

Case: 08/2002

Original



The General Prosecutor of the  
Democratic Republic of East Timor

B0-84-99-SC

VS.

Paulo Gonsalves  
Marcelino Leto Bili Purificasao  
Rosalino Pires

### INDICTMENT

#### I. Indictment

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

**Paulo Gonsalves, Marcelino Leto Bili Purificasao and Rosalino Pires**

with

**CRIMES AGAINST HUMANITY (RAPE, TORTURE and PERSECUTION)**

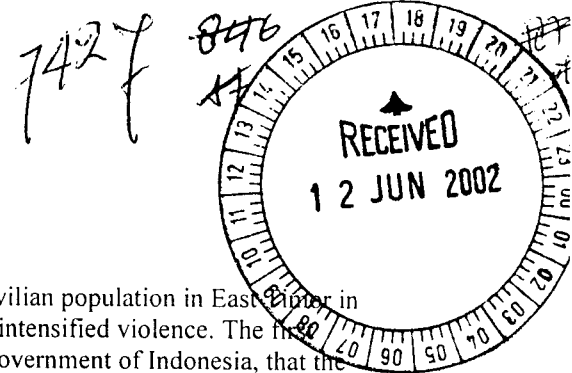
As set forth in this indictment.

#### II. Name and Particulars of the Accused Person

Name: Paulo Gonsalves  
Age: Approximately 40 - 45  
Place of Birth: Village of Hataz, subdistrict Atabae, District Bobonaro  
Function at the time of alleged crime: Halilintar Militia Commander  
Present location: West Timor, Republic of Indonesia

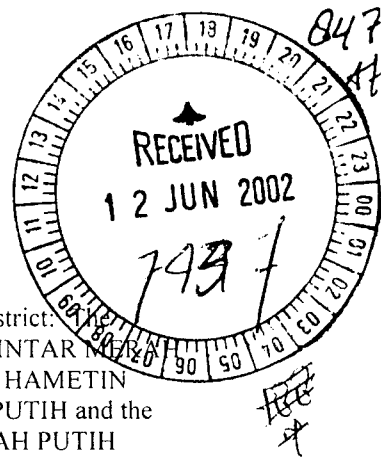
Name: Marcelino Leto Bili Purificasao  
Age: Approximately 43 years old  
Place of Birth: Atabae  
Function at the time of alleged crime: Halilintar Militia Deputy Commander  
Present location: West Timor, Republic of Indonesia

Name: Rosalino Pires  
Age: unknown  
Place of Birth: unknown  
Function at the time of alleged crime: Militia member, driver  
Present location: West Timor, Republic of Indonesia



### 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: 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. From approximately February 1999 through October 1999, the Halilintar Merah Putih and the Harmoi Merah Putih operated in, among other places, the Subdistrict of Atabae. Paulo Gonsalves was the commander of the Halilintar militia group in Atabae and exercised control over its members throughout this time period.
13. From approximately February 1999 through October 1999 the Halilintar Merah Putih, under the direction of Paulo Gonsalves, carried out a widespread or systematic attack in various villages and subvillages in the Subdistrict of Atabae, including subvillages in the villages of Hataz and Atabae against members of the civilian population thought to support independence. One component of this widespread or systematic attack was the abduction, beating and/or rape of women suspected to support independence or of women whose husbands were suspected of being independence supporters or members of Falentil.
14. As part of this attack, on or about February 18, 1999, Paulo Gonsalves went to the house of Victim 1 located in the subvillage of Aidabasalala, village of Hataz, Subdistrict of Atabae, District of Bobonaro. On this occasion, Paulo Gonsalves broke the window of the room where Victim 1 was sleeping and entered through the window. After entering the room, Paulo Gonsalves forced Victim 1 to have sexual intercourse against her will repeatedly throughout the night.
15. From on or about 19 February 1999 through September 1999, on several undetermined dates, Paulo Gonsalves returned to the house of Victim 1 in the subvillage of Aidabasalala, Village of Hataz, Subdistrict of Atabae, District of Bobonaro and repeatedly forced her to have sexual intercourse with him against her will.
16. As part of this widespread or systematic attack, from on or about 12 through 14 April 1999, members of the Halilintar Militia, including Paulo Gonsalves, went to the subvillage of Loumate, village of Atabae, Subdistrict of Atabae, District of Bobonaro searching for independence supporters and destroying houses. The members of the militia including Paulo Gonsalves went to the house of Victim 2 and 3. Paulo Gonsalves questioned Victim 2 about being a clandestine supporter of Falintil. During the questioning, Paulo Gonsalves physically struck Victim 2 and the militia men with him beat Victim 3. In addition, the members of the militia then went to the house of Victim 4, beat him and destroyed his house.
17. As part of this widespread or systematic attack, on or about 14 April 1999 members of the militia, including Paulo Gonsalves, went to the house of Victim 5 in the subvillage of Koelima, village of Aidabasalala, Subdistrict of Atabae, District of Bobonaro. The members of the militia destroyed Victim 5's house because her family was suspected of being pro-independence.

