

## **Indictment**

**Defendant Abilio Jose Osorio Soares**

Case File No. : 02/HAM/TIM-TIM/02/2002

### **I. DEFENDANT**

Name : ABILIO JOSE OSORIO SOARES

Place of Birth : Laclubar, Kabupaten Manatuto East Timor

Age / Date of Birth : 53 years / June 2, 1947

Sex : Male

Nationality : Indonesian

Address : Jl. Tim Tim Km II Kupang NTT.

Ph. (0380) 828931

HP 0811382768

Religion : Catholics

Occupation : Civil Servant

Education : Middle School

Last Occupation : Former Governor of East Timor

II. The defendant in this case had never been detained

### **III. INDICTMENT**

ONE:

The defendant ABILIO JOSE OSORIO SOARES was appointed as Governor of East Timor under Presidential Decision Number 260/M/Th. 1997 dated September 16, 1997, on April 3, 4, 5, 6, 1999, April 17, 1999, September 4, 5, 6, 1999, or in April and September 1999, located in Liquisa Regency, Covalima Regency (in the city of Suai), in Dilli Regency and Dilli Administrative City or at least in East Timor Province Territory, where Human Rights Ad Hoc Court of the Central Jakarta District Court which has the authority to preside and rule over the case under PRESIDENTIAL DECREE NO. 96/2001, Article 2, concerning the Changes of PRESIDENTIAL DECREE No. 53/2001 on the Establishment of Human Rights Ad Hoc Court of the Central Jakarta District Court. The defendant as Governor of East Timor and as superordinate of the Head of Liquisa Regency, LEONITA MARTINS, the Head of Covalima Regency, Drs. HERMAN SEDYONO and Deputy Commander of Pro-Integration Forces (PPI), EURICO GUTTERES in Dilli Regency/Dilli Administrative City who bear criminal responsibility for serious human rights violations committed by his subordinates: Head of Liquisa Regency, LEONITO MARTINS, Head of Covalima Regency, Drs. HERMAN SEDYONO, Deputy Commander of The Pro-Integration Forces (PPI) in Dilli Regency/ Dilli Administrative city, which were under his authority and control and the defendant did not take any appropriate and correct control upon his subordinates.

The defendant knew about or deliberately ignored information that obviously showed that his subordinates: Head of Liquisa Regency, LEONITO MARTINS, Head of Covalima Regency, Drs. HERMAN SEDYONO, Deputy Commander of Pro-Integration Forces (PPI) were committing or had just committed serious human rights abuses in the form of murder committed in a widespread or systematic fashion, and directed against pro-independence civilians. In this case, the defendant as Governor and Head of Government in East Timor Province under Law No.5/1974 on Principles of Local Government who was responsible for all aspects of social, political, economic, and cultural life as well as for upholding law and maintaining order, the defendant did not conduct or did not take any appropriate steps such as to coordinate with security forces in preventing or quelling the actions of his subordinates, nor did he turn them over to responsible authorities to be investigated, questioned, and prosecuted, which then resulted on attack to civilians as follows:

- Attack committed by Pro-Integration group against Pro-Independence civilians who had taken refuge in Pastor RAFAEL DOS SANTOS's residence in Liquisa Church compound, resulting in 22 people dead and 21 people wounded.
- Attack committed by Pro-Integration group against Pro-Independence civilians who had taken refuge in MANUEL VIEGAS CARRASCALAO's residence in Dilli, resulting in 12 people dead and 4 people wounded.
- Attack committed by Pro-Integration group on September 4 and 5, 1999 against Pro-Independence civilians who had taken refuge in Dilli diocesan compound, Dilli, resulting in 46 people dead.
- Attack committed by Pro-Integration group against Pro-Independence civilians who had taken refuge in Bishop BELLO's residence in Dilli, resulting in 10 people dead and 1 person wounded.
- Attack committed by Pro-Integration group against Pro-Independence civilians who had taken refuge in Ave Maria Church in Suai (Covalima Regency), resulting in 27 people dead.

The defendant's actions were committed as follows:

- Before the implementation of popular consultation to determine East Timorese's future, the defendant hold a meeting in East Timor Province governor office in Dilli with Regency Heads in order to giving them direction, in which the defendant said that in order to face all possibilities, a political organization for ballot participants called Forum Persatuan Demokrasi dan Keadilan (FPDK)/ United Front for Democracy and Justice and Barisan Rakyat Timor-Timur/ East Timor Popular Front was needed to be established in every regencies. This organization was established to accommodate the aspiration of Pro-Integration East Timorese in facing the consultation, and also to facilitate Pam Swakarsa (militia civil guard) organization based on Law No.20/1982.
- The meeting concluded that the following social organizations should be established in every regencies:
  - a. Pam Swakarsa (militia civil guard) funded by each regency's government budget.
  - b. Grassroots organizations which grew spontaneously but whose existence were recognized de facto by the defendant and whose funding came from pro-integration people themselves:

- In Covalima Regency, the organizations established were:

