

BEFORE THE SPECIAL PANEL FOR SERIOUS CRIMES

DISTRICT COURT OF DILI

Case No: 129/2002

INDICTMENT

THE DEPUTY GENERAL PROSECUTOR OF THE DEMOCRATIC
REPUBLIC OF EAST TIMOR

-Against-

Inacio Oliveira
Gilberto Fernandes
Jose Da Costa

I. INDICTMENT

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

**Inacio Oliveira
Gilberto Fernandes
Jose Da Costa**

-with-

CRIMES AGAINST HUMANITY:

MURDER and PERSECUTION

as set forth in this indictment.

II. NAME AND PARTICULARS OF THE ACCUSED PERSONS

1. Name: **Inacio Oliveira**
 Place of Birth: Lore 2, Lore, Lautem
 Age/Date of Birth: 1960
 Sex: Male
 Nationality: East Timorese
 Address: Lore 2, Lore, Lautem
 Occupation at the time: Section Commander in Team ALFA
2. Name: **Gilberto Fernandes**
 Place of Birth: Carano Village, Los Palos, Lautem
 Age/Date of Birth: 02/03/1973
 Sex: Male
 Nationality: East Timorese
 Address: Leuro, Los Palos, Lautem
 Occupation at the time: Member of Team ALFA
3. Name: **Jose Da Costa alias "Manelarin"**
 Place of Birth: Leuro, Los Palos, Lautem
 Age/Date of Birth: 05/06/1961
 Sex: Male
 Nationality: East Timorese
 Address: Natura, Los Palos
 Occupation at the time: Member of Team ALFA and BRTT

III. INTRODUCTORY STATEMENT OF FACTS

1. A widespread or systematic attack directed against the civilian population was committed in East Timor in 1999. The attack occurred during two interconnected periods of intensified violence. The first period followed the announcement, on January 27, 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 September 4, 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 September 4, 1999 through October 25, 1999.
2. The widespread or systematic attack was part of an orchestrated campaign of violence that included among other things incitement, threats to life, intimidation, unlawful confinements, assaults, murders, rapes, torture and other forms of violence. The widespread or systematic attack included the forcible transfer of the civilian population within East Timor and their deportation to West Timor. The widespread or systematic attack included the destruction of property, including houses and livestock, belonging to the civilian population.
3. The attack was directed against civilians of all ages and groups, but predominantly against individuals who supported or were perceived to support the independence of East Timor.
4. During 1999, numerous militia groups operated throughout East Timor. Their goal was to support autonomy within Indonesia. The militia groups participated in the widespread or systematic attack and acted and operated with impunity.
5. During 1999, the Indonesian Armed Forces (TNI) in East Timor consisted of both regular and territorial forces and special combat forces (Strategic Reserve Command (KOSTRAD – *Komando Strategis Angkatan Darat*) and Special Forces (KOPASSUS – *Komando Pasukan Khusus*)) all of which had units, staff officers and soldiers stationed in East Timor.
6. During 1999, the Indonesian Police Force (*POLRI*), the state agency for upholding the law and public order, were present in East Timor. It also included a Mobile Police Brigade (BRIMOB), whose units and members were stationed in East Timor.
7. The widespread or systematic attack was carried out by members of TNI, POLRI and pro-autonomy militia with the acquiescence and active participation of civilian and military authorities.
8. Under the terms of an agreement on May 5, 1999 between Indonesia, Portugal and the United Nations on the popular consultations, 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 acted and permitted others to act with impunity.

IV. Specific Statement of Facts

9. In 1999, the civil administration of Lautem District was headed by the *Bupati* (District Administrator) who was appointed by the local parliament and the Governor of East Timor, with the approval of the Minister of Interior of the Republic of Indonesia. During 1999, the *Bupati* of Lautem District was Edmundo da Conceicao Silva. In addition to his responsibilities within the civil administration, *Bupati* Edmundo da Conceicao Silva participated in meetings with military commanders in Lautem District.
10. During 1999, the TNI forces present in Lautem District were Battalion 745, Battalion 621, KODIM (District Military Command) Unit 1629 (based at Los Palos and divided into five sub-district military commands - KORAMIL) and KOPASSUS (based at Laruara in Los Palos).
11. In Lautem District, Indonesian military forces worked in close cooperation with an armed group called Team ALFA. Team ALFA (sometimes also referred to as *Jati Merah Putih* meaning 'Authentic Red and White') was established in 1986 by KOPASSUS officers. It was a locally recruited, armed paramilitary group which received its orders directly from KOPASSUS commanders. Those orders included attacks upon civilians believed to be supporters of independence for East Timor.
12. Team ALFA members were armed, equipped and trained by the TNI, including KOPASSUS. Between January and October 1999, Team ALFA and KOPASSUS operated out of the same building in Laruara, Los Palos. They also shared logistical support and transportation, including the use of a blue Kijang motor vehicle.
13. Team ALFA militia members received cash and rice from KOPASSUS, as payments for their services. As well as the regular payments they received from KOPASSUS, Team ALFA members also received several payments of cash from money provided by the *Bupati*, Edmundo da Conceicao Silva. These payments were made in East Timor, prior to the popular consultation and in West Timor, after the popular consultation.
14. In 1999, Rahman Zulkarnean was the commander of KOPASSUS and Syaful Anwar was a member of KOPASSUS in Lautem district. Rahman Zulkarnean and Syaful Anwar issued orders and instructions that were executed by the Team ALFA members.
15. *Bupati* Edmundo da Conceicao Silva was an Honorary Member of KOPASSUS. As such he had authority and control over the Team ALFA militia members and issued orders and instructions to them.

