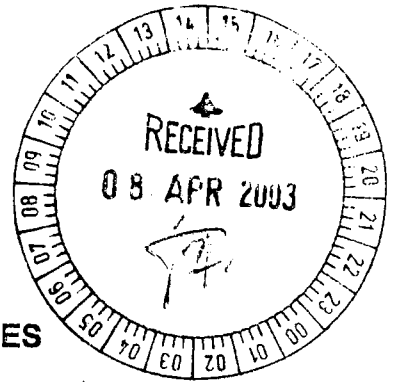


DISTRICT COURT OF DILI

BEFORE THE SPECIAL PANEL FOR SERIOUS CRIMES



CASE NO: 14 /2003

INDICTMENT

THE DEPUTY GENERAL PROSECUTOR FOR SERIOUS CRIMES

-AGAINST-

Col. HERMAN SEDYONO
Lt. Col. ACHMAD MAS AGUS (TNI)
Lt. Col. LILIK KOESHARDIANTO (TNI)
Lt.Col. GATOT SUBIAKTORO (POLRI)
Capt. ACHMAD SYAMSUDDIN (TNI)
Lt.Sugito (TNI)
Lt.WIDODO (TNI)
Lt. ARI aka COMMANDANTE ARI (TNI)
Sgt.Maj. HARUN TATENY (TNI)
Sgt. Maj. SUPOYO (TNI)
SIMAO NAHAK (TNI)
RAUL HALEK (TNI)
AMERICO SERAN (TNI)
JULIO BORGES (TNI)
LEONITO CARDOSO (TNI)
ANITO LAU (TNI)

I. INDICTMENT

The Deputy General Prosecutor for Serious Crimes, pursuant to her authority under UNTAET Regulations 2000/16 and 2000/30 (as amended by Regulation 2001/25), charges:

Col. (Inf) HERMAN SEDYONO
Lt. Col. (Inf) ACHMAD MAS AGUS (TNI)
Lt. Col. LILIK KOESHARDIANTO (TNI)
Lt.Col. Pol. GATOT SUBIAKTORO (POLRI)
Capt. ACHMAD SYAMSUDDIN (TNI)
Lt.Sugito (TNI)
Lt.WIDODO (TNI)
Lt. ARI aka COMMANDANTE ARI (TNI)
Sgt.Maj. HARUN TATENY (TNI)
Sgt. Maj. SUPOYO (TNI)
SIMAO NAHAK (TNI)
RAUL HALEK (TNI)
AMERICO SERAN (TNI)
JULIO BORGES (TNI)
LEONITO CARDOSO (TNI)
ANITO LAU (TNI)

WITH

CRIMES AGAINST HUMANITY OF:
MURDER, EXTERMINATION, ENFORCED DISAPPEARANCE, TORTURE,
DEPORTATION and PERSECUTION

As set forth in this indictment:

II. NAME AND PARTICULARS OF THE ACCUSED

1. Name: **Col.(inf.) Herman Sedyono**
Place of birth: Malang, East Java, Indonesia
Age/Date of birth: 12 October 1947
Sex: Male
Nationality: Indonesian
Address: Indonesia
Occupation: Bupati (Regent-Covalima) TNI officer
2. Name: **Lt. Col. (inf.) Achmad Mas Agus**
Place of birth: Indonesia
Age/Date of birth: unknown
Sex: Male
Nationality: Indonesian
Address: Indonesia
Occupation: TNI - Dandim, Kodim 1635 Cova lima-Ex- District Military Commander –Covalima Disrict) (from before January 1999 - 4 September 1999 and 7 September 1999 to 25 October 1999)
3. Name: **Lt. Col. Lilik Koeshardianto (TNI)**
Place of birth: Indonesia
Age/Date of birth: unknown
Sex: Male
Nationality: Indonesian
Address: Indonesia
Occupation: TNI - Dandim, Kodim 1635 Cova lima-Ex- District Military Commander –Covalima Disrict) (from 4 September 1999 to 7 September 1999)
4. Name: **Lt.Col. (Pol) Gatot Subiaktoro**
Place of birth: Indonesia
Age/Date of birth: Unknown
Sex: Male
Nationality: Indonesian
Address: Indonesia
Occupation: Polri - Kapolres, Cova Lima District
5. Name: **Capt. Achmad Syamsuddin**
Place of birth: Indonesia
Age/Date of birth: unknown
Sex: Male
Nationality: Indonesian
Address: Indonesia
Occupation: TNI-Kasdim, Kodim 1635-Chief of Staff Covalima District Military Command

6. Name: **Lt. Sugito**
 Place of birth: Sulawesi
 Age/Date of birth: unknown
 Sex: Male
 Nationality: Indonesian
 Address: Indonesia
 Occupation: TNI - Danramil- Koramil 1635-01, Suai Sub-District Covalima-Ex- Sub-District Military Commander –Suai Sub-District-Covalima District)

7. Name: **Lt. Widodo**
 Place of birth: East Timor
 Age/Date of birth: unknown
 Sex: Male
 Nationality: Indonesian
 Address: Believed to be in West Timor
 Occupation: TNI-Danramil- Koramil 1635-02 Tilomar Sub-District, Covalima- Sub-District Military Commander –Tilomar Sub-District-Covalima District)

8. Name: **Lt. Ari aka Commandante Ari**
 Place of birth: Indonesia
 Age/Date of birth: unknown
 Sex: Male
 Nationality: Indonesian
 Address: Indonesia
 Occupation: TNI-Danramil- Koramil 1635-03 (Battalion 143) Fohorem Sub-District, Covalima- Sub-District Military Commander –Fohorem Sub-District-Covalima District)

9. Name: **Sgt. Major Harun Tateny**
 Place of birth: Indonesia
 Age/Date of birth: unknown
 Sex: Male
 Nationality: Indonesian
 Address: Indonesia
 Occupation: TNI-Danramil- Koramil 1635-05 Fatululik Sub-District, Covalima- Sub-District Military Commander Fatululik Sub-District-Covalima District)