- o Pam Swakarsa (militia civil guard)
- o FPDK (Forum Persatuan Demokrasi dan Keadilan) / United Front for Democracy and Justice
- o BRTT (Barisan Rakyat Timor Timur) / East Timor Popular Front
- o MAHIDI (Mati Hidup Demi Indonesia) / Life or Dead for the Sake of Indonesia
- o LAKSAUR

- In Liquisa Regency, the organizations established were:

Pam Swakarsa  
FPDK (Forum Persatuan Demokrasi dan Keadilan)  
BRTT (Barisan Rakyat Timor Timur)  
BMP (Besi Merah Putih)

- In Dilli Regency and Administrative City, the organizations established were:

Pam Swakarsa  
Aitarak  
Pejuang Pro Integrasi  
Milisi  
FPDK, BRTT  
BMP (Besi Merah Putih)  
Oan Timor Badamai  
Liquisa  
Saka Eimere Darah Merah Putih  
MAHIDI (Mati Hidup Demi Indonesia)

- After the popular consultation had been conducted, these organizations joined into the Pro-Integration Forces (Pasukan Pejuang Integrasi/PPI) and Uni Timor Satria/UNTAS under the leadership of EURICO GUTTERES.

- The organization had been reported to the defendant by the Deputy Commander of The Pro-Integration Forces (PPI) and therefore the defendant had known about its existence and has responsibility to supervise the organization.

- The defendant knew that there were irregularities at polling places during the popular consultation to determine option and the defendant also knew that there were emerging confusion, fighting, mugging, murder, burnings, and destruction such as:

#### 1. In Liquisa Regency

- As the popular consultation in East Timor Province was approaching, particularly in Liquisa Regency, the security situation and public order began to rise, resulting in disputes, conflicts, and enmities between groups of Pro-Independence and of Pro-Integration Massa Besi Merah Putih (BMP), which the majority of its members were to become members of Pro-Integration Forces.

- The disputes, conflicts, and enmities became more extensive, when on April 3, 1999 Pro-Independence group had threaten to murder Pro-Integration Massa Besi Merah Putih (BMP) in Dato village, Liquisa District, Liquisa Regency.

- On April 4, 1999, Pro-Independence masses under the leadership of Jasinto Da Costa Pereira burned down houses belonged to Pro-Integration Massa Besi Merah Putih because Besi Merah Putih mass from Pukelara and Maubara burned down Felisberto Dos Santos' house and killed his son Elidio, a member of Pro-Independence masses.

- On April 5, 1999, Pro-Independence group felt threatened that they would be killed by Pro-Integration Massa Besi Merah Putih, Pro-Independence masses were beginning to take refuge at Pastor Rafael Dos Santos' residence in Liquisa Church compound. Pastor Henry from Maubara gave information that Pro-Integration Massa Besi Merah Putih would attack Liquisa territory.

- Based on Pastor Henry's information, Pro-Independence group led by Jasinto Dacosta Pereira and his supporters left for Maubara Liquisa border to prevent the Pro-Integration Massa Besi Merah Putih's attack plan but when they met at Batu Blete, Pro-Integration Massa Besi Merah Putih together with the Indonesian army and the Indonesian police (TNI/POLRI) shot supporters of Pro-Independence resulting in 2 people killed and 7 people wounded, among them were Jose from Hatukesi and Sirilio Dos Santos who got bullets on their thighs.

- At 1.00 p.m. Eastern Indonesian Time, groups of Pro-Independence masses from several places, which the amount of more or less than 2000 people, has taken refuge at Pastor RAFAEL DOS SANTOS' residence in Liquisa church compound. On the same time, personnels of the Indonesian army and the Indonesian police had surrounded the Liquisa Church compound, and minutes later Besi Merah Putih (BMP) mass arrived and opened fire to the air, therefore Pro-Independence group refugees became panic and scared.

- Later on, on Tuesday, April 6, 1999, around 7 a.m. Eastern Indonesian Time, more or less than 300 people from Pro-Integration Massa Besi Merah Putih led by MANUEL SOUSA strated to gather and encircle Pastor RAFAEL DOS SANTOS' residence in Liquisa Church compound, among them there were people bringing firearms, homemade firearms, machetes, samurais, knives, sticks, spikes, arrows, and other kinds of heavy tools. They shouted at Pro-Independence refugees to leave the Church compound.

- Around 8 o'clock in the morning, Pastor RAFAEL DOS SANTOS was visited by 2 Brimob personnels namely DAMIANUS DAPA and FRANSISKUS SALAMALI who demanded that JACINTO DA COSTA PEREIRA and GREGORIO DOS SANTOS to be handed over to the Pro-Integration Massa Besi Merah Putih group, but the demand was rejected by Pastor RAFAEL DOS SANTOS because he was afraid that they would be killed.

- Around 11.30 a.m. Indonesian Eastern Time, 5 (five) personnels of the Indonesian police led by 1st Lieutenant Police JHON REA visited Pastor RAFAEL DOS SANTOS' residence in Liquisa Church compound, demanding him to hand over JACINTO DA COSTA PEREIRA. Pastor RAFAEL DOS SANTOS was willingly to hand him over with a condition that JACINTO DA COSTA PEREIRA and his friends would be brought to East Timor Provincial Police Command in Dilli and Besi Merah Putih masses should be withdrawn from Liquisa.