16. In 1999, Tomas da Costa held the position of "Danki" (Company Commander) in Team ALFA. **Inacio Oliveira** held the position of Section Commander in Team ALFA. Joaquim Januario, **Gilberto Fernandes**, **Jose da Costa** alias "**Manelarin**" and Lamberto dos Santos were all active members of Team ALFA.
17. In 1999, BRTT (East Timor People's Front) was formed to support and campaign for the pro-autonomy movement in the popular consultation. Its members also provided security for the BRTT office and the *Bupati's* residence.
18. The *Bupati* Edmundo da Conceicao Silva was the General Chairman of BRTT, and, as such, he was the head of all the core executives for the organisation.
19. Tomas da Costa was a member of the BRTT Security Board. Anton Regu, Martinho da Costa and Jose Solari and were all active members of BRTT.
20. On 3 September 1999, there was a meeting at the KOPASSUS/Team ALFA base. *Bupati* Edmundo da Conceicao Silva, KOPASSUS members including Rahman Zulkarnean and Syaful Anwar and about twenty Team ALFA members were present. At this meeting, the past activities of Team ALFA were discussed. The *Bupati* Edmundo da Conceicao Silva and the KOPASSUS members stressed the need for Team ALFA to be as clean and careful as possible when undertaking operations such as kidnapping.

Murder of Verissimo Dias Quintas on 27 August 1999

21. During 1999, Verissimo Dias Quintas, was the traditional king of Los Palos (*Liurai*). He was a senior figure with considerable influence in the Los Palos community. He was also one of the leaders of CNRT (National Council of Timorese Resistance) in Lautem district, an umbrella group of pro-independence supporters.
22. On 2 August 1999, the CNRT office was officially opened in a building within Verissimo Dias Quintas's residential compound in Los Palos. Many pro-independence activities were subsequently organised from there. Verissimo's house was situated directly opposite the Los Palos hospital and diagonally across from the Los Palos market.
23. On 27th August 1999, CNRT held a celebration to mark the end of the campaigning period. Approximately 150 people attended the celebration which was held at the CNRT office within Verissimo's residential compound.
24. During the morning of 27 August 1999, the blue Kijang truck, which belonged to KOPASSUS and which was regularly used to transport Team ALFA members, drove past the CNRT office several times. Team ALFA and BRTT members carried weapons in the truck and shouted pro-autonomy slogans at the CNRT supporters.

25. At or around 1700 hours on 27 August 1999, at the KOPASSUS/Team ALFA base, Rahman Zulkarnean and Syaful Anwar ordered Team ALFA members to board the blue Kijang. Syaful Anwar said, "Get in the Kijang. We are going to Verissimo's house". Rahman Zulkarnean said, "We must burn the CNRT office now."
26. On the way to Verissimo's house, the blue Kijang truck stopped at the BRTT office, where several armed BRTT members got onto the Kijang.
27. On board the Kijang were Tomas da Costa who was the driver, Syaful Anwar, **Inacio Oliveira**, Joaquim Januario, **Gilberto Fernandes**, Anton Regu, **Jose da Costa**, Lamberto dos Santos, Martinho da Costa and Jose Solari. Some of them were armed with rifles, while others were armed with machetes and swords. Some of them carried containers of petrol and lighters. Some of them wore balaclavas.
28. The blue Kijang stopped near to the Los Palos market and some of the armed Team ALFA and BRTT members got down from the Kijang and entered the market place.
29. Team ALFA and BRTT members including Joaquim Januario, Anton Regu, Lamberto dos Santos and Jose Solari ran into the market building, set it on fire and threatened civilians inside. **Gilberto Fernandes** shot at the roof of the market building.
30. Syaful Anwar drove the Kijang further along the road before stopping close to Verissimo's house, where the remaining Team ALFA and BRTT members got down from the Kijang.
31. The Team ALFA and BRTT members approached Verissimo's house from the markets and from the Kijang shouting, "kill, kill, burn the CNRT office", "where are all the CNRT leaders, kill all the leaders of CNRT."
32. At this time, there were approximately 30 guests still present at the CNRT office at Verissimo's house. Verissimo instructed the guests and the household members to hide themselves in the house.
33. Armed Team ALFA and BRTT members including **Inacio Oliveira**, Joaquim Januario, **Gilberto Fernandes** and **Jose da Costa** fired gunshots at Verissimo's house. Bullets entered the walls, windows and doors of the house.
34. Armed Team ALFA and BRTT members including Tomas Da Costa, Joaquim Januario, **Gilberto Fernandes**, Anton Regu, Lamberto Dos Santos, Martinho da Costa and Jose Solari entered the compound of Verissimo's house.
35. Lamberto dos Santos broke open windows and doors of Verissimo's house. He entered the house and threatened to burn the people that were hiding inside. Lamberto dos Santos punched three civilians in the face, who were hiding inside the house.