10. Name: **Sgt. Major Supoyo aka Pak Poyou**
 Place of birth: Indonesia
 Age/Date of birth: unknown
 Sex: Male
 Nationality: Indonesian
 Address: Indonesia

- Occupation: TNI-Danramil- Koramil 1635-0? Salele Sub-District, Covalima- Sub-District Military Commander, Salele Sub-District-Covalima District)
11. Name: **Simao Nahak**
 Place of birth: Covalima District, East Timor
 Age/Date of birth: unknown
 Sex: Male
 Nationality: East Timorese
 Address: Believed to be in West Timor
 Occupation: TNI
 12. Name: **Raul Halek**
 Place of birth: East Timor
 Age/Date of birth: Unknown
 Sex: Male
 Nationality: East Timorese
 Address: Believed to be in West Timor
 Occupation: TNI
 13. Name: **Americo Seran**
 Place of birth: East Timor
 Age/Date of birth: unknown
 Sex: Male
 Nationality: East Timorese
 Address: Believed to be in West Timor
 Occupation: TNI, Babinsa of Lohorai Sub-Village, Matai Covalima
 14. Name: **Julio Borges**
 Place of birth: Batugade, Maliana
 Age/Date of birth: unknown
 Sex: Male
 Nationality: East Timorese
 Address: Believed to be in West Timor, Indonesia
 Occupation: TNI, Deputy Commander-Laktos TNI Post
 15. Name: **Leonito Cardoso**
 Place of Birth: East Timor
 Age/Date of birth: unknown
 Sex: Male
 Nationality: East Timorese
 Address: Believed to be in West Timor, Indonesia
 Occupation: TNI

16. Name: **Anito Lau**
 Place of birth: East Timor
 Age/Date of birth: unknown
 Sex: Male
 Nationality: East Timorese
 Address: Believed to be in West Timor
 Occupation: TNI- Laktos TNI Post, Fohorem Sub-District
 Covalima

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 27 January 1999 by the Government of Indonesia that the people of East Timor would be allowed to choose between autonomy with 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, 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. The widespread or systematic attack was directed against civilians of all ages, but predominantly against individuals who were believed to be independence supporters. Those persons who were believed to be active members of the National Council of Timorese Resistance [*Conselho Nacional da Resistencia Timorese* - CNRT] were targeted in particular.
4. This large-scale attack was directed against civilians of all age groups, 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. 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.

6. 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, including in Covalima District.
7. In 1999, KOREM 164 was the TNI military Region command, based in Dili, East Timor. The Danrem. headed the KOREM.
8. During 1999, there was one KODIM (District military command) in each of the 13 Districts in East Timor. Specifically, KODIM 1635 was located in Covalima.
9. Each of these KODIMs had responsibility over KORAMILs (sub-district military command). The KORAMILs were located at the sub-district level.
10. POLRI is the Indonesian Police Force, the state agency for upholding the law and public order. Until April 1, 1999, POLRI was part of the Indonesian Military Forces (ABRI), under the jurisdiction of the Commander in Chief of the Indonesian Armed Forces. The Indonesian Police Force also included the Mobile Police Brigade (BRIMOB), whose Units and members were stationed in East Timor.
11. On 1 April 1999 the Indonesian Police Forces were separated from the ABRI. Despite this separation, the Indonesian Police Forces remained under the jurisdiction of the Commander in Chief of the Indonesian Armed Forces. The POLRI headquarters was in Jakarta. In Indonesia, the POLRI had seventeen regional commands. (POLDAs).
12. In 1999, there was a Police Regional Command, (POLDA) in East Timor. Its headquarters was in in Comoro, Dili.
13. In addition, in 1999 there was a POLRES (police unit) in each of the 13 districts. In each of the districts there were additional units located at various places termed POLSEKs.
14. TNI and civilian government officials helped establish an umbrella organisation under which all militia groups were organised. The organisation was called the Integration Fighters' Force [*Pasukan Pejuang Intergrasi - PPI*]. Joao Tavares was the commander of the organisation and Eurico Guterres was his deputy.
15. 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 to ensure the

general maintenance of law and order before, during and the immediate aftermath of the popular consultation.

16. The TNI and POLRI failed to meet these obligations and made no attempt to disarm or neutralize the militia groups. They allowed the militia groups to act with impunity.

Background Facts : Covalima District

17. Covalima District is one of the thirteen Districts of East Timor. It shares a common border with Nusa Tenggara Timor (West Timor), which is part of Indonesia. In 1999, Covalima was comprised of six sub-districts namely, Tilomar, Suai, Fatumean, Fatululik, Fohorem and Zumalai.
18. In 1999 **Herman Sedyono** was the *Bupati* (District Administrator or Regent) of Covalima District and also the head of the District Government Council (Muspida) which had the responsibility and obligation to govern Covalima District along with the DANDIM (District Military Commander) and KAPOLRES (District Police Commander). Before he became Bupati, **Herman Sedyono** was a member of the TNI with the rank of Colonel and was re-assigned as Regent of Covalima. He returned to his position in the TNI after the events described in this indictment.
19. **Herman Sedyono** had responsibility to govern Covalima District and to uphold and implement the law. He also had responsibility for ensuring peace, security and administration of justice throughout Covalima.
20. In 1999, **Lt. Col. Achmad Mas Agus** was the Military District Commander (Dandim) of Covalima District and had effective command and control over all TNI officers stationed in Covalima in 1999. **Lt. Col. Achmad Mas Agus** was sent on leave between August 29, 1999 and 7 September 1999.
21. **Lt. Col. Lilik Kushadiyanto** was appointed as acting Commander of the District Military Command (KODIM) from 29 August 1999 to 8 September 1999. During this period he had effective command and control over all TNI officers stationed in Covalima.
22. **Lt. Col. (Pol) Gatot Subiaktoro** was the Kapolres (District Police Commander) of Covalima in 1999 and had effective authority, command and control over POLRI officers stationed in Covalima District.
23. In 1999, **Captain Achmad Syamsuddin** was the KODIM military Chief of Staff in Covalima District. **Achmad Syamsuddin** had effective authority, command and control over the *Milsas* (East Timorese Auxillary TNI soldiers) stationed in Covalima District. **Captain Achmad Syamsudin** was in charge of the military armoury, which was at the KODIM in Suai.
24. **Lt. Sugito, Lt. Harun Tateny, Lt. Widodo and Lt. Ari** were Danramils (Sub-District Military Commanders) based in the Koramils in the sub-

districts of Suai, Fatululik, Tilomar and Fohorem respectively and had effective authority command and control over TNI soldiers stationed in their respective sub-districts.