- At that moment, Pro-Integration Massa Besi Merah Putih groups were threatening the Pro-Independence refugees and shouted "Leave this compound, or the second offence will come, even though you were inside the Church, we will attack the Church at 1.00 p.m. Indonesian Eastern Time", while throwing stones at Pastor RAFAEL DOS SANTOS' residence in Liquisa Church compound which was surrounded by stonewall. The situation was very threatening and frightening because the Indonesian Army troops from the District Military Command 1638/Liquisa and the Brimob/Indonesian Police personnels from Liquisa District Police Command were joining with Pro-Integration Massa Besi Merah Putih group.

- Under the condition offered by Pastor RAFAEL DOS SANTOS, 1st Lieutenant Police JOHN REA went to the District Military Command 1638/ Liquisa to report the condition and also made a report that Pro-Integration Massa Besi Merah Putih will attack Liquisa Church compound if until 12.00 noon Indonesian Eastern Time, JACINTO DA COSTA PERIERA was not handed over.

- In responding to the 1st Lieutenant JHON REA's report, the Deputy Commander of Military Command Post 164/WD, Col. Inf. MUJIONO, held a meeting with ASEP KUSWANI, as the Military District Commander 1638/ Liquisa, Drs. ADIOS SALOVA, as the Liquisa District Police Commander, and YAYAT SUDRAJAT, as the Tribuana VIII Task Force Commander, LEONETO MARTINS, as the Head of Liquisa Regency, and later on he ordered LEONETO MARTINS to tell Pastor Rafael Dos Santos that he agreed with the condition offered by Pastor Rafael Dos Santos; The order was rejected by LEONETO MARTINS with a reason that he was afraid that he would be killed if he met Pastor Rafael Dos Santos; therefore the Deputy Commander of Military Command Post 164/WD ordered the 1st Lieutenant Police JHON REA to meet Pastor Rafael Dos Santos.

- Around 12.15 p.m. Indonesian Eastern Time, when the 1st Lieutenant Police JHON REA headed for Liquisa Church compound, it was heard fires at the location and was followed by an attack to Liquisa Church compound by Pro-Integration Massa Besi Merah Putih group led by MANUEL SOUSA and JOSE AFAAT (Head of Maubara District), the Indonesian army troops, among others, JOSE MATHEUS, TOME DIOGO, ABILIO ALVES, CARLOS, ANTONIO GOMES, ISAK DOS SANTOS, GEORGE VIEGAS, MAURISIO, JEFERINO, ZAARIAS, MANUEL MARTINS, JAOB, and personnels from the Indonesian Police, among others, ALFONSO and CHICO from the Liquisa Police, and committed murder by means of shooting fire by firearms, homemade firearms, there were people slashing with machetes and samurais, there were people using bows and arrows, there were people stabbing with knives, and there were people hitting with other kinds of heavy tools against masses of Pro-Independence refugees who were taking shelter at Pastor Rafael Dos Santos' residence in Liquisa Church compound, resulting in 22 civilians from Pro-Independence group were killed, namely:

1. JACINTO DA COSTA PEREIRA
2. AGUSTINHO
3. JOANICO
4. ABRAO DOS SANTOS
5. AGUSTO MAUZINHO
6. AMEKO DOS SANTOS
7. NARSIZIO
8. HERMINO DOS SANTOS
9. FERNANDO DOS SANTOS

10. LAURINDO PEREIRA
11. MARIKI DOS SANTOS
12. MANUEL LISBOA
13. VITOR DA COSTA
14. ALBERTO OLIVEIRA
15. AMANDIO CESAR DOS SANTOS
16. CESAR DOS SANTOS
17. AGUSTINHO DOS SANTOS
18. LAURINDA DOS SANTOS
19. SANTIAGO
20. JOHNNY / MAU SOKO
21. anonymous grave of Liquisa case in Maubara graveyard
22. anonymous grave of Liquisa case in Maubara graveyard

The wounded victims, more or less than 21 people, namely:

1. JOSE RAMOS
2. FRANCISCO DOS SANTOS
3. JOAO PEREIRA
4. ABILIO DOS SANTOS
5. JOSE NUNES SERRAO
6. LUCAS SOARES
7. MATEUS PANLERO
8. RICARDO RODRIGUES PEREIRA
9. LAKUMAU
10. JANUARI
11. FELIS
12. JOAO KUDA
13. ARMANDO
14. ANTONIO
15. LUIS
16. EMILIO
17. LUCAS DOS SANTOS
18. JOAO DOS SANTOS
19. SEBASTIAO
20. RAMIRIO
21. MATIUS ALVES CORREIRA

## 2. In Dilli Regency/ Dilli Administrative City

- On Saturday, April 17, 1999, around 9.00 a.m. Indonesian Eastern Time, Pam Swakarsa inauguration rally was held in the East Timor Governor office courtyard. The rally was attended by several district officials such as East Timor Governor ABILIO JOSE OSORIO SOARES, DOMINGOS M. D. SOARES, SH.MS (Head Regency of Dilli), MATHIUS MAIA (Mayor of Dilli Administrative City), JOSE DA SILVA TAVARES, as Commander of the Pro-Integration Forces (PPI) and EURICO GUTTERES, as Deputy Commander of The Pro-Integration Forces or as superordinate of the Aitarak group and Jose Ximenes.

