supporters and those perceived to support them. The militia groups participated in widespread and systematic attacks, acting and operating with impunity.
4. Militia groups were an armed wing of the United Forum for Democracy and Justice, FPDK (*Front Perdamaian, Demokrasi dan Keadilan*) established at a meeting at Makhota Hotel in Dili on 27 January 1999 by Pro-integration elements in East Timor as a political front for the integrationist cause.
5. The widespread and systematic attack was directed against civilians and predominantly against individuals who supported or were perceived to support independence and resulted in lethal injury including death by sharp force injury, gun shot injury, blunt force trauma or a combination of the three.

6. As part of the widespread and systematic attack against the civilian population, the militia destroyed property including houses and livestock belonging to the civilian population.
7. The widespread and systematic attack resulted in the internal displacement of thousands of persons. Additionally, the forcible transfer of the civilian population within East Timor and deportation to West Timor - Indonesia was an essential feature of the orchestrated campaign of violence.
8. Under terms of the 5 May 1999 Agreements, between Indonesia, Portugal and the United Nations on the popular consultation, the Indonesian security authorities had the responsibility to ensure a safe environment devoid of violence or other forms of intimidation as well as the general maintenance of law and order before and during the popular consultation. The TNI and POLRI failed to meet these obligations.
9. The Indonesian Military in East Timor consisted of both regular territorial forces, BTT (*Batalyon Teritorial*) 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.
10. From June to September 1999 special POLRI units known as the Kontingen Loro'Sae operated in East Timor. Kontingen Loro'Sae was created in order to assist the regular POLRI units in performing their tasks defined under the 5 May agreement.

IV. SPECIFIC STATEMENT OF FACTS

11. Bobonaro District is one of thirteen Districts of East Timor, situated at the northwestern part of the country, along the border with West Timor. In 1999 Bobonaro District consisted of six sub-districts: Atabae, Bobonaro, Cailaco, Lolotoe, Maliana and Balibo.
12. In 1999 the Sako Loro Monu and FIRMI militias operated in and around the sub-district of Balibo. The joint commanders of the Sako Loro Monu (SLM) militia were **(1)Ruben Gonsalves a.k.a Alu** and **(2)Ruben Tavares**. The commander of the FIRMI militia was **(3)Joao Oliveira a.k.a Ano**. The Deputy Commander of the FIRMI militia was **(4)Joaquim Maia Pereira**.
13. The Commanders of the SLM and FIRMI militia traveled frequently between the villages of Batugade and Balibo to plan and execute operations. Such operations included the abduction, torture and murder of individuals who supported or were perceived to support independence.

14. In April 1999 Joao Tavares appointed **(1)Ruben Gonsalves, (2)Ruben Tavares** and **(3)Joao Oliveira a.k.a ANO** as commanders of the Sako Loro Monu and FIRMI militias. **(5)Joao Tavares** provided **(1)Ruben Gonsalves, (2)Ruben Tavares** and **(3)Joao Oliveira a.k.a ANO** with radios to enable them to communicate with him and with other militia commanders and TNI in Bobonaro district.
15. On 17th July 1999 **(5)Joao Da Silva Tavares** produced a document which ordered, in the event that the people of East Timor elected for independence in the Popular Consultation, that a sweep and cleansing operation must be launched against supporters of independence. The order was addressed to all militia commanders, including **(1)Ruben Gonsalves, (2)Ruben Tavares** and **(3)Joao Oliveira a.k.a ANO**.