25. **Supoyo** and **Sukarman** were TNI soldiers stationed in Tilomar and Suai respectively. In 1999, **Supoyo** was under the command of **Lt. Widodo** and **Sukarman** was under the command and control of **Lt. Sugito**.
26. In 1999, **Julio Borges** was the Commander of the *Milsas* stationed in Fohorem and he had effective authority, command and control over them.
27. **Americo Seran, Simao Nahak, Raul Halek, and Leonito Cardoso** were serving as TNI soldiers in Covalima District.
28. **Anito Lau** was a member of *Milsas* stationed in Fohorem in 1999. He was under the command and control of **Julio Borges**.
29. In 1999, two militia groups operated in Covalima District. These were the Mahidi militia under the command and control of Vasco Da Cruz (POLRI) and Domingos Alves (civil servant) which operated in Zumalai Sub-District and the Laksaur militia under the command of Olivio Mendonca Moruk (deceased) and Egidio Manek which operated in the rest of Covalima District.
30. These two militia groups had hundreds of members. They operated in collaboration with the TNI and POLRI and acted with impunity. Between January 1999 and October 1999, the Laksaur and Mahidi militia groups, in collaboration with the TNI and POLRI and active support and encouragement of the civilian administration in Covalima District carried out widespread or systematic attacks against the civilian population in Covalima, in particular against those civilians who were perceived to be supporters of or linked to the independence cause.

Strategy for Popular Consultation

31. Before 1999, the Indonesian army formed paramilitary groups in East Timor including *WANRA (Perlawanan Rakyat)* (Peoples Resistance Force), *Gada Paksi* (Gadu Penegak Integrasi) (Guards to uphold integration) and, *Ratih (Rakyat Terlatih)* (Trained people). These groups were trained in weapons handling and provided with arms by the TNI. These groups were established to support the Indonesian authorities to maintain its grip on East Timor.
32. When the Government of Indonesia announced that there would be a popular consultation whereby the people of East Timor would be allowed to choose between autonomy with Indonesia and independence, high ranking Indonesian officials including the administration in Dili and the TNI established civilian groups to work for the autonomy option. The groups included both violent (militia and paramilitary groups) and non-violent

groups. The non-violent groups were to persuade the population to vote for autonomy and the violent groups were to threaten, coerce or intimidate the population into voting for autonomy.

33. Between August 1998 and February 1999, high ranking Indonesian military officials held several meetings in and outside East Timor to which they invited pro-Indonesia East Timorese leaders.
34. During these meetings, the Indonesian military officials including Adam Damiri, Tono Suratman, Zacky Anwar Makarim and Yayat Sudrajat informed the pro-Indonesia East Timorese leaders that they must form a solid civil defence force based on previous TNI-supported models and that this force should be expanded and developed to protect integration with Indonesia. East Timorese former TNI members and members of the paramilitary groups that were previously established (*Gada Paksi, Wanra* and *Ratih*) were to be incorporated into the militia groups. The goals of these groups were to ensure that the East Timorese people voted for the autonomy option during the popular consultation.
35. The Indonesian military officials offered weapons and financing to the pro-Indonesia East Timorese leaders in order to enable them to pursue their common goal of autonomy and to fund the operations of the militia groups. The Indonesian military officers warned the East Timorese pro-integration leaders that the support given by the Indonesian authorities to the militia and participation of the TNI soldiers in the activities of the militia groups was to be kept secret.
36. Between February 1999 and September 1999, high ranking Indonesian TNI officers held numerous meetings with pro-integration East Timorese leaders, members of the civilian administration in East Timor and commanders of militia in which the Indonesian TNI officers told them that "if autonomy lost the vote, more blood will flow" in East Timor.
37. Between February 1999 and September 1999, East Timorese pro-integration leaders, commanders and members of the militia as well as members of the TNI frequently repeated the threat in the press, meetings and campaigns that if autonomy lost the vote, there would be war in East Timor and that everything that East Timor had gained because it was a province of Indonesia, would be destroyed.

Implementation of the strategy for the popular consultation in Covalima District

(1) Formation of violent and non-violent groups

38. The civilian government in Covalima District under Herman Sedyono, and the TNI under Lt.Col. Achmad Mas Agus implemented the national strategy for the popular consultation in Covalima District.

39. As a first step, in February 1999, **Herman Sedyono** and **Lt. Col Achmad Mas Agus** established the FPDK (*Forum Perdamaian Demokrasi dan Keadilan*) (Forum for Democracy and Justice) and gave it the responsibility to campaign for autonomy and to set up a militia group. **Herman Sedyono** and **Lt. Col. Achmad Mas Agus** approached some East Timorese pro-Indonesia leaders to head the FPDK. Eventually **Herman Sedyono** appointed Alberto De Niri (a civil servant) as head of the FPDK.
40. The militia was the armed wing of the FPDK, which in turn reported its intergration activities to the Muspida.
41. The civilian administration under **Herman Sedyono**, the TNI under **Lt. Col. Achmad Mas Agus** and the FPDK helped to establish the Laksaur militia and to organize its inauguration.
42. Sometime between March and April 1999, a member of Kopasus (TNI) went to Covalima district and provided training to members of the militia including Henrikus Mali, Maternus Bere and Alipio Mau.
43. The Laksaur militia was inaugurated sometime in April 1999. During the inauguration, an East Timorese civil servant was asked by Alberto De Niri to represent **Herman Sedyono** at the inauguration and to read a speech that was already prepared by Wenses Laus Nahak who was an Assistant of **Herman Sedyono**. Officers of the FPDK, **Lt. Col Achmad Mas Agus**, and **Lt.Col (Pol) Gatot Subiaktoro** attended the inauguration, among other government functionaries. Eurico Guterres, **Lt. Col. Achmad Mas Agus** and **Lt. Col. Gatot Subiaktoro** gave speeches at the inauguration. They told the people that if they did not support and defend the red and white flag of Indonesia they would lose everything.