- At the rally, EURICO GUTTERES who knew that his supporters (Aitarak forces or groups/Pro-Integration Forces, who were fully equipped with weapons, were showing

resentment against the Pro-Independence group), delivered in his speech before his supporters, and the words used, among others,

- All CNRT leaders should be exterminated
- Kill all CNRT leaders
- People who were pro to independence should be killed
- Kill Manuel Viegas Carrascalao
- Carrascalao family should be killed
- Kill Leandro Issac, David Dias Ximenes, Manuel Viegas Carrascalao, kill Manuel Viegas Carrascalao family

- After the Pam Swakarsa inauguration rally was over, some members of Pro-Integration Forces left the place and marched towards ALEANDRO ISSAC's residence, entered from back door and opened fire, destroyed the content, and shot toward parking space behind the house. Later on, they attacked Manuel Viegas Carrascalao's residence in Jl. Antonio De Carvalho No. 13 Dilli East Timor which housed 136 Pro-Independence refugee groups from Maubara-Liquisa, Turiscai, Alas and Ainaro, the result of the attack were 12 people killed namely:

1. MARIO MANUEL CARRASCALAO (MANELITO), was burried in Dilli
2. RAUL DOS SANTOS CANCELA, was burried in Maubara
3. ALVONSO RIBERO (same as above)
4. RAFAEL DA SILVA (same as above)
5. ALBERTO DOS SANTOS (same as above)
6. JOAO DOS SANTOS (same as above)
7. ANTONINO DO SOARES (same as above)
8. CRISANTO DOS SANTOS (same as above)
9. CESAR DOS SANTOS (same as above)
10. AGUSTINO B. X. LAY (same as above)
11. EDUARDO DE JESUS (same as above)
12. JANUARIO PEREIRA (same as above)

The names of 4 (four) wounded people were:

1. Witness VICTOR DO SANTOS (APIN), wounded on his left hand and middle finger.
2. Witness ALFREDO SANCHES, was stabbed on his left back and left finger.
3. Witness FLORINDO DE JESUS, was cut on his right and left hands, and his right ear was cut and shot.
4. MIKI suffered from cutting..

- On Monday, September 6, 1999, around 11.00 a.m. Indonesian Eastern Time, Pro-Integration groups came to Bishop Bello's residence in Dilli. After shooting at Bishop Bello's home, Pro-Integration groups forced Pro-Independence refugee groups who were taking shelter inside Bishop Bello's home to go out, not long after the Pro-Independence refugee groups gathered at Bunda Maria Park in front of Bishop Bello's home, a shout "FIRE" was heard and than Pro-Integration groups attacked by shooting towards Pro-Independence refugee groups, resulting in a Pro-Independence civilian named NUNU and one anonymous person were dead, Pro-Integration groups were also destroying and burning down Bishop Bello's home.

### 3. In Covalima Regency (Suai)

- After the ballot/popular consultation was announced on August 30, 1999, for East Timorese to choose between integration with Indonesian state, nation, and government, or declaring independence from Indonesia (to have their own state and nation), in which the anti-integration (Pro-Independence) group won the votes, intense situation was arising. High tension emerged between groups who declared Pro-Independence/anti integration and those from Pro-Integration group.

- In this intense situation, the more or less than 2000 civilians from Pro-Independence groups, priests and nuns, were taking refuge in Ave Maria Catholic Church compound.

- On September 6, 1999, an attack, using firearms and homemade firearms, occurred committed by Pro-Integration groups consisting of, among others, IZEDIO MANEK, OLIVIO MENDOZA MORUK ALIAS OLIVIA MOU, MARTINUS BERE, MOTORNUS, DAN VASCO DA CRU, who have joined Laksaur under the leadership of OLIVIO MARUK, against Pro-Independence civilians including priests and nuns who were taking shelter and were inside Ave Maria Church compound, resulting in 27 civilians, who were taking refuge inside Ave Maria Catholic Church compound, were dead:

a. 17 males consisted of:

- 14 civilians

- 3 priests

b. 10 females

For the above serious human rights violations, the defendant knew or deliberately ignored information obviously showing that his subordinates Head of Liquisa Regency, Head of Covalima Regency, Deputy Commander of the Pro-Integration Forces (EURICO GUTTERES) and other mass organizations, such as Pam Swakarsa under the direction of East Timor Provincial Government in Dilli, were committing or had just committed serious human rights abuse in the form of murder against Pro-Independence civilians who were inside Liquisa Church compound, Ave Maria Church compound, or in other places in East Timor Province territory. For that events, the defendant did not take appropriate actions in his authority to prevent or to quell the actions, where the defendant did not do any prevention, or steps such as ordering the security personnel to prevent conflict between Pro-Integration and Pro-Independence groups nor did he turn the latter over to appropriate authorities for guidance, investigation and prosecution.