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18. As part of this widespread or systematic attack, sometime between 14 – 17 April 1999, members of the Halilintar militia, led by Paulo Gonsalves, abducted Victim 2, Victim 5, Victim 6, Victim 7 and Victim 8 on various days from their villages in the subdistrict of Atabae and took them to the Halilintar militia post located at the house of Domingos Dasi Mali in the subvillage of Koelima, village of Aidabasalala, Subdistrict of Atabae, District of Bobonaro. There militia members including Paulo Gonsalves and Marcelino Leto Bili Purificasao, questioned Victim 2, Victim 5, Victim 6, Victim 7 and Victim 8 about supporting Falentil. The militia members, including Marcelino Leto Bili Purificasao, beat them causing serious injury. In addition, militia members threatened to kill them.
  19. After the questioning and beatings, Victim 2 and Victim 6 were illegally detained. Victim 2 was forced to cook for the Halilintar militia members. On or about 17 or 18 April 1999, Paulo Gonsalves, at the house of Domingos Dasi Mali in the subvillage of Koelima, village of Aidabasalala, Subdistrict of Atabae, District of Bobonaro forced Victim 2 to have sexual intercourse with him against her will two times.
  20. On several undetermined dates thereafter, Paulo Gonsalves returned periodically to the house of Victim 2 (location) and forced her to have sexual intercourse with him against her will.
  21. As part of this widespread and systematic attack, on or about 16 April 1999 Marcelino Leto Bili Purificasao went with several other militia members to the house in the subvillage of Koelima, Village of Aidabasalala, Subdistrict of Atabae, District of Bobonaro where Victim 5 was staying. Marcelino Leto Bili Purificasao abducted Victim 5 and took her to the ruins of her residence, which had been destroyed a few days prior by Halilintar militia members including Paulo Gonsalves. Marcelino Leto Bili Purificasao dragged Victim 5 into the ruins and told her he was here because her brother was Falentil. Marcelino Leto Bili Purificasao beat Victim 5 and forced Victim 5 to have sexual intercourse with him against her will.
  22. Sometime in May 1999 Marcelino Leto Bili Purificasao again went with other militia to the house where Victim 5 was staying, forcefully abducted her and took her to the house of militia member Antonio Piadade in Koelima subvillage, village of Aidabasalala, Subdistrict of Atabae, District of Bobonaro. There Marcelino Leto Bili Purificasao forced Victim 5 to have sexual intercourse with him against her will.
  23. As part of this widespread or systematic attack, on an undetermined date in September 1999 Paulo Gonsalves went to the house of Victim 9 in the area of Aidabasalala, Subdistrict of Atabae, District of Bobonaro and ordered her to go outside with him. Paulo Gonsalves then questioned Victim 9 about her husband, an independence supporter. After questioning her Paulo Gonsalves forced Victim 9 to have sexual intercourse with him against her will.
  24. As part of this widespread and systematic attack, on or about 8 September 1999 members of the Halilintar militia went to the house of Victim 10 in the subvillage of Aidabasalala, village of Hataz, Subdistrict of Atabae, District of Bobonaro and threatened Victim 10 because she was an independence supporter. One militia member threatened Victim 10 and said that she should have sexual intercourse with another militia member, Rosalino Pires. When Victim 10 refused the militia member threatened her and said that if she did not the militia would come and burn her house. The militia member left and returned with militia member Rosalino Pires. Rosalino Pires had a rifle with him. Rosalino Pires then forced Victim 10 to have sexual intercourse with him against her will several times.
  25. As part of this widespread or systematic attack, on or about 13 September 1999 Paulo Gonsalves went to the house where Victim 11 was staying which was located in the village of Atabae, Subdistrict of Atabae, District of Bobonaro, abducted her and took her to the village office. There Paulo Gonsalves questioned her about her husband, an independence supporter. Paulo Gonsalves beat her until she was unconscious. Paulo Gonsalves then forcefully took Victim 11 to a house in the village and forced Victim 11 to have sexual intercourse with him against her will.

26. On or about 26 September 1999, Paulo Gonsalves again went to the house where Victim 11 was staying and abducted her. Paulo Gonsalves then took her to the priest's house in the vicarage. Upon arrival Paulo Gonsalves beat her and forced Victim 11 to have sexual intercourse with him against her will.



## V. General Allegations/Criminal Responsibility

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 of East Timor, with knowledge of the attack.

