



original in
→ file 530
13/09/02
7-2002

**REPUBLICA DEMOCRATICA DE TIMOR LESTE
PROCURADORIA GERAL DA REPUBLICA
GABINETE DO PROCURADOR GERAL DA REPUBLICA**

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

BO-02-99-SC

-Against-

SALVADOR SOARES aka Salvador Leos Marobo and Dodo

AMENDED INDICTMENT

I. INDICTMENT

The General Prosecutor of the Democratic Republic of East Timor, pursuant to his authority under UNTAET Regulations 2000/15, 2001/16 and 2000/30 as amended by Regulation 2001/25 charges:

Salvador Soares aka Salvador Leos Marobo and Dodo (7)

WITH

CRIMES AGAINST HUMANITY (MURDER and TORTURE)

As set forth in this indictment.

II. NAME AND PARTICULARS OF THE ACCUSED

Name:	Salvador Soares aka Salvador Leos Marabo and Dodo
Age:	Approximately 27 years old.
Place of Birth:	Ritabou
Function at time of alleged crime:	Driver of public transport, DMP militia member
Present location:	In custody in East Timor

III. INTRODUCTORY STATEMENT OF FACTS

1. A widespread or 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 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 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*) with the acquiescence and active participation of civilian and military authorities.
3. In 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.
4. This widespread or 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.

5. As part of the widespread or systematic attack against the civilian population, the militia destroyed property including houses and livestock belonging to the civilian population.
6. The widespread or systematic attack 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 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.
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 the 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 the Bobonaro District.

IV. SPECIFIC STATEMENT OF FACTS

10. In 1999, the following militia groups, among others, operated in the Bobonaro District: The DADURUS MERAH PUTIH operated in the Subdistrict of Maliana; The HALILINTAR MERAH PUTIH and the HARMOI Merah Putih operated in the Subdistrict of Atabae; The HAMETIN MERAH PUTIH operated in the Subdistrict of Bobonaro; The FIRME MERAH PUTIH and the SAKO LOROMONU operated in the Subdistrict of Balibo; The GUNTUR MERAH PUTIH operated in the Subdistrict of Kailako; and The KAER METAN MERAH PUTIH (KMMP) operated in the Subdistrict of Lolotoe.
11. From approximately April 1999 through September 1999, the militia groups in Bobonaro District operated in close connection with the Indonesian Military Forces (TNI) based in Bobonaro and carried out a widespread or systematic attack against the civilian population in the District of Bobonaro.
12. In September 1999 the DMP stronghold was in Ritabou village, subdistrict of Maliana. Members of the DMP also resided in Raifun.

7-27-99

13. From approximately March – September 1999 Sutrisno aka Trisno was the Officer in Charge of Intelligence for the Indonesian Armed Forces in Bobonaro Subdistrict. During this time Sutrisno exercised control over TNI members stationed in the District of Bobonaro and over militia members.
14. In September 1999 TNI Asis Fontes was the Deputy Commander of Intelligence at the Kodim. In addition, in 1999 TNI Asis Fontes was a commander of the members the DMP militia group that resided in Raifun. In 1999 TNI Asis Fontes actively recruited people into the militia and exercised control over militia members.
15. In September 1999 members of the DMP militia worked closely with members of the TNI and carried out a widespread or systematic attack in the District of Bobonaro, Subdistrict of Maliana against members of the civilian population who were perceived to be pro-independence or to support Falentil. This included attacks on employees of the United Nations Assistance Mission in East Timor, UNAMET, who were viewed as supporting the vote for independence.
16. In September 1999 Ruben B. Soares worked as a language assistant for UNAMET and Domingos Pereira worked as a driver.
17. As part of this widespread or systematic attack, on 2 September 1999 TNI member and Militia leader Azis Fontes went to a house in Raifun where Ruben B. Soares was staying. Asiz Fontes was carrying a hand held radio, and spoke into it.
18. Immediately following that, other members of the DMP militia and TNI including TNI Sutrsino, two unidentified TNI soldiers, Joao Baptista aka Joao Gomblo, Vitalis Fernandes aka Vitalis Afonso, Marito LeloBere Moreira, Jose Soares aka Jose Besi Boro, Salvador Soares aka Salvador Leos Marobo and Dodo, Humberto Lopes, Martinho Afonso, Manuel [Inu], Paulo Taveres, Orlando Lopes, Francisco Cairo, and Demetrio Heu arrived at the house where Ruben B. Soares was staying. Sutrisno, Assis Fontes and the two other unidentified TNI were armed with rifles.
19. In the presence of Sutrisno and Asis Fontes the members of the militia, including Humberto Lopes, Marito LeloBere Moreira and Vitalis Fernandes aka Vitalis Afonso broke into the house and dragged Ruben B. Soares outside of the house. Militia members, including Vitalis Fernandes aka Vitalis Afonso and Marito Lelo Bere Moreira began attacking him.
20. During the attack, militia member Vitalis Fernandes aka Vitalis Afonso stabbed Ruben Soares several times. Ruben B. Soares attempted to defend himself.