The defendant's deeds were ruled and charged under article 42 paragraph 2 a and b jis article 7 b, article 9 a, article 37 Law No.26/2000 concerning the Human Rights Court

TWO:

The defendant ABILIO JOSE OSORIO SOARES was appointed as Governor of East Timor under Presidential Decision Number 260/M/Th. 1997 dated September 16, 1997, on April 3,4,5,6, 1999, April 17, 1999, September 4,5,6, 1999, or in April and September 1999, located in Liquisa Regency, Covalima Regency (in the city of Suai), in Dilli Regency and Dilli Administrative City or at least in East Timor Province Territory, where Human Rights Ad Hoc Court of the Central Jakarta District Court which has the authority to preside and rule



over the case under PRESIDENTIAL DECREE NO. 96/2001, Article 2, concerning the Changes of PRESIDENTIAL DECREE No. 53/2001 on the Establishment of Human Rights Ad Hoc Court of the Central Jakarta District Court. The defendant as Governor of East Timor and as superordinate of the Head of Liquisa Regency, LEONITA MARTINS, the Head of Covalima Regency, Drs. HERMAN SEDYONO and Deputy Commander of Pro-Integration Forces (PPI), EURICO GUTTERES in Dilli Regency/Dilli Administrative City who bear criminal responsibility for serious human rights violations committed by his subordinates: Head of Liquisa Regency, LEONITO MARTINS, Head of Covalima Regency, Drs. HERMAN SEDYONO, Deputy Commander of The Pro-Integration Forces (PPI) in Dilli Regency/ Dilli Administrative city, which were under his authority and control and the defendant did not take any appropriate and correct control upon his subordinates.

The defendant knew about or deliberately ignored information that obviously showed that his subordinates: Head of Liquisa Regency, LEONITO MARTINS, Head of Covalima Regency, Drs. HERMAN SEDYONO, Deputy Commander of Pro-Integration Forces (PPI) were committing or had just committed serious human rights abuses in the form of abuse committed in a widespread or systematic fashion, and directed against pro-independence civilians. In this case, the defendant as Governor and Head of Government in East Timor Province under Law No.5/1974 on Principles of Local Government who was responsible for all aspects of social, political, economic, and cultural life as well as for upholding law and maintaining order, the defendant did not conduct or did not take any appropriate steps such as to coordinate with security forces in preventing or quelling the actions of his subordinates, nor did he turn them over to responsible authorities to be investigated, questioned, and prosecuted, which then resulted on attack to civilians as follows:

- Attack committed by Pro-Integration group against Pro-Independence civilians who had taken refuge in Pastor RAFAEL DOS SANTOS's residence in Liquisa Church compound, resulting in 22 people dead and 21 people wounded.
- Attack committed by Pro-Integration group against Pro-Independence civilians who had taken refuge in MANUEL VIEGAS CARRASCALAO's residence in Dilli, resulting in 12 people dead and 4 people wounded.
- Attack committed by Pro-Integration group on September 4 and 5, 1999 against Pro-Independence civilians who had taken refuge in Dilli diocesan compound, Dilli, resulting in 46 people dead.
- Attack committed by Pro-Integration group against Pro-Independence civilians who had taken refuge in Bishop BELLO's residence in Dilli, resulting in 10 people dead and 1 person wounded.
- Attack committed by Pro-Integration group against Pro-Independence civilians who had taken refuge in Ave Maria Church in Suai (Covalima Regency), resulting in 27 people dead.

The defendant's actions were committed as follows:

- Before the implementation of popular consultation to determine East Timorese's future, the defendant hold a meeting in East Timor Province governor office in Dilli with Regency Heads in order to giving them direction, in which the defendant said that in order to face all possibilities, a political organization for ballot participants called Forum Persatuan Demokrasi

dan Keadilan (FPDK)/ United Front for Democracy and Justice and Barisan Rakyat Timor-Timur/ East Timor Popular Front was needed to be established in every regencies. This organization was established to accommodate the aspiration of Pro-Integration East Timorese in facing the consultation, and also to facilitate Pam Swakarsa (militia civil guard) organization based on Law No.20/1982.

- The meeting concluded that the following social organizations should be established in every regencies:

- c. Pam Swakarsa (militia civil guard) funded by each regency's government budget.
- d. Grassroots organizations which grew spontaneously but whose existence were recognized de facto by the defendant and whose funding came from pro-integration people themselves:

- In Covalima Regency, the organizations established were:

- o Pam Swakarsa (militia civil guard)
- o FPDK (Forum Persatuan Demokrasi dan Kaedilan) / United Front for Democracy and Justice
- o BRTT (Barisan Rakyat Timor Timur) / East Timor Popular Front
- o MAHIDI (Mati Hidup Demi Indonesia) / Life or Dead for the Sake of Indonesia
- o LAKSAUR

- In Liquisa Regency, the organizations established were:

Pam Swakarsa  
FPDK (Forum Persatuan Demokrasi dan Keadilan)  
BRTT (Barisan Rakyat Timor Timur)  
BMP (Besi Merah Putih)

- In Dilli Regency and Administrative City, the organizations established were:

Pam Swakarsa  
Aitarak  
Pejuang Pro Integrasi  
Milisi  
FPDK, BRTT  
BMP (Besi Merah Putih)  
Oan Timor Badamai  
Liquisa  
Saka Eimere Darah Merah Putih  
MAHIDI (Mati Hidup Demi Indonesia)

- After the popular consultation had been conducted, these organizations joined into the Pro-Integration Forces (Pasukan Pejuang Integrasi/PPI) and Uni Timor Satria/UNTAS under the leadership of EURICO GUTTERES.