(2) Funding of the groups

44. As part of the national policy of providing funding for the militia, **Herman Sedyono** diverted funds from the social and development budget and paid it to the FPDK for its campaign and for wages to members of the militia.
45. Between January 1999 and September 1999, **Herman Sedyono** made two payments to the FPDK and the militia. Over 500 members of the militia were paid wages from these monies.
46. On several occasions in 1999, **Herman Sedyono** issued an order that all civil servants in Covalima must support autonomy or be terminated from their jobs. **Herman Sedyono** ordered civil servants to sign a declaration stating that they were supporters of autonomy. The militia, TNI and POLRI targeted civil servants who were perceived to be supporters of independence. Many civil servants felt threatened and went to hide in the jungle to save their lives. The salaries of those civil servants who had run away to the jungle were paid to the members of the militia.

47. Apart from providing cash to the members of the militia, the District administration under **Herman Sedyono** and the TNI under **Lt. Col. Achmad Mas Agus** regularly provided rice to the members of the militia and the FPKD as part of their reward for upholding the integration cause.

(3) Provision of arms, logistics and other support

48. In most districts in East Timor, the TNI provided the members of the militia with rifles.
49. In Covalima District, the military armoury was located in the Kodim compound in Suai. **Lt. Col. Achmad Mas Agus** and **Capt. Achmad Syamsuddin** were officers in charge of the armoury and the issue of weapons from the armoury could only be done with their consent or authorisation.
50. **Lt.Col. Achmad Mas Agus** provided rifles to the commanders of the Laksaur militia for distribution to its members.
51. In order to facilitate militia operations, the TNI in Covalima district under the command of **Lt.Col. Achmad Mas Agus** allowed the Laksaur militia to establish some of its headquarters in the same premises as the TNI sub-District Military Command. At least in two sub-districts, the Laksaur militia headquarters were located in the Koramil of the sub-district.
52. In 1999, the militia frequently operated out of, and had free access to TNI posts, Kodim and Koramil facilities. During the period many civilians abducted by the militia were detained, interrogated and tortured at the TNI posts and Koramil premises often in the presence of members of the TNI.
53. In many instances members of the militia held their daily morning parades at TNI premises including the Kodim in Suai.

(4) Advice, Collaboration and joint operations

54. In 1999, the Muspida (District Government Council) in Covalima District was responsible for the coordination of the activities of the various sectors and matters of the Government in the District, including peace and security. The Muspida in Covalima was comprised of **Herman Sedyono** (chairman), **Lt.Col. Achmad Mas Agus** and **Lt. Col (Pol) Gatot Subiaktoro**.
55. During 1999, the Muspida in Covalima was kept continually informed of the activities of the FPKD and the militia groups in Covalima. On occasion, commanders of the militia were invited to meetings of the Muspida. The members of the Muspida frequently provided advice and gave orders to the FPKD and the militia.

56. Between January and October 1999, the civilian administration under the authority of **Herman Sedyono**, the TNI under the command of **Lt. Col. Achmad Mas Agus** and **Lt. Col. Lilik Kushadiyanto** (from 29 August 1999 to 7 September 1999) and POLRI under the command of **Lt. Col. Gatot Subiaktoro** allowed their staff to openly support integration, collaborate with the Laksaur and Mahidi militia and to participate in the activities of the militia including the commission of crimes.
57. The FPDK was staffed mainly by civil servants including Alberto De Niri and Joao Mendonca De Araujo with the acquiescence and encouragement of **Herman Sedyono**.
58. **Herman Sedyono** also encouraged and allowed civil servants to become members of the militia including Olivio Mendonca Moruk (Commander-Laksaur Militia), Maternus Bere (Sub-District Commander-Laksaur Militia), Alipio Mau (Operations Commander-Laksaur Militia), Sylvester Atai (Platoon Commander-Laksaur militia), Ernesto Bere (Platoon Commander-Laksaur Militia), Americo Do Nascimento and Domingos Alves (Deputy Commander-Mahidi militia).
59. Those civil servants who became members of the militia dedicated their time to the service of the militia and received regular monthly salaries and other benefits from the civilian administration.
60. Sometime in 1999, **Herman Sedyono** ordered Nursalim a staff member in his office to make a list of the supporters of independence in Covalima so that the militia and the TNI could target them.
61. Among the members of the TNI who were allowed by **Lt.Col. Achmad Mas Agus** to participate in militia activities and the crimes they committed were **Capt. Achmad Syamsuddin** (Chief of Staff-Covalima), **Lt. Sugito** (Danramil Suai), **Lt. Widodo** (Danramil-Tilomar) **Sgt. Major Supoyo** aka **Pak Poyo**, **Sgt. Major Harun Tateny** (Danramil Fatululik), **Lt. Ari**, Battalion 143 Fohorem, **Simao Nahak** (Fatumean), **Raul Halek** (Fatumean) **Simon Tasion** (Zumalai), **Americo Seran**, **Alarico Pereira**, **Sukarman**, and **Leonito Cardoso**.
62. **Lt.Col Achmad Mas Agus** and **Capt. Achmad Syamsuddin** allowed the Milsas stationed in Covalima District to collaborate with and participate in the crimes committed by the militia including among others, **Anito Lau** of Fohorem.
63. **Lt.Col. (Pol) Gatot Subiaktoro** also allowed members of the POLRI to participate in militia activities. Among them was **Vasco Da Cruz** who was the commander of the Mahidi militia in Zumalai, **Felix Amaral**, **Jose Amaral**, **Eusebio Bere**, **Joao Bere** and **Joao Koli**.
64. On two occasions in May 1999 and July 1999, an East Timorese pro-Indonesia supporter complained to Indonesian Military Authorities in Dili that the Dandim in Covalima **Lt.Col. Achmad Mas Agus** and **Lt Sugito**

were collaborating with the militia and were involved in operations to kill civilians. On the second occasion, the pro-Indonesia East Timorese leader was informed by one of the TNI Generals in Dili that **Herman Sedyono** had ordered the militia to kill him. The General then telephoned **Lt. Col Achmad Mas Agus** and ordered him not to have the East Timorese pro-Indonesia leader killed as he had promised to bring back the civilians who were hiding in the forests.