21. During the attack, militia members Joao Baptista aka Joao Gomblo, Marito LeloBere Moreira, Salvador Soares aka Salvador Leo Marobo and Dodo, Humberto Lopes, Martinho Afonso and Manuel [LNU] stabbed Ruben B. Soares. ①
22. In addition, militia member Manuel [LNU] smashed the head of Ruben B. Soares with a rock.
23. Ruben B. Soares died from the injuries received during the attack.
24. While the members of the militia were attacking Ruben B. Soares, Domingos Pereira came out of his house, which was located next door. Domingos Pereira yelled at the attackers. TNI Asis Fontes then shot Domingos Pereira. ②
25. In addition, militia member Jose Soares aka Jose Besi Boro approached Domingos Pereira and stabbed him in the neck and chest.
26. Militia members Marito Lelo Bere Moreira and Vitalis Fernandes aka Vitalis Afonso also stabbed Domingos Pereira.
27. Domingos Pereira died from the injuries he received during the attack.

V. Criminal Responsibility/General allegations

28. 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.

Individual Criminal Responsibility

Salvador Soares is 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;*

575

(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 or*

(ii) *be made in the knowledge of the intention of the group to commit the crime;"; and/or*

...

(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 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.*

VI. Pursuant to the above the Prosecutor Charges:

Count 1. Crime against Humanity: Murder

By his acts or omissions in relation to the events described in the paragraphs above Salvador Soares aka Salvador Leos Marabo and Dodo is responsible for the murders of Ruben D. Soares and Domingos Pereira which were committed on 2 September 1999 in the village of Raifun, Subdistrict Maliana, District of Bobonaro as part of a widespread or systematic attack against a civilian population with knowledge of the attack and is thereby responsible for a CRIME AGAINST HUMANITY, MURDER a crime stipulated under Section 5.1(a) of UNTAET Regulation 2000/15 and for which he is responsible under Section 14 of UNTAET Regulation 2000/15.

Count 2. Crime against Humanity: Torture

By his acts or omissions in relation to the events described in the paragraphs above Salvador Soares aka Salvador Leos Marabo and Dodo is responsible for the torture of Rueben B. Soares committed on 2 September 1999 in the village of Raifun, Subdistrict Maliana, District of Bobonaro as part of a widespread or systematic attack against a civilian population with knowledge of the attack and is thereby responsible for a CRIME AGAINST HUMANITY, Torture a crime stipulated under Section 5.1(g) of UNTAET Regulation 2000/15 and for which he is responsible under Section 14 of UNTAET Regulation 2000/15.

536 1

VII. LIST OF VICTIMS AND EVIDENCE FOR TRIAL

38

VIII. REQUEST FOR TRIAL

The General Prosecutor of the Democratic Republic of East Timor hereby requests the Special Panel for Serious Crimes of the District Court of Dili to try the case expeditiously

Siri Frigaard

Signed on behalf of _____ 12 September 2002

Ms. Siri Frigaard
The Deputy General Prosecutor for Serious Crimes
Dili, East Timor
Original English