- The organization had been reported to the defendant by the Deputy Commander of The Pro-Integration Forces (PPI) and therefore the defendant had known about its existence and has responsibility to supervise the organization.

- The defendant knew that there were irregularities at polling places during the popular consultation to determine option and the defendant also knew that there were emerging confusion, fighting, mugging, murder, burnings, and destruction such as:

#### 1. In Liquisa Regency

- As the popular consultation in East Timor Province was approaching, particularly in Liquisa Regency, the security situation and public order began to rise, resulting in disputes, conflicts, and enmities between groups of Pro-Independence and of Pro-Integration Massa Besi Merah Putih (BMP), which the majority of its members were to become members of Pro-Integration Forces.

- The disputes, conflicts, and enmities became more extensive, when on April 3, 1999 Pro-Independence group had threaten to murder Pro-Integration Massa Besi Merah Putih (BMP) in Dato village, Liquisa District, Liquisa Regency.

- On April 4, 1999, Pro-Independence masses under the leadership of Jasinto Da Costa Pereira burned down houses belonged to Pro-Integration Massa Besi Merah Putih because Besi Merah Putih mass from Pukelara and Maubara burned down Felisberto Dos Santos' house and killed his son Elidio, a member of Pro-Independence masses.

- On April 5, 1999, Pro-Independence group felt threatened that they would be killed by Pro-Integration Massa Besi Merah Putih, Pro-Independence masses were beginning to take refuge at Pastor Rafael Dos Santos' residence in Liquisa Church compound. Pastor Henry from Maubara gave information that Pro-Integration Massa Besi Merah Putih would attack Liquisa territory.

- Based on Pastor Henry's information, Pro-Independence group led by Jasinto Dacosta Pereira and his supporters left for Maubara Liquisa border to prevent the Pro-Integration Massa Besi Merah Putih's attack plan but when they met at Batu Blete, Pro-Integration Massa Besi Merah Putih together with the Indonesian army and the Indonesian police (TNI/POLRI) shot supporters of Pro-Independence resulting in 2 people killed and 7 people wounded, among them were Jose from Hatukesi and Sirilio Dos Santos who got bullets on their thighs.

- At 1.00 p.m. Eastern Indonesian Time, groups of Pro-Independence masses from several places, which the amount of more or less than 2000 people, has taken refuge at Pastor RAFAEL DOS SANTOS' residence in Liquisa church compound. On the same time, personnels of the Indonesian army and the Indonesian police had surrounded the Liquisa Church compound, and minutes later Besi Merah Putih (BMP) mass arrived and opened fire to the air, therefore Pro-Independence group refugees became panic and scared.

- Later on, on Tuesday, April 6, 1999, around 7 a.m. Eastern Indonesian Time, more or less than 300 people from Pro-Integration Massa Besi Merah Putih led by MANUEL SOUSA strated to gather and encircle Pastor RAFAEL DOS SANTOS' residence in Liquisa Church compound, among them there were people bringing firearms, homemade firearms, machetes, samurais, knives, sticks, spikes, arrows, and other kinds of heavy tools. They shouted at Pro-Independence refugees to leave the Church compound.

- Around 8 o'clock in the morning, Pastor RAFAEL DOS SANTOS was visited by 2 Brimob personnels namely DAMIANUS DAPA and FRANSISKUS SALAMALI who demanded that JACINTO DA COSTA PEREIRA and GREGORIO DOS SANTOS to be handed over to the Pro-Integration Massa Besi Merah Putih group, but the demand was rejected by Pastor RAFAEL DOS SANTOS because he was afraid that they would be killed.

- Around 11.30 a.m. Indonesian Eastern Time, 5 (five) personnels of the Indonesian police led by 1st Lieutenant Police JHON REA visited Pastor RAFAEL DOS SANTOS' residence in Liquisa Church compound, demanding him to hand over JACINTO DA COSTA PEREIRA. Pastor RAFAEL DOS SANTOS was willingly to hand him over with a condition that JACINTO DA COSTA PEREIRA and his friends would be brought to East Timor Provincial Police Command in Dilli and Besi Merah Putih masses should be withdrawn from Liquisa.

- At that moment, Pro-Integration Massa Besi Merah Putih groups were threatening the Pro-Independence refugees and shouted "Leave this compound, or the second offence will come, even though you were inside the Church, we will attack the Church at 1.00 p.m. Indonesian Eastern Time", while throwing stones at Pastor RAFAEL DOS SANTOS' residence in Liquisa Church compound which was surrounded by stonewall. The situation was very threatening and frightening because the Indonesian Army troops from the District Military Command 1638/Liquisa and the Brimob/Indonesian Police personnels from Liquisa District Police Command were joining with Pro-Integration Massa Besi Merah Putih group.