65. Sometime in July and August 1999, UNAMET was concerned by the participation by the TNI in violent crimes committed by the militia. UNAMET officers wrote two letters to the Indonesian authorities asking that the participation of members of the TNI in militia activities be stopped and that officers responsible be removed from the districts where they were stationed. In Covalima district, UNAMET specifically mentioned **Lt. Col. Achmad Mas Agus** and **Lt. Sugito**. These two TNI officers remained in Covalima until after the popular consultations.
66. Between January 1999 and 7 September 1999, the POLRI was responsible for ensuring security, law and order and an environment conducive to holding the popular consultation. On or about 8 July 1999 POLRI was called upon by the Secretary General of the United Nations to perform its obligations and establish law and order including the prompt arrest and prosecution of those who carry out, incite or threaten to use violence and to carry out investigations leading to the arrest, and prosecution of those who had engaged in criminal activities including attacks and threats against UNAMET personnel and property.
67. The POLRI was also called upon to bar civilians from carrying weapons in public and to arrest those who violate existing Indonesian laws prohibiting the carrying of firearms by unauthorised civilians, close down roadblocks not set up or manned by POLRI.
68. **Lt.Col. (Pol) Gatot Subiaktoro** allowed members of the militia to openly carry weapons including rifles, mount roadblocks and commit violence against supporters of independence with impunity. The POLRI did not make any attempts to disarm the militia, prevent them from committing crimes or arrest those who committed crimes.
69. Between January and 7 September 1999, the POLRI under the authority, command and control of **Lt. Col (Pol) Gatot Subiaktoro** failed to investigate, arrest or prosecute members of the militia, TNI and POLRI who had engaged in criminal activities including attacks such as murder, torture, inhumane acts, unlawful detentions, abductions and threats against civilians in Covalima District.
70. On or about 8 July 1999 the Secretary General of the United Nations demanded that the members of the TNI who had provided support for or participated with armed groups (militia) intimidation or violence to be immediately reassigned away from the areas in which they were then operating.

71. Due to the collaboration between the TNI and militia groups in East Timor and the failure by POLRI to prevent the violent crimes by the militia members and TNI, the Secretary -General of the United Nations postponed the popular consultations and set criteria for security, again requiring POLRI to live up to its responsibilities and ensure security.

OFFENCES COMMITTED BETWEEN 27 JANUARY 1999 AND 4 SEPTEMBER PERIOD) 1999 (PRE-CONSULTATION PERIOD)

72. As a result of the support and encouragement given by **Herman Sedyono** to the FPKD and members of the militia, the support, protection, encouragement, assistance by the TNI under the command of **Lt.Col. Achmad Mas Agus** and later, **Lt. Col. Lilik Kushadiyanto** to the militia, the cooperation and collaboration between the TNI and the militia and the failure of POLRI under the authority, command and control of **Lt.Col. (Pol) Gatot Subiaktoro** to take action, the members of the militia together with TNI soldiers and some POLRI officers committed numerous crimes in Covalima district, targeting those who were perceived to be supporters of independence.

ARRESTS, DETENTIONS, TORTURES AND DESTRUCTION OF PROPERTY

Torture of Inacio Pereira Baretto (27 January 1999)

73. Inacio Pereira Baretto was a member of the clandestine movement supporting independence.
74. On or about 27 January 1999, while Inacio Pereira Baretto was visiting his relatives in Umah Murah, he was arrested by members of the TNI under the command and control of **Lt.Col Achmad Mas Agus** including **Lt. Sugito** and **Sgt Major Sukarman** and members of the Laksaur militia led by Olivio Moruk including Alipio Gusmao aka Alipio Mau, Americo Mali and Andreas Coli. After he was arrested Inacio Pereira Baretto was severely beaten by the militia and TNI present and he was stabbed on his wrist by Alipio Mau
75. Inacio Pereira Baretto was forced to get into a truck driven by the militia and TNI and he was taken to the Kodim 1635 in Suai where he was detained until the next day.
76. At the material time **Lt.Col Achmad Mas Agus** was the Commander of Kodim 1635.
77. After his release, Inacio Pereira Baretto together with several other villagers fled to Lakalese forest in Fohorem.

Attack at Umah Murah- Torture (26 February 1999)