### Individual Criminal Responsibility

For each accused charged with individual responsibility under this indictment, the accused is responsible under Section 14 UNTAET Regulation 2000/15, if he :

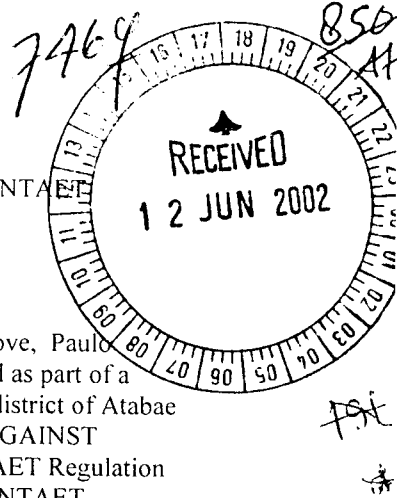
- (a) *commits such a crime, whether as an individual, jointly with another or through another person, regardless of whether that other person is criminally responsible;*
- (b) *orders, solicits or induces the commission of such a crime which in fact occurs or is attempted;*
- (c) *for the purpose of 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;*
- (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:*
  - a. *be made with the aim of furthering the criminal activity or criminal or*
  - b. *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 (Rape)

By his acts in relation to the events described in paragraphs 14 – 15 above, Paulo Gonsalves is responsible for the rapes of Victim 1 which he committed as part of a widespread or systematic attack against a civilian population in the subdistrict of Atabae with knowledge of the attack and is thereby responsible for a CRIME AGAINST HUMANITY (Rape) a crime stipulated under Section 5.1(g) of UNTAET Regulation

2000/15 and for which he is responsible for pursuant to Section 14 of UNTAET Regulation 2000/15.



**Count 2: Crime against Humanity (Torture)**

By his acts in relation to the events described in paragraphs 14 – 15 above, Paulo Gonsalves is responsible for the torture of Victim 1 which he committed as part of a widespread or systematic attack against a civilian population in the subdistrict of Atabae with knowledge of the attack and is thereby responsible for a CRIME AGAINST HUMANITY (Torture) a crime stipulated under Section 5.1(f) of UNTAET Regulation 2000/15 and for which he is responsible for pursuant to Section 14 of UNTAET Regulation 2000/15.

**Count 3: Crime against Humanity (Persecution)**

By their acts or omission in relation to paragraphs 16 through 19 above Paulo Gonsalves and Marcelino Leto Bili Purificasao are responsible for the persecution of Victim 2, Victim 3, Victim 4, Victim 5, Victim 6, Victim 7, Victim 8 and other individuals suspected of supporting independence which they committed as part of a widespread or systematic attack against a civilian population in the subdistrict of Atabae with knowledge of the attack and are thereby responsible for a CRIME AGAINST HUMANITY (persecution) pursuant to Section 5.1(h) and Section 14 of UNTAET Regulation 2000/15.

**Count 4: Crime against Humanity (Rape)**

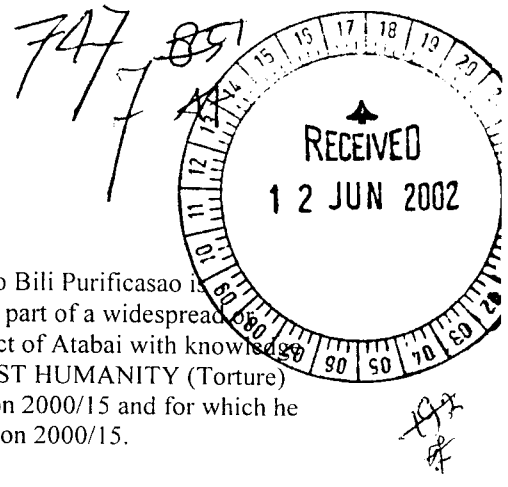
By his acts in relation to the events described in paragraphs 19 and 20 above, Paulo Gonsalves is responsible for the rapes of Victim 2 which he committed as part of a widespread or systematic attack against a civilian population in the subdistrict of Atabae with knowledge of the attack and is thereby responsible for a CRIME AGAINST HUMANITY (Rape) a crime stipulated under Section 5.1(g) of UNTAET Regulation 2000/15 and for which he is responsible for pursuant to Section 14 of UNTAET Regulation 2000/15.

**Count 5: Crime against Humanity (Torture)**

By his acts in relation to the events described in paragraphs 19 and 20 above, Paulo Gonsalves is responsible for the torture of Victim 2 which he committed as part of a widespread or systematic attack against a civilian population in the subdistrict of Atabae with knowledge of the attack and is thereby responsible for a CRIME AGAINST HUMANITY (Torture) a crime stipulated under Section 5.1(f) of UNTAET Regulation 2000/15 and for which he is responsible for pursuant to Section 14 of UNTAET Regulation 2000/15.