- Under the condition offered by Pastor RAFAEL DOS SANTOS, 1st Lieutenant Police JOHN REA went to the District Military Command 1638/ Liquisa to report the condition and also made a report that Pro-Integration Massa Besi Merah Putih will attack Liquisa Church compound if until 12.00 noon Indonesian Eastern Time, JACINTO DA COSTA PERIERA was not handed over.

- In responding to the 1st Lieutenant JHON REA's report, the Deputy Commander of Military Command Post 164/WD, Col. Inf. MUJIONO, held a meeting with ASEP KUSWANI, as the Military District Commander 1638/ Liquisa, Drs. ADIOS SALOVA, as the Liquisa District Police Commander, and YAYAT SUDRAJAT, as the Tribuana VIII Task Force Commander, LEONETO MARTINS, as the Head of Liquisa Regency, and later on he ordered LEONETO MARTINS to tell Pastor Rafael Dos Santos that he agreed with the condition offered by Pastor Rafael Dos Santos; The order was rejected by LEONETO MARTINS with a reason that he was afraid that he would be killed if he met Pastor Rafael Dos Santos; therefore the Deputy Commander of Military Command Post 164/WD ordered the 1st Lieutenant Police JHON REA to meet Pastor Rafael Dos Santos.

- Around 12.15 p.m. Indonesian Eastern Time, when the 1st Lieutenant Police JHON REA headed for Liquisa Church compound, it was heard fires at the location and was followed by an attack to Liquisa Church compound by Pro-Integration Massa Besi Merah Putih group led by MANUEL SOUSA and JOSE AFAAT (Head of Maubara District), the Indonesian army troops, among others, JOSE MATHEUS, TOME DIOGO, ABILIO ALVES, CARLOS, ANTONIO GOMES, ISAK DOS SANTOS, GEORGE VIEGAS, MAURISIO, JEFERINO, ZAARIAS, MANUEL MARTINS, JAOb, and personnels from the Indonesian Police, among others, ALFONSO and CHICO from the Liquisa Police, and committed murder by means of shooting fire by firearms, homemade firearms, there were people slashing with machetes and samurais, there were people using bows and arrows, there were people stabbing with knives,

and there were people hitting with other kinds of heavy tools against masses of Pro-Independence refugees who were taking shelter at Pastor Rafael Dos Santos' residence in Liquisa Church compound, resulting in 22 civilians from Pro-Independence group were killed, namely:

23. JACINTO DA COSTA PEREIRA
24. AGUSTINHO
25. JOANICO
26. ABRAO DOS SANTOS
27. AGUSTO MAUZINHO
28. AMEKO DOS SANTOS
29. NARSIZIO
30. HERMINO DOS SANTOS
31. FERNANDO DOS SANTOS
32. LAURINDO PEREIRA
33. MARIKI DOS SANTOS
34. MANUEL LISBOA
35. VITOR DA COSTA
36. ALBERTO OLIVEIRA
37. AMANDIO CESAR DOS SANTOS
38. CESAR DOS SANTOS
39. AGUSTINHO DOS SANTOS
40. LAURINDA DOS SANTOS
41. SANTIAGO
42. JOHNNY / MAU SOKO
43. anonymous grave of Liquisa case in Maubara graveyard
44. anonymous grave of Liquisa case in Maubara graveyard

The wounded victims, more or less than 21 people, namely:

22. JOSE RAMOS
23. FRANCISCO DOS SANTOS
24. JOAO PEREIRA
25. ABILIO DOS SANTOS
26. JOSE NUNES SERRAO
27. LUCAS SOARES
28. MATEUS PANLERO
29. RICARDO RODRIGUES PEREIRA
30. LAKUMAU
31. JANUARI
32. FELIS
33. JOAO KUDA
34. ARMANDO
35. ANTONIO
36. LUIS
37. EMILIO
38. LUCAS DOS SANTOS
39. JOAO DOS SANTOS
40. SEBASTIAO

41. RAMIRIO

42. MATIUS ALVES CORREIRA

## 2. In Dilli Regency/ Dilli Administrative City

- On Saturday, April 17, 1999, around 9.00 a.m. Indonesian Eastern Time, Pam Swakarsa inauguration rally was held in the East Timor Governor office courtyard. The rally was attended by several district officials such as East Timor Governor ABILIO JOSE OSORIO SOARES, DOMINGOS M. D. SOARES, SH.MS (Head Regency of Dilli), MATHIUS MAIA (Mayor of Dilli Administrative City), JOSE DA SILVA TAVARES, as Commander of the Pro-Integration Forces (PPI) and EURICO GUTTERES, as Deputy Commander of The Pro-Integration Forces or as superordinate of the Aitarak group and Jose Ximenes.