Torture and Murder of Longuinos Pereira a.k.a Longuinos Bere, 16 April 1999

16. In 1999 Longuinos Bere was a member of the clandestine independence movement in Ritabou, Maliana.
17. On or around 16th April 1999 members of Dadurus Merah Putih militia, under the command of Natalino Monteiro Gonsalves, went to Longuinos Bere's home in Ritabou and brought him to the house of Natalino Monteiro Gonsalves. The DMP militia handed over Longuinos Bere to SLM Commander **(1)Ruben Gonsalves**.
18. **(1)Ruben Gonsalves** then transported Longuinos Bere from Maliana to Rubens post in Batugade.
19. When they arrived a large group of militia had gathered around the compound. The militia tied Longuinos Pereira a.k.a Longuinos Bere to a papaya tree outside the house of **(2)Ruben Tavares**. Amandio Piedade (now deceased) stabbed Longuinos Bere in the chest with a knife, whilst many others beat him.
20. Later that evening Longuinos Pereira a.k.a Longuinos Bere was moved to a small building behind the house of **(2)Ruben Tavares**. Members of the SLM militia tied Longuinos Pereira a.k.a Longuinos Bere to an iron frame and tortured him for several hours. During this time Longuinos Pereira a.k.a Longuinos Bere was severely punched, kicked, beaten, stabbed and slashed with razors by a group of SLM militia and a member of the TNI. Amandio Piedade and Antonio Soares stabbed Longuinos Pereira a.k.a Longuinos Bere in the chest and shoulder. A member of the TNI slashed Longuinos Pereira a.k.a Longuinos Bere's face and arms with razor blades.
21. At approximately 22:00 hrs **(1)Ruben Gonsalves** ordered the militia to get a sack and a shovel. **(1)Ruben Gonsalves** and **(2)Ruben Tavares** ordered the militia to place Longuinos Pereira a.k.a Longuinos Bere into the back of a truck.

22. A group of SLM militia tied and gagged Longuinos Pereira a.k.a Longuinos Bere and loaded him into the truck. They drove to Batugade beach. When they arrived at the beach the militia removed Longuinos Pereira a.k.a Longuinos Bere from the car. A group of SLM militia beat and stabbed Longuinos Pereira a.k.a Longuinos Bere to death. The body of Longuinos Pereira a.k.a Longuinos Bere was tied to sacks filled with sand and dumped out at sea using local fishing boats.

Murder of Bonifacio Barreto on or around May 13 1999

23. Bonifacio Barreto was a clandestine independence activist in Maliana and the nearby village of Ritabou.
24. On or around May 13 1999 TNI members in Maliana arrested Bonifacio Barreto. Two TNI members drove Bonifacio Barreto to Batugade, where they were met by **(1)Ruben Gonsalves** and **(2)Ruben Tavares**

(1)Ruben Gonsalves and **(2)Ruben Tavares** announced that they were taking Bonifacio Barreto to the beach. **(1)Ruben Gonsalves**, **(2)Ruben Tavares** and a large group of SLM militia followed. When they got to the beach **(1)Ruben Gonsalves** and **(2)Ruben Tavares** dragged Bonifacio Barreto out of the car. He was stabbed to death by **(1)Ruben Gonsalves**, **(2)Ruben Tavares** and other members of the Sako Loro Monu militia. The militia dumped Bonifacio Barreto's body out to sea using local fishing boats.

Torture of Carlito Constantino and torture and enforced disappearance of Cesar M. Soares a.k.a Mota on or around 11th May 1999

25. In 1999 Carlito Constantino and Cesar M. Soares were clandestine FALANTIL supporters. On 12 April 1999 Manuel Gama (an FDPK member) was killed in an ambush in Cailako. The militia and TNI rounded up a group of clandestine independence supporters, and executed them. Carlito Constantino and Cesar M. Soares managed to escape.
26. On or around 11 May 1999 Carlito Constantino was with family members in Leohito, Balibo, when local militia informed him that FIRMI militia commander **(3)Joao Oliveira a.k.a ANO** wanted to see him. When Carlito Constantino reached **(3)Joao Oliveira a.k.a ANO's** house a group of militia surrounded him, and beat him severely with sticks.
27. The militia dragged Carlito Constantino into **(3)Joao Oliveira a.k.a ANO's** house.
28. Cesar M. Soares was also being detained at **(3)Joao Oliveira's a.k.a ANO's** house.

29. **(3)Joao Oliveira a.k.a ANO** and **(4)Joaquim Maia Pereira** and others beat Carlito Constantino and Cesar M. Soares for several minutes.
30. Carlito Constantino and Cesar M. Soares were then taken to the Balibo KORAMIL.
31. **(4)Joaquim Maia Pereira** entered the KORAMIL office, walked up to Carlito Constantino and burned his beard with a cigarette lighter. When Carlito Constantino tried to put out the flames **(4)Joaquim Maia Pereira** struck his arms with an iron bar.
32. **(3)Joao Oliveira a.k.a ANO**, **(4)Joaquim Maia Pereira** and other militia leaders and members of the TNI continued to beat Carlito Constantino and Cesar M. Soares for hours, striking them with sticks and burning their bodies with cigarette lighters.
33. A member of the TNI electrocuted Carlito Constantino and Cesar M. Soares with an electrical cable, causing them to fall unconscious.
34. At around 10pm **(3)Joao Oliveira a.k.a ANO** ordered the militia to stop beating Carlito Constantino and Cesar M. Soares.
35. Carlito Constantino was carried to **(3)Joao Oliveira a.k.a ANO's** house. As a result of the injuries he sustained he was unable to work for several years.
36. The whereabouts of Cesar M. Soares is unknown.

