



**UNTAET**

United Nations Transitional Administration in East Timor

**Case No.SU-2-99-SC**

**THE GENERAL PROSECUTOR OF THE  
UNITED NATIONS TRANSITIONAL  
ADMINISTRATION FOR EAST TIMOR**

**AGAINST**

**Antonio LEMOS**

**I. INDICTMENT**

The General Prosecutor of the United Nations Transitional Administration in East Timor, pursuant to his authority under UNTAET Regulations 1999/1, 2000/11, 2000/15, 2000/16 and 2000/30 charges:

**ANTONIO LEMOS**

with

**MURDER**

as set forth in this indictment and requests the Serious Crimes Panel of the District Court of Dili to assume jurisdiction in this matter expeditiously and to extend his detention pending trial.

**II. NAME AND PARTICULARS OF THE ACCUSED**

Name : Antonio LEMOS  
Date of Birth : 5-2-1967  
Place of Birth : Leogol, Zumalai, Suai , Kovalima  
Nationality : East Timorese

Location :

### III. STATEMENT OF THE FACTS

1. The accused joined the Mahidi Militia in March 1999.
2. The accused was stationed as a member of the Mahidi Militia in the village of Kasa (Ainaro District).
3. The accused was a group leader of 90 militia members which were separated into two separate groups. These groups were named the Pos Kulu Oan and the Tashilin Group.
4. The militia members were given black t-shirts with the word MAHIDI written on the back with an Indonesian Flag on the front.
5. In the months prior to the popular consultation many people went to the Suai Church Compound seeking refuge from the activities of the Mahidi and Laksaur Militia.
6. On 6 September 1999, Feliciana DE ARAUJO, Benjamin DE ARAUJO and Alvaro LOPEZ were present at the Suai Church Compound when it was attacked by members of the Mahidi and Laksaur Militia, the TNI, the BRIMBOB and the POLRI.
7. The accused was one of the Mahidi Militia members who participated in the attack on the Suai Church Compound on 6 September 1999.
8. The accused was armed with a long sword.
9. The accused, in the company of other militia members including Domingos ALVES, Miguel BIANCO and Rui DA COSTA, attacked Benjamin DE ARAUJO.
10. During this attack the accused stabbed Benjamin DE ARAUJO with a long sword to his chest, arms and legs.
11. Benjamin DE ARUJO died as a result of this attack.
12. Following the killing of Benjamin DE ARAUJO, the accused travelled by motor bike through the village of Tashlin.
13. Whilst travelling through this village he told Almerio MAGNO and Gaspar MAGNO that many people had been killed at the church.

Pursuant to the above the Prosecutor

#### **IV. CHARGES:**

Criminal Responsibility

##### *Individual Criminal Responsibility*

Pursuant to section 14.3 of UNTAET Regulation 2000/15 a person shall be criminally responsible and liable for punishment for a crime within the jurisdiction of the panel if that person:

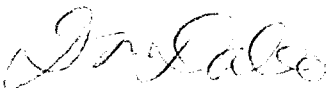
- commits a crime, whether as an individual, jointly with another or through another person, regardless of whether that other person is criminally responsible;
- orders, solicits or induces the commission of such such a crime which in fact occurs or is attempted;
- for the purpose of facilitating the commission of such a crime, aids, abets or otherwise assists in its commission or its attempted commission, including providing the means for its commission;
- 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.

#### **COUNT 1:**

By his acts or omissions, as described above, Antonio LEMOS, jointly wth others, is responsible, pursuant to Section 14.3 of UNTAET Regulation 2000/15, for the murder of Benjamin DE ARAUJO, committed on 6 September 1999 in Suai in the District of Cova Lima, in violation of Section 8 of UNTAET Regulation 2000/15 and Section 340 of the Indonesian Penal Code

V. The list of witnesses and evidence that supports this Indictment is contained in Annex, A which forms an integral part of this Indictment.

Dili, 16 May, 2001



Donna DALEO  
Public Prosecutor