- At the rally, EURICO GUTTERES who knew that his supporters (Aitarak forces or groups/Pro-Integration Forces, who were fully equipped with weapons, were showing resentment against the Pro-Independence group), delivered in his speech before his supporters, and the words used, among others,

- All CNRT leaders should be exterminated
- Kill all CNRT leaders
- People who were pro to independence should be killed
- Kill Manuel Viegas Carrascalao
- Carrascalao family should be killed
- Kill Leandro Issac, David Dias Ximenes, Manuel Viegas Carrascalao, kill Manuel Viegas Carrascalao family

- After the Pam Swakarsa inauguration rally was over, some members of Pro-Integration Forces left the place and marched towards ALEANDRO ISSAC's residence, entered from back door and opened fire, destroyed the content, and shot toward parking space behind the house. Later on, they attacked Manuel Viegas Carrascalao's residence in Jl. Antonio De Carvalho No. 13 Dilli East Timor which housed 136 Pro-Independence refugee groups from Maubara-Liquisa, Turiscai, Alas and Ainaro, the result of the attack were 12 people killed namely:

5. MARIO MANUEL CARRASCALAO (MANELITO), was burried in Dilli

6. RAUL DOS SANTOS CANCELA, was burried in Maubara

7. ALVONSO RIBERO (same as above)

8. RAFAEL DA SILVA (same as above)

5. ALBERTO DOS SANTOS (same as above)

6. JOAO DOS SANTOS (same as above)

7. ANTONINO DO SOARES (same as above)

8. CRISANTO DOS SANTOS (same as above)

9. CESAR DOS SANTOS (same as above)

10. AGUSTINO B. X. LAY (same as above)

11. EDUARDO DE JESUS (same as above)

12. JANUARIO PEREIRA (same as above)

The names of 4 (four) wounded people were:

5. Witness VICTOR DO SANTOS (APIN), wounded on his left hand and middle finger.
6. Witness ALFREDO SANCHES, was stabbed on his left back and left finger.
7. Witness FLORINDO DE JESUS, was cut on his right and left hands, and his right ear was cut and shot.
8. MIKI suffered from cutting..

- On Monday, September 6, 1999, around 11.00 a.m. Indonesian Eastern Time, Pro-Integration groups came to Bishop Bello's residence in Dilli. After shooting at Bishop Bello's home, Pro-Integration groups forced Pro-Independence refugee groups who were taking shelter inside Bishop Bello's home to go out, not long after the Pro-Independence refugee groups gathered at Bunda Maria Park in front of Bishop Bello's home, a shout "FIRE" was heard and then Pro-Integration groups attacked by shooting towards Pro-Independence refugee groups, resulting in a Pro-Independence civilian named NUNU and one anonymous person were dead, Pro-Integration groups were also destroying and burning down Bishop Bello's home.

### 3. In Covalima Regency (Suai)

- After the ballot/popular consultation was announced on August 30, 1999, for East Timorese to choose between integration with Indonesian state, nation, and government, or declaring independence from Indonesia (to have their own state and nation), in which the anti-integration (Pro-Independence) group won the votes, intense situation was arising. High tension emerged between groups who declared Pro-Independence/anti integration and those from Pro-Integration group.

- In this intense situation, the more or less than 2000 civilians from Pro-Independence groups, priests and nuns, were taking refuge in Ave Maria Catholic Church compound.

- On September 6, 1999, an attack, using firearms and homemade firearms, occurred committed by Pro-Integration groups consisting of, among others, IZEDIO MANEK, OLIVIO MENDOZA MORUK ALIAS OLIVIA MOU, MARTINUS BERE, MOTORNUS, DAN VASCO DA CRU, who have joined Laksaur under the leadership of OLIVIO MARUK, against Pro-Independence civilians including priests and nuns who were taking shelter and were inside Ave Maria Church compound, resulting in 27 civilians, who were taking refuge inside Ave Maria Catholic Church compound, were dead:

- a. 17 males consisted of:
  - 14 civilians
  - 3 priests
- b. 10 females

For the above serious human rights violations, the defendant knew or deliberately ignored information obviously showing that his subordinates Head of Liquisa Regency, Head of Covalima Regency, Deputy Commander of the Pro-Integration Forces (EURICO GUTTERES) and other mass organizations, such as Pam Swakarsa under the direction of East Timor Provincial Government in Dilli, were committing or had just committed serious human rights abuse in the form of abuse against Pro-Independence civilians who were inside Liquisa Church compound, Ave Maria Church compound, or in other places in East Timor Province territory. For that events, the defendant did not take appropriate actions in his authority to prevent or to quell the actions, where the defendant did not do any prevention, or steps such as

ordering the security personnel to prevent conflict between Pro-Integration and Pro-Independence groups nor did he turn the latter over to appropriate authorities for guidance, investigation and prosecution.

The defendant's deeds meets criminal violations towards humanity, whose behaviour could be qualified as grave human rights violations ruled and charged under article 42 paragraph (2) a and b jis article 7 b, article 9 h, article 40 Law No.26/2000 concerning the Human Rights Court.

Jakarta, February 19, 2002  
Ad Hoc Prosecuting Attorney

I KETUT MURTIKA, SH