Abduction, unlawful imprisonment, torture and murder of independence activists 2-6 September 1999

37. In 1999 the independence youth group Sagrada Familia campaigned for independence throughout Bobonaro district. In the lead up to the Popular Consultation the TNI and the militia told members of Sagrada familia that if the people of East Timor voted for independence they would be killed.
38. On 30th August 1999 a group of around fifty Sagrada Familia members fled from Balibo to the mountains outside of Balibo town.
39. On 2nd September 1999 the FIRMI militia discovered where the group had been hiding.
40. Thirty-eight of the fifty men, Francisco Maia, Carlos De Carvalho, Benjamin Lucas, Alexio Paicheco, Patricio Santos Marcal, Cornelius Galojo, Gabriel Dos Santos, Francisco Paicheco, Domingos Soares, Henric Mau Doben, Serafin De Carvalho, Armindo Dos Santos Marcal, Sabino Dos Santos De Araujo, Xavier Mota, Americo Gonsalves Fernandes a.k.a Domingos Tilunkotu, Filipe Pereira,

Serafin Ximines, Domingos Paicheco, Elias Da Cruz, Estavao Cali Mau, Augusto Da Silva, Julio Ribero, Thomas Domingos a.k.a Mauk Loe, Evaristu De Carvalho, Abilio De Carvalho, Silvano Da Cruz, Lucio Pereira Gama, Domingos Da Silva, Joanito Alberto a.k.a Joao Berek, Abilio Silva Pereira, Augusto Da Silva, Joni Poligarfo, Alberto Da Silva, Luis Pereira, Joel Pereira, Carlos Dos Santos a.k.a Carlos Loe Hitu, Vitor Fernandes and Juvinal LNU were captured and brought to the house of **(3)Joao Oliveira a.k.a ANO**.

41. A large number of FIRMI militia, under the command of **(3)Joao Oliveira a.k.a ANO** and **(4)Joaquim Maia Pereira**, guarded the thirty-eight men. They were detained in a small room at **(3)Joao Oliveira a.k.a ANO's** house.
42. Between 2nd and 5th September 1999 at least fourteen of the thirty eight men, Francisco Maia, Carlos De Carvalho, Benjamin Lucas, Alexio Paicheco, Patricio Santos Marcal, Cornelius Galojo, Gabriel Dos Santos, Francisco Paicheco, Domingos Soares, Henric Mau Doben, Serafin De Carvalho, Armindo Marcal, Sabino Dos Santos De Araujo and Xavier Mota, were beaten severely by a member of the SGI and by members of the FIRMI militia, including **(4)Joao Oliveira a.k.a ANO** and **(5)Joaquim Maia Pereira**
43. Between 2nd and 6th September **(5) Joao Tavares** visited **(3)Joao Oliveira a.k.a ANO's** house on at least three occasions.
44. On the morning of 6th September 1999 **(5) Joao Tavares** ordered the release of thirty of the thirty-eight detainees. **However, (5) Joao Tavares** ordered that eight detainees, Francisco Maia, Carlos De Carvalho, Benjamin Lucas, Alexio Paicheco, Patricio Santos Marcal, Cornelius Galojo, Gabriel Dos Santos and Francisco Paicheco, not be released with the others.
45. On the evening of 6th September 1999 **(3) Joao Oliveira a.k.a ANO**, and the members of the FIRMI militia under his command, moved Francisco Maia, Carlos De Carvalho, Benjamin Lucas, Alexio Paicheco, Patricio Santos Marcal, Cornelius Galojo, Gabriel Dos Santos and Francisco Paicheco from the house to Balibo Fort. The eight men were held in one of the rooms at the fort.
46. A short time later, members of the Sako Loro Monu (SLM) militia arrived from the village of Batugade in a yellow truck. **(1)Ruben Gonsalves** was in command of the SLM militia members on the truck.
47. **(1)Ruben Gonsalves** and **(3)Joao Oliveira a.k.a ANO** ordered militia members to bring Francisco Maia, Carlos De Carvalho, Benjamin Lucas, Alexio Paicheco, Patricio Santos Marcal, Cornelius Galojo, Gabriel Dos Santos and Francisco Paicheco outside.
48. Members of the FIRMI and SLM militia went into the room and dragged the eight men out of the fort building. A group of FIRMI and Sako Loro Monu militia