**Count 6: Crime against Humanity (Rape)**

By his acts in relation to paragraphs 21 and 22 above Marcelino Leto Bili Purificasao is responsible for the rapes of Victim 5 which he committed as part of a widespread or systematic attack against a civilian population in the subdistrict of Atabae with knowledge of the attack and is thereby responsible for a CRIME AGAINST HUMANITY (Rape) a crime stipulated under Section 5.1(g) of UNTAET Regulation 2000/15 and for which he is responsible for pursuant to Section 14 of UNTAET Regulation 2000/15.



**Count 7: Crime against Humanity (Torture)**

By his acts in relation to paragraphs 21 and 22 Marcelino Leto Bili Purificasao is responsible for the torture of Victim 5 which he committed as part of a widespread or systematic attack against a civilian population in the subdistrict of Atabai with knowledge of the attack and is thereby responsible for a CRIME AGAINST HUMANITY (Torture) a crime stipulated under Section 5.1(f) of UNTAET Regulation 2000/15 and for which he is responsible for pursuant to Section 14 of UNTAET Regulation 2000/15.

**Count 8: Crime against Humanity (Rape)**

By his acts in relation to the events described in paragraph 23 above, Paulo Gonsalves is responsible for the rapes of Victim 9 which he committed as part of a widespread or systematic attack against a civilian population in the subdistrict of Atabae with knowledge of the attack and is thereby responsible for a CRIME AGAINST HUMANITY (Rape) a crime stipulated under Section 5.1(g) of UNTAET Regulation 2000/15 and for which he is responsible for pursuant to Section 14 of UNTAET Regulation 2000/15.

**Count 9: Crime against Humanity (Torture)**

By his acts in relation to the events described in paragraph 23 above, Paulo Gonsalves is responsible for the torture of Victim 9 which he committed as part of a widespread or systematic attack against a civilian population in the subdistrict of Atabae with knowledge of the attack and is thereby responsible for a CRIME AGAINST HUMANITY (Torture) a crime stipulated under Section 5.1(f) of UNTAET Regulation 2000/15 and for which he is responsible for pursuant to Section 14 of UNTAET Regulation 2000/15.

**Count 10: Crime against Humanity (Rape)**

By his acts in relation to the events described in paragraph 24 above, Rosalino Pires is responsible for the rape of Victim 10 which he committed as part of a widespread or systematic attack against a civilian population in the subdistrict of Atabai with knowledge of the attack and is thereby responsible for a CRIME AGAINST HUMANITY (Rape) a crime stipulated under Section 5.1(g) of UNTAET Regulation 2000/15 and for which they are responsible under Section 14 of UNTAET Regulation 2000/15.

**Count 11: Crime against Humanity (Torture)**

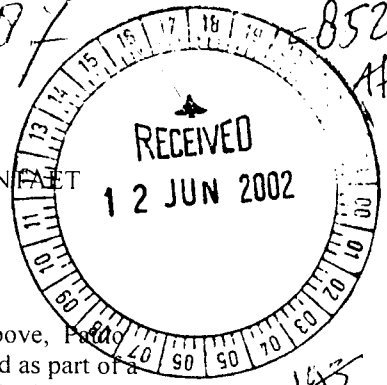
By his acts in relation to the events described in paragraph 24 above, Rosalino Pires is responsible for the torture of Victim 10 which he committed as part of a widespread or systematic attack against a civilian population in the subdistrict of Atabae with knowledge of the attack and is thereby responsible for a CRIME AGAINST HUMANITY (Torture) a crime stipulated under Section 5.1(f) of UNTAET Regulation 2000/15 and for which he is responsible for pursuant to Section 14 of UNTAET Regulation 2000/15.

**Count 12: Crime against Humanity (Rape)**

By his acts in relation to the events described in paragraphs 25 and 26 above, Paulo Gonsalves is responsible for the rapes of Victim 11 which he committed as part of a widespread or systematic attack against a civilian population in the subdistrict of Atabae with knowledge of the attack and is thereby responsible for a CRIME AGAINST HUMANITY (Rape) a crime stipulated under Section 5.1(g) of UNTAET Regulation

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2000/15 and for which he is responsible for pursuant to Section 14 of UNTAET Regulation 2000/15.



**Count 13: Crime against Humanity (Torture)**

By his acts in relation to the events described in paragraphs 25 and 26 above, Paulo Gonsalves is responsible for the torture of Victim 11 which he committed as part of a widespread or systematic attack against a civilian population in the subdistrict of Atabae with knowledge of the attack and is thereby responsible for a CRIME AGAINST HUMANITY (Torture) a crime stipulated under Section 5.1(f) of UNTAET Regulation 2000/15 and for which he is responsible for pursuant to Section 14 of UNTAET Regulation 2000/15.

**VII. LIST OF VICTIMS and EVIDENCE SUPPORTING THE INDICTMENT**

Victims 1 – 11 as identified in Annex A.  
Evidence as identified in Annex A.

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

Dated 11 June 2002

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