78. Jose Fatima Xavier was an independence supporter living in Casabauk Village. He was a member of clandestine and was actively involved in assisting Falintil by collecting food, ammunition and uniforms for its members.
79. In 1999, members of the Laksaur militia and the TNI knew that Jose Fatima Xavier was an active member of the clandestine.
80. On 26 February 1999, Jose Fatima Xavier was at the house of Elizeu Gusmao in Umah Murah Village. He was together with his daughter Marcelina Cortereal and other members of the clandestine movement namely Afonso Fatima Nunes, Elidio Gusmao, Inacio Amaral aka Naco, Alfredo Lao, Ermenzildo aka Zilo, Armindo Amaral, Albertu Afonso, Grigorio Afonso, Aristu Moruk, Guillermino Fonso, Adelina Carvalho, mother of Maria Carvalho, Maria Carvalho and her child Elidio Gusmao aka Erik.
81. The group was gathered at the house of Elizeu Gusmao to hear a speech by Xanana Gusmao, which was to be aired on television that evening.
82. Sebastiao Mendonca (TNI and village chief of Cassabauk) informed the TNI and the Commanders of the Laksaur militia that members of the clandestine movement had gathered at the house of Elizeu Gusmao.
83. At about 8pm that evening, members of the TNI under the command and control of **Lt.Col Achmad Mas Agus** including **Lt. Sugito** (Danramil-Suai), **Sgt. Major Sukarman**, Angelino and Cornelio and members of the Laksaur militia including Olivio Moruk, Egidio Manek, Cosmas Amaral, Alipio Gusmao aka Alipio Mau, Americo Mali Andreas Coli, and Abilio Breck attacked the house of Elizeu Gusmao.
84. Americo Mali, Alipio Gusmao aka Alipio Mau and Adreas Coli entered the house and attacked the villagers with machetes and swords. Some of the villagers were able to escape including Elidio Gusmao aka Erik.
85. Jose Fatima Xavier, Elizeu Gusmao, Gilberto Ventura and Inacio Amaral suffered serious injuries as a result of the attack. The TNI and militia members present took Jose Fatima Xavier, Elizio Gusmao and Inacio Amaral on the truck driven by **Lt. Sugito**. While on the way to the Koramil, the militia and TNI believing that Gilberto Ventura was dead, threw him off the vehicle and continued with the others to the Koramil in Tilomar and then to the house of Olivio Moruk.
86. While at Olivio Moruk's house, **Lt. Sugito** ordered the militia and TNI members present to kill Jose Fatima Xavier and Elizeu Gusmao. The militia and TNI members there took spades and shovels and drove Jose Fatima Xavier and Elizio Gusmao to Salele Beach in their TNI Hino truck.

87. Elidio Gusmao aka Erik after escaping from the militia and TNI during the attack went to report the abduction of Jose Fatima Xavier and Elizio Gusmao to Father Hilario at the Ave Maria Church in Suai.
88. When the militia and the TNI arrived at the beach with Jose Fatima Xavier and Elizeu Gusmao, **Lt. Sugito** received a call on the radio. After a brief conversation on the radio, he informed the militia and TNI present that the DANDIM (**Lt.Col Achmad Mas Agus**) ordered that Jose Fatima Xavier and Elizio Gusmao be taken to the Kodim and not be killed.
89. Throughout the journey from the beach to the Kodim, Jose Fatima Xavier and Elizeu Gusmao were severely beaten.
90. On the following day, upon the request of Father Hilario and Father Francisco from the Suai Church, Jose Fatima Xavier and Elizeu Gusmao were released from Kodim.
91. Before Jose Fatima Xavier and Elizeu Gusmao were released, **Lt. Col. Achmad Mas Agus** (Dandim-Covalima), **Lt. Col. Gatot Subiaktoro** (Kapolres-Covalima) and Caitano Mendonca (FPDK-Covalima) went to the Kodim and told Jose Fatima Xavier and Elizeu Gusmao that they should support autonomy as East Timor will never be independent.
92. Soon after their release, Jose Fatima Xavier, Elizeu Gusmao and their families sought refuge at the church until 7 April 1999 after which they returned to their homes.
93. **Lt. Col. Gatot Subiaktoro** neither caused this crime to be investigated by the police nor did he order the arrest of the perpetrators of the crime.
94. On or about 27 February 1999, the mini Council for the Solidarity of Students, Peoples and Youth of Covalima wrote a letter to Military Resort Commander in Dili, informing him of the attack and that members of the TNI participated in the attack.

Attack in Umah Murah –Torture of Jose Fatima Xavier (14 April 1999)

95. The attack by the members of the Laksaur militia and the TNI against the civilian population in Covalima in particular against those who were perceived to be supporters of independence intensified in April 1999.
96. On or about 14 April 1999, Jose Fatima Xavier was arrested at his house in Umah Murah Sub-Village by members of the Laksaur Militia including Egidio Manek, Henrikus Mali, Americo Mali, Siri Lau, Riki Coli, Antoni Moruk, Juliao Mali, Ulu Kehi, Lucas Mau and Yosef Berek and the TNI including **Lt. Sugito** and **Lt. Widodo**. Jose Fatima Xavier was severely beaten by Americo Mali and the militia members present. Americo Mali handcuffed Jose Fatima Xavier's hands behind him and placed a plastic bag over his head.

97. Jose Fatima Xavier was taken to the house of Ulu Kehi (in Umah Murah) where he was tied to a chair and interrogated by Americo Mali and Yosef Berek in the presence of Lt. Sugito and Lt. Widodo about the independence movement and weapons they believed to have been kept at the Suai Church.
98. During the interrogation Jose Fatima Xavier was continuously beaten by Henrikus Mali and Americo Mali. During the beating, a militia member Fernando aka Badu cut Jose Fatima Xavier's bottom lip with a machete. Jose Fatima Xavier suffered serious injury as a result.
99. Jose Fatima Xavier was returned to his house on the same night and was detained in his house from 14 April 1999 until 8 June 1999, when he went to Dili.

Dili Rally

100. On 17 April 1999, leaders of the Integration fighter's forces (PPI) organized a large rally in Dili and ordered militia members from throughout East Timor to attend. Representatives from the Laksaur militia in Covalima including Olivio Moruk and Maternus Bere attended.
101. During the rally, Eurico Guterres, Deputy Commander of the PPI addressed the crowd and told them that the people who were against integration with Indonesia were the enemy. He ordered "representatives" of the State and those helping State forces to capture anti-integrationists and shoot them if they resisted.