threw the eight men onto the ground. **(1)Ruben Gonsalves**, **(3)Joao Oliveira a.k.a ANO** and **(4)Joaquim Maia Pereira** ordered the SLM and FIRMI militias to beat the eight men continuously. Members of the FIRMI and Sako Loro Monu militia kicked, punched and beat them with sticks for around thirty minutes.

49. **(3)Joao Oliveira a.k.a ANO** and **(1)Ruben Gonsalves** then ordered militia members to place Francisco Maia, Carlos De Carvalho, Benjamin Lucas, Alexio Paicheco, Patricio Santos Marcal, Cornelius Galojo, Gabriel Dos Santos and Francisco Paicheco onto the back of the yellow truck. Before the truck drove off a member of the FIRMI militia stabbed two of the men in the stomach with a samurai sword.
50. **(1)Ruben Gonsalves** and the SLM militia under his command got into the truck and drove to Batugade. By the time the truck reached Batugade two of the men who had been beaten and stabbed had died from their injuries.
51. When the truck arrived in Batugade, SLM militia threw Francisco Maia, Carlos De Carvalho, Benjamin Lucas, Alexio Paicheco, Patricio Santos Marcal, Cornelius Galojo, Gabriel Dos Santos and Francisco Paicheco out of the truck and onto the beach. The six surviving men were dragged to the seashore. A member of the SLM militia then killed the six using a sword. SLM militia members loaded the bodies of all eight men onto fishing boats. The bodies were tied to rice sacks filled with sand. The militia dumped the bodies out at sea.

Murder of Sabino Pereira September 1999

52. Sabino Pereira was a member of a clandestine independence movement based in Maliana.
53. Sometime in September 1999, members of the SLM militia abducted Sabino Pereira from West Timor, and transported him across the border to Rubens post in Batugade, East Timor. When they arrived at Rubens post Sabino Pereira was interrogated by **(1)Ruben Gonsalves** and **(2)Ruben Tavares**. During the interrogation, a member of the SLM militia stabbed Sabino Pereira in the head. In spite of the stabbing, Sabino Pereira was still alive at this time.
54. Eventually, **(1)Ruben Gonsalves** ordered the militia to take Sabino Pereira to the beach at Palaka and kill him. When they reached Palaka beach members of the SLM militia stabbed Sabino Pereira to death. The militia cut off Sabino Pereira's head, and brought it back to SLM militia commander **(1)Ruben Gonsalves**. The headless body was left lying on the ground. The following morning local villagers discovered the headless body next to the main road to Batugade.

Murder of Elias Pires and Jorge Mau Loe and attempted murder of Carlito Mau Loe, on or around 15th September 1999

55. Elias Pires, Jorge Mau Loe and Carlito Mau Loe were independence activists in the sub-district of Balibo.
56. On or about 10 September 1999 **(3)Joao Oliveira a.k.a ANO** ordered members of the Firmi militia to abduct Carlito Mau Loe, Jorge Mau Leo and Elias Pires from their homes in the village of Leo Lima, Balibo sub-district, Bobonaro. They were detained for one night in **(3)Joao Oliveira a.k.a ANO's** house.
57. Carlito Mau Loe, Jorge Mau Leo and Elias Pires were then moved to another house. They were detained at this house for a further four days.
58. On the evening of 15th September 1999 members of the Firmi militia, on the orders of **(4)Joaquim Maia Pereira**, placed Carlito Mau Loe, Jorge Mau Loe and Elias Pires into a blue taxi. **(4)Joaquim Maia Pereira** and other militia members drove together with the detainees in the vehicle. Others followed the taxi on motorcycles. The convoy drove to Batugade, stopping at the militia checkpoint on the main road. The convoy was joined by another vehicle containing members of the Sako Loro Monu militia from Batugade, including **(1)Ruben Gonsalves** and **(2)Ruben Tavares**. The militia blindfolded Carlito Mau Loe, Jorge Mau Leo and Elias Pires at the Batugade checkpoint.
59. The convoy proceeded towards the border. It turned off the road into a clearing on the East Timorese side of the border. Elias Pires and Jorge Mau Loe were removed from the taxi. Members of the FIRMI and Sako Loro Monu militia stabbed Elias Pires and Jorge Mau Loe to death.
60. Carlito Mau Loe got out of the taxi and ran into the bush surrounding the clearing. The militia were unable to find him.