36. Armed Team ALFA and BRTT members including Joaquim Januario and Lamberto Dos Santos poured gasoline on the furniture, walls and doors of Verissimo's house and set fire to it, while people were hiding inside. They also poured gasoline over the CNRT office, the restaurant at the front of Verissimo's house and the traditional house in Verissimo's compound and set fire to them.
37. Martinho da Costa chased Verissimo inside the house. A short while later Verissimo was found standing on the ground floor of the house, bleeding heavily from knife wounds. Near to where Verissimo was standing were the BRTT members Martinho da Costa and Jose Solari, both of whom were holding swords with blood on them.
38. Verissimo Dias Quintas collapsed on the ground and died as a result of the injuries which he had sustained. His injuries included a long cut to his face, one cut to either side of his neck, a cut to the rear of his head, cuts to his forearms and wrists, cuts to both thighs and cuts to both his ankles.
39. Both Martinho da Costa and Jose Solari were injured during the attack upon Verissimo's house. They were carried to the Los Palos hospital by Team ALFA and BRTT members.
40. Syaful Anwar ordered the members of Team ALFA and BRTT to return to the blue Kijang, so that they could leave. The members did so and they left the scene.
41. *Bupati* Edmundo da Conceicao Silva arrived at the scene of the attack and spoke through a megaphone. He ordered the members of Team ALFA and BRTT to stop shooting. The *Bupati* stopped outside Verissimo's house and spoke through the megaphone. He said 'you want to party but two of my members are dead'.
42. During the hour after the attack, whilst at the Los Palos hospital, *Bupati* Edmundo da Conceicao Silva, Rahman Zulkarnain and Syaful Anwar arranged for Martinho da Costa and Jose Solari to be taken to Dili for treatment of their injuries.
43. After returning to the KOPASSUS/Team ALFA base, Rahman Zulkarnain ordered the militia members present to place their rifles in a box so that they could be taken away and hidden. He also ordered all the Team ALFA members to go home or hide, as "white people" would be checking the base.
44. On 29th August 1999, the dead body of Verissimo Dias Quintas was buried in a grave outside his house.
45. No punishment has been imposed upon any individual for the murder of the Verissimo Dias Quintas.

V. GENERAL ALLEGATIONS

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

Individual Criminal Responsibility

47. **Inacio Oliveira, Gilberto Fernandes and Jose Da Costa** are charged with individual responsibility in this indictment. Each accused is responsible under Section 14 UNTAET Regulation 2000/15 if he:

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

[b] orders, solicits or induces the commission of such a crime which in fact occurs or is attempted;

[c] for the purpose of facilitating the commission of such a crime, aids, abets or otherwise assists in its commission or its attempted commission, including providing the means for its commission;

[d] in any other way contributes to the commission or attempted commission of such a crime by a group of persons acting with a common purpose. Such contribution shall be intentional and shall either:

- (i) be made with the aim of furthering the criminal activity or criminal purpose of the group, where such activity or purpose involves the commission of a crime within the jurisdiction of the panels; or*
- (ii) be made in the knowledge of the intention of the group to commit the crime...."*

VI. THE CHARGES

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

Count 1: Crimes against Humanity – Murder (Verissimo Dias Quintas)

By their acts or omissions in relation to the events described in paragraphs 9 to 45 of this indictment, **Inacio Oliveira, Gilberto Fernandes and Jose Da Costa** are responsible as individuals for the murder of Verissimo Dias QUINTAS on 27 August

1999, which was committed as part of a widespread or systematic attack against a civilian population with knowledge of the attack, and thereby committed a CRIME AGAINST HUMANITY – MURDER, a crime stipulated under Section 5.1(a) UNTAET Regulation 2000/15.

Count 2: Crimes against Humanity – Persecution

By their acts or omissions in relation to the events described in paragraphs 9 to 45 of this indictment, **Inacio Oliveira, Gilberto Fernandes** and **Jose Da Costa** are responsible as individuals for the persecution of a group believed to be members or supporters of CNRT on 27 August 1999, by the intentional and severe deprivation of their fundamental rights contrary to international law, which was committed as part of a widespread or systematic attack against a civilian population with knowledge of the attack, and thereby committed a CRIME AGAINST HUMANITY – PERSECUTION, a crime stipulated under Section 5.1(h) UNTAET Regulation 2000/15.

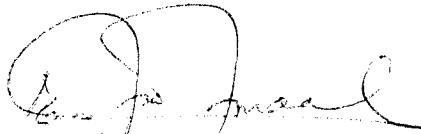
VII. VICTIM

Verissimo Dias Quintas

VIII. REQUEST FOR TRIAL

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

DATED at DILI this 9th day of September 2003



Essa Faal

Acting Deputy General Prosecutor for Serious Crimes