Torture at the Militia Post in Belulik Leten, Fatumean (23 April 1999)

102. On or about 23 April 1999, members of the Laksaur Militia under the command and control of Henrikus Mali, including Yacobus Bere, Petrus Suri Bisi, Gabriel Koli and Daniel Luan and members of the TNI under the command and control of Lt. Col. Achmad Mas Agus arrested about thirty men from Manekiik Village and took them to the Koramil in Belulik Leten.
103. The villagers arrested included Geraldo Orleans, Alfredo Freitas, Domingos Dos Santos, Francisco Nahak, Antonio De Lima, Francisco Do Carmo, Manuel Do Carmo, Raimundo Do Carmo, Baltasar Maya and Domingos Da Cruz. They were arrested because they were perceived to be independence supporters.
104. At the Koramil, Geraldo Orleans, Alfredo Freitas, Domingos Dos Santos, Francisco Nahak, Baltasar Maya and Domingos Da Cruz were severely beaten and subjected to severe physical and mental suffering by members of the Laksaur militia including Yacobus Bere, Pedro Da Cruz Besa, Petrus Suri Bisi, Herman Kehi and Zakarias Berek.

105. The members of the militia pulled out the fingernails of Alfredo Freitas at the time they arrested him.
106. The villagers were interrogated about their pro-independence activities. They were beaten during the interrogation and the members of the militia put plastic bags over their heads.
107. After the beating and interrogation at the Koramil, the villagers were taken to the militia post in Belulik Leten where all the villagers were detained in a room.
108. There were a total of 27 villagers who were detained at the militia post in Belulik Leten where the militia again beat them.
109. The next day, on 24 April 1999, senior members of the Laksaur militia including Caitano Moniz, Alfredo Pires Amaral and Carlos Tilman came to the militia post in Belulik Leten and spoke to the villagers, warning them that if they were to support the independence of East Timor, they would all die.
110. The following day, on 25 April 1999, militia members, Petrus Suri Besi and Demitrius Berek both armed with swords, interrogated some of the villagers including Geraldo Orleans about the activities of Falintil. During the interrogation the villagers were again beaten.
111. On 26 April 1999, the villagers were ordered by Henrikus Mali to write the names of their wives and their whereabouts on a piece of paper. The villagers did as they were told and the militia ordered the wives of all the villagers who were detained to attend at the militia post in Belulik Leten.
112. The wives of the villagers attended at the militia post on 27 April 1999 where they were ordered by the militia to sign an agreement. They were allowed to return to their homes soon after they signed the agreement.
113. The 27 men who were arrested remained in detention. During their detention, they were guarded by members of the militia including Josep Mendonca aka Nahak Kehik and Pedro Da Cruz Besa.
114. On or about 28 April 1999, the 27 men were ordered by Henrikus Mali to form a line in front of the militia post. There Henrikus Mali read out the agreement that was signed by them and their wives, that if they did not support the autonomy of East Timor with Indonesia they would be killed and their wives and parents whose names were written in the agreement will also be killed.
115. Henrikus Mali then ordered the villagers to go to the Koramil and to the Police station and apologise to the commanders. The villagers did as they were told and were then released to go back to their homes. Henrikus Mali then told them that they were not allowed to leave Belulik Leten Village without his prior approval or the approval of Eduardo Leneng

(POLRI) (the Sub-District Police Commader), Josep Kehi (TNI) and Domingos De Araujo, (Camat -sub-district chief).

Attack In Fatukmetan Sub-Village, Raihun Village Tilomar-Torture and Persecution by Destruction of Property (23 April 1999)

116. In 1999, Joao Da Silva was the clandestine leader of CNRT in Tilomar sub-district. During the month of April 1999, the Laksaur militia and the TNI under the command and control of **Lt. Col. Achmad Masagus** were looking for Joao Da Silva who was in hiding.
117. On or about 23 April 1999, members of the Laksaur militia under the command of Olivio Moruk and Egidio Manek went to Nikirr village looking for Joao Da Silva. The militia members who went to Nikirr included Olivio Moruk, Egidio Manek, Alipio Gusmao aka Alipio Mau, Americo Mali, Zito Da Silva aka Zito Saek, Joaquim Berek aka Berek Bot, Bou Luan, Nahak Malik, Guru Nandus, Orak (LNU) Moruk Kasak, Jacob Bere, Oracio (LNU), Tem Berek, **Leonito Cardoso**, Miguel Da Silva Mau and Felipe Nahak.
118. The members of the militia went on this operation together with members of the TNI from Koramil Salele, including **Sgt. Major Supoyo aka Pak Poyu** (Sub-district military Commander-Salele), Bentu (LNU), Jaime Pinto and **Leonito Cardoso** (TNI).
119. The militia found and interrogated Jose Cardoso and three other villagers about the whereabouts of Joao Da Silva. Alipio Gusmao aka Alipio Mau, Americo Mali and Felipe Nahak beat them severely during the interrogation.
120. After the beating Alipio Gusmao aka Alipio Mau, Americo Mali and Felipe Nahak threatened Jose Cardoso and the three others with death if they were to follow Joao Da Silva in supporting independence.
121. Later the militia spotted Alexio Xiemenes, Tomas Cardoso, Paulus Xiemenes who were relatives of Joao Da Silva and killed them.
122. The militia then left Nikirr and headed for Fatukmetan. On their way, Egidio Manek ordered them to arrest Lodificus Rabu and kill him. Lodificus was arrested and taken to the forest.
123. The militia members and the TNI then proceeded to Fatukmetan.
124. At Fatukmetan, the militia and the TNI gathered the villagers including Cervasio Yosep, Balbina Maia, Rosalinda Abuk (who was the wife of Caetano Xiemenes), Luizina Maia, Filipos Yosep, Daniel Xiemenes, Markus Xiemenes, Jaime Cardoso and Teofilo da Silva.
125. The said villagers were brought at the roadside and surrounded by the militia and TNI present. They were then questioned about the whereabouts of Joao Da Silva.