V. GENERAL ALLEGATIONS

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

VI. CRIMINAL RESPONSIBILITY

Individual Criminal Responsibility

Section 14.3 UNTAET Regulation 2000/15 provides in relevant part that for the following conduct “a person shall be criminally responsible and liable for punishment for a crime within the jurisdiction of the panels...”:

- “(a) commits such a crime, whether as an individual, jointly with another or through another person, regardless of whether that other person is criminally responsible;
- (b) orders, solicits or induces the commission of such a crime, which in fact occurs or is attempted;
- (c) for the purpose of facilitating the commission of such a crime, aids, abets or otherwise assists in its commission or its attempted commission, including providing the means for its commission;
- (d) in any other way contributes to the commission or attempted commission of such a crime by a group of persons acting with a common purpose. Such contribution shall be intentional and shall either:
 - (i) be made with the aim of furthering the criminal activity or criminal purpose of the group, where such activity or purpose involves the commission of a crime within the jurisdiction of the panels; or
 - (ii) be made in the knowledge of the intention of the group to commit the crime;”
 - (iii) be made in the knowledge of the intention of the group to commit the crime;”
- (f) attempts to commit such a crime by taking action that commences its execution by means of a substantial step, but the crime does not occur because of circumstances independent of the person's intentions. However, a person who abandons the effort to commit the crime or otherwise prevents the completion of the crime shall not be liable for punishment under the present regulation for the attempt to commit that crime if that person completely and voluntarily gave up the criminal purpose.

Superior Criminal Responsibility

Section 16 UNTAET Regulation 2000/15 provides that in addition to other grounds of criminal responsibility for serious criminal offenses: *“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 necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.”*

VII. THE CHARGES

Pursuant to the above, the Deputy General Prosecutor charges:

Count 1 Crimes Against Humanity: Torture

By their acts or omissions in relation to the events described in paragraph 16 to 20 of this indictment, and with knowledge that the crime occurred in the context of a widespread and systematic attack against a civilian population, **(1)Ruben Gonsalves**, **(2)Ruben Tavares** are responsible as individuals pursuant to Article 14.3 (a)-(d) and as superiors pursuant to Article 16 of Regulation 2000/15 for the torture of Longuinos Pereira in the village of Batugade on 16 April 1999, and thereby committed a CRIME AGAINST HUMANITY: TORTURE, a crime stipulated under Section 5.1(f) UNTAET Regulation 2000/15.

Count 2 Crimes Against Humanity: Murder

By their acts or omissions in relation to the events described in paragraph 21 to 25 of this indictment, and with knowledge that the crime occurred in the context of a widespread and systematic attack against a civilian population, **(1)Ruben Gonsalves** and **(2)Ruben Tavares** are responsible as individuals pursuant to Article 14.3 (a)-(d) and as superiors pursuant to Article 16 of Regulation 2000/15 for the murder of Longuinos Pereira in the village of Batugade on 16 April 1999, and thereby committed a CRIME AGAINST HUMANITY: MURDER, a crime stipulated under Section 5.1(a) UNTAET Regulation 2000/15.

Count 3 Crimes Against Humanity: Murder

By their acts or omissions in relation to the events described in paragraph 16 to 24 of this indictment, and with knowledge that the crime occurred in the context of a widespread and systematic attack against a civilian population, **(1)Ruben Gonsalves** and **(2)Ruben Tavares** are responsible as individuals pursuant to Article 14.3 (a)-(d) and as superiors pursuant to Article 16 of Regulation 2000/15 for the murder of Bonifacio Barreto in the village of Batugade on or around 13 May 1999, and thereby committed a CRIME AGAINST HUMANITY: MURDER, a crime stipulated under Section 5.1(a) UNTAET Regulation 2000/15.