126. During the questioning, the villagers were beaten by the militia present. The two women villagers, Rosalinda Abuk and Luizina Maia were handcuffed and also beaten by Americo Mali, Alipio Gusmao aka Alipio Mau and Zito Da Silva aka Zito Saek.
 127. The villagers were thereafter taken to the deserted house of Baltazar Xiemenes. While there, Cervasio Yosep and Filipos Yosep were beaten again by Americo Mali who hit them on the head repeatedly with an iron pipe. The villagers suffered severe injury as a result of the beatings.
 128. The militia and TNI then destroyed all the eleven houses in Fatukmetan Village. Cervasio Yosep, Balbina Maia, Rosalinda Abuk, Luizina Maia, Filipos Yosep, Daniel Xiemenes, Markus Xiemenes, Jaime Cardoso, Teofilo da Silva and the other villagers were ordered to find places to stay and were ordered not to go to the Suai Church.
- Torture of Augustino Gusmao (26 April 1999)**
129. Augustino Gusmao was an independence supporter living in Leogore Village, Suai Sub-District. In 1999 Augustino Gusmao was a civil servant in the Veterinary Department in Debos Village in Suai.
 130. Sometime before April 1999, Olivio Moruk warned Augustino Gusmao that the militia would take away all his belongings because his name was on their intelligence list of independence supporters.
 131. On or about 1 April 1999, about 7 members of the Laksaur militia including Olivio Moruk, went to the house of Augustino Gusmao and took his motorcycle away.
 132. On or about 26 April 1999, Lt. Col. Yayat Sudrajat (Commander of Tribuna VIII Task Force, and Commander of the Intelligence Task Force Sub-Regional Military Command 164, East Timor) held a meeting at the Kodim in Suai. In attendance were **Lt. Col. Achmad Masagus, Lt. Col. Gatot Subiaktoro** and representatives from the Bupati's office. During the meeting, Yayat Sudrajat told them that all civil servants who did not support Indonesia would have their salaries stopped and any government property (eg motorcycles etc) provided to those civil servants must be taken back. He also ordered that all civil servants who previously supported independence must be made to sign a declaration that they would henceforth support autonomy.
 133. Later that day, members of the Laksaur militia under the command and control of Maternus Bere went to the house of Augustino Gusmao in Legore Village, led by Andreas Koli.
 134. Andreas Koli accused Augustino Gusmao of being an independence supporter, arrested him and took him to the militia headquarters in Legore Village.

135. At the militia headquarters, Augustino Gusmao was met by Maternus Bere who accused him of being a civil servant earning a salary from the Indonesian government and yet supports independence. Andreas Koli and Domingos Mali Aka Bete Aloï beat Augustino Gusmao severely.
 136. Maternus Bere, Andreas Koli and Domingos Mali Aka Bete Aloï interrogated Augustino Gusmao for several hours. After the interrogation, Maternus Bere forced Augustino Gusmao to sign a declaration stating that he supported autonomy of East Timor within Indonesia. After signing the declaration, he was ordered to deliver it to the office of the Bupati, **Herman Sedyono**. On or about 29 April 1999, Augustino Gusmao delivered the declaration to the Bupati's office.
- Torture of Francisco Do Espiritu and Vincente Alves Quintao (26 April 1999)**
137. In 1999 Vincente Alves Quintao was a leader and Francisco Do Espiritu was a member of the clandestine movement supporting independence for East Timor.
 138. Sometime before 26 April 1999, Pedro Teles ordered members of the Laksaur Militia under his command to arrest Francisco and Vincente and bring them to the militia headquarters in Legore Village.
 139. On that day, Francisco Do Espiritu was at his home with Vincente Alves Quintao in Oegus Sub-Village.
 140. In compliance with the order of Pedro Teles, members of the Laksaur Militia including Xisto Barros, Ricardo Andrade, Cesar Mendonca, Casimiro and Joaoquim Do Carmo armed with swords went to the house of Francisco Do Espiritu and arrested him and Vincente Alves Quintao.
 141. The militia members beat Francisco Do Espiritu and Vincente Alves Quintao and tied their hands behind their backs before taking them to the militia headquarters in Legore.
 142. At the militia headquarters, members of the Laksaur Militia under the command of Pedro Teles, including Xisto Barros and Ricardo De Andrade, beat Francisco Do Espiritu and Vincente Alves Quintao again.
 143. Francisco Do Espiritu and Vincente Alves Quintao were then detained in a small room at the militia post, which was also the koramil in Legore in which **Sgt. Maj. Harun Tateny** was the Commander.
 144. Francisco Do Espiritu and Vincente Alves Quintao were detained there until 8 May 1999. During their detention, Francisco Do Espiritu and Vincente Alves Quintao were interrogated by Maternus Bere and Pedro Teles in relation to their clandestine activities and were ordered to sign a written declaration that they would support the pro-autonomy cause.

Persecution, Torture and Forced Labour of Caetano Xiemenes, Agustino Xiemenes, Americo Da Silva, Antonio Amaral, Mariano Amaral, Francisco Amaral, Cervasio Yosep, Lodifucus Ulu, Mariano Amaral And Orlando Berek at Koramil in Salele (30 April 1999)

Destruction of property

145. Caetano Xiemenes and Agustino Xiemenes were clandestine CNRT members and Americo Da Silva, Antonio Amaral, Mariano Amaral, Francisco Amaral, Cervasio Yosep, Lodifucus Ulu, Mariano Amaral and Orlando Berek were all supporters of independence. They were all living in Tilomar Sub-District in 1999.
146. On or about 22 April 1999, members of the Laksaur militia led by Olivio Moruk, Egidio Manek and Alipio Gusmao aka Alipio Mau attacked Wetabe Sub-Village in Salele Village, Tilomar Sub-District.
147. The militia members were armed with guns and shooting into the houses. On the orders of Olivio Moruk, Egidio Manek and Alipio Gusmao aka Alipio Mau, the members of the militia burnt several houses including the houses of Orlando Berek, Petrus Da Costa, Antonio Amaral, Joao Xiemenes, Mateus Dos Reis, Tome Nunes and Florindo Cardoso. The villagers in fear for their lives and safety fled to Wala Mountains. On or about 29 April 1999, some of the villagers returned to Wetaba.

Torture

148. On or about 26 April 1999, Caetano Xiemenes and Agustino Xiemenes were arrested by members of the TNI including Blasius Manek while they were at the house of a villager and taken to the house of Jacob Cardoso (TNI).
149. Caetano Xiemenes was later taken to the house of Blasius Manek where he was interrogated by members of the TNI including Leonito Cardoso