Count 4 Crimes Against Humanity: Torture

By their acts or omissions in relation to the events described in paragraphs 25 to 36 of this indictment, and with knowledge that the crime occurred in the context of a widespread and systematic attack against a civilian population, **(3) Joao Oliveira a.k.a ANO** and **(4) Joaquim Maia Pereira** are responsible as individuals pursuant to Article 14.3 (a)-(d) and as superiors pursuant to Article 16 Regulation 2000/15 for the torture of Carlito Constantino and Cesar M. Soares in the village of Balibo on 11 May 1999, and thereby committed a CRIME AGAINST HUMANITY: TORTURE, a crime stipulated under Section 5.1(f) UNTAET Regulation 2000/15.

Count 5 Crimes Against Humanity: Persecution (imprisonment in severe deprivation of liberty)

By their acts or omissions in relation to the events described in paragraph 37 to 44 of this indictment, and with knowledge that the crime occurred in the context of a widespread and systematic attack against a civilian population, **(5)Joao Tavares, (3)Joao Oliveira a.k.a ANO and (4)Joaquim Maia Pereira** are responsible as individuals pursuant to Article 14.3 (a)–(d) and as superiors pursuant to Article 16 of Regulation 2000/15 for the unlawful imprisonment of thirty eight independence supporters, Francisco Maia, Carlos De Carvalho, Benjamin Lucas, Alexio Paicheco, Patricio Santos Marcal, Cornelius Galojo, Gabriel Dos Santos, Francisco Paicheco, Domingos Soares, Henric Mau Doben, Serafin De Carvalho, Armindo Dos Santos Marcal, Sabino Dos Santos De Araujo, Xavier Mota, Americo Gonsalves Fernandes a.k.a Domingos Tilunkotu, Filipe Pereira, Serafin Ximines, Domingos Paicheco, Ellias Da Cruz, Estavao Cali Mau, Augusto Da Silva, Julio Ribero, Thomas Domingos a.k.a Mauk Loe, Evaristu De Carvalho, Abilio De Carvalho, Silvano Da Cruz, Lucio Pereira Gama, Domingos Da Silva, Joanito Alberto a.k.a Joao Berek, Abilio Silva Pereira, Augusto Da Silva, Joni Poligarfo, Alberto Da Silva, Luis Pereira, Joel Pereira, Carlos Dos Santos a.k.a Carlos Loe Hitu, Vitor Fernandes and Juvinal LNU in severe deprivation of their liberty between 2 & 6 September 1999 at the house of Joao Oliveira in the village of Balibo, and thereby committed a CRIME AGAINST HUMANITY: PERSECUTION, a crime stipulated under Section 5.1(h) UNTAET Regulation 2000/15.

Count 6 Crimes Against Humanity: Torture

By their acts or omissions in relation to the events described in paragraph 37 to 44 of this indictment, and with knowledge that the crime occurred in the context of widespread and systematic attack against a civilian population, **(3)Joao Oliveira a.k.a ANO, (4)Joaquim Maia Pereira and (5)Joao Tavares** are responsible as individuals pursuant to Article 14.3 (a)–(d) and as a superiors pursuant to Article 16 of Regulation 2000/15 for the torture of Francisco Maia, Carlos De Carvalho, Benjamin Lucas, Alexio Paicheco, Patricio Santos Marcal, Cornelius Galojo, Gabriel DosSantos, Francisco Paicheco, Domingos Soares, Henric Mau Doben, Serafin De Carvalho, Armindo Dos Santos Marcal, Sabino Dos Santos De Araujo and Xavier Mota committed between 2 & 6 September 1999 at the house of Joao Oliveira in the village of Balibo, and thereby committed a CRIME AGAINST HUMANITY: TORTURE, a crime stipulated under Section 5.1(f) UNTAET Regulation 2000/15.

Count 7 Crimes Against Humanity: Torture

By their acts or omissions in relation to the events described in paragraph 45 to 48 of this indictment, and with knowledge that the crime occurred in the context of widespread and systematic attack against a civilian population, **(3)Joao Oliveira a.k.a ANO, (4)Joaquim Maia Pereira and (5)Joao Tavares** are responsible as individuals pursuant to Article 14.3(a)-(d) and as superiors pursuant to Article 16 of Regulation 2000/15 for the torture of Francisco Maia, Carlos De Carvalho, Benjamin Lucas, Alexio Paicheco, Patricio

Santos Marcal, Cornelius Galojo, Gabriel Dos Santos and Francisco Paicheco on the evening of 6 September 1999 at Balibo fort in the village of Balibo, and thereby committed a CRIME AGAINST HUMANITY: TORTURE, a crime stipulated under Section 5.1(f) UNTAET Regulation 2000/15.

Count 8 Crimes Against Humanity: Murder

By their acts or omissions in relation to the events described in paragraph 48 to 51 of this indictment, and with knowledge that the crime occurred in the context of widespread and systematic attack against a civilian population, **(1)Ruben Gonsalves, (3)Joao Oliveira a.k.a ANO, (4)Joaquim Maia Pereira** and **(5)Joao Tavares** are responsible as individuals pursuant to Article 14.3 (a) –(d) and as superiors pursuant to Article 16 of Regulation 2000/15 for the murder of Francisco Maia, Carlos De Carvalho, Benjamin Lucas, Alexio Paicheco, Patricio Santos Marcal, Cornelius Galojo, Gabriel Dos Santos and Francisco Paicheco on the evening of 6 September 1999 in Batugade village, and thereby committed a CRIME AGAINST HUMANITY: MURDER, a crime stipulated under Section 5.1(a) UNTAET Regulation 2000/15.

Count 9 Crimes Against Humanity: Murder

By their acts or omissions in relation to the events described in paragraphs 52 to 54 of this indictment, and with knowledge that the crime occurred in the context of widespread and systematic attack against a civilian population, **(1)Ruben Gonsalves** and **(2)Ruben Tavares** are responsible as individuals pursuant to Article 14.3 (a) –(d) and as superiors pursuant to Article 16 of Regulation 2000/15, for the murder of Sabino Pereira on or around 7 September 1999 in the village of Batugade, and thereby committed a CRIME AGAINST HUMANITY: MURDER, a crime stipulated under Section 5.1(a) UNTAET Regulation 2000/15.

Count 10 Crimes Against Humanity: Murder

By their acts or omissions in relation to the events described in paragraphs 55 to 59 of this indictment, and with knowledge that the crime occurred in the context of a widespread and systematic attack against a civilian population, **(1)Ruben Gonsalves, (2)Ruben Tavares, (3)Joao Oliveira a.k.a ANO, and (4)Joaquim Maia Pereira** are responsible as individuals pursuant to Article 14.3 (a) –(d) and as superiors pursuant to Article 16 of Regulation 2000/15, for the murder of Jorge Mau Loe and Elias Pires on 15 September 1999, and thereby committed a CRIME AGAINST HUMANITY: MURDER, a crime stipulated under Section 5.1(a) UNTAET Regulation 2000/15.

Count 11 Crimes Against Humanity: Murder (Attempted)

By their acts or omissions in relation to the events described in paragraphs 55 to 60 of this indictment, and with knowledge that the crime occurred in the context of widespread and systematic attack against a civilian population, **(1)Ruben Gonsalves, (2)Ruben**

Tavares, (4)Joao Oliveira a.k.a ANO and **(5)Joaquim Maia Pereira** are responsible as individuals pursuant to Article 14.3 (a) –(f) and as superiors pursuant to Article 16 of Regulation 2000/15, for the attempted murder of Carlito Mau Loe on 15 September 1999, and thereby committed a CRIME AGAINST HUMANITY: ATTEMPTED MURDER, a crime stipulated under Section 5.1(a) and Section 14.3 (f) of UNTAET Regulation 2000/15.

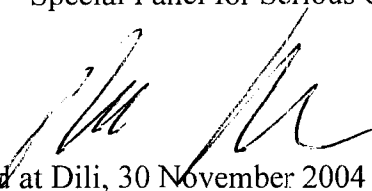
VIII. VICTIMS AND EVIDENCE FOR TRIAL

A list of the victims is contained in Annex A to this indictment.

A list of the evidence supporting this indictment is contained in Annex B to this indictment.

IX. REQUEST FOR TRIAL

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



Dated at Dili, 30 November 2004
Nicholas Koumjian, Deputy General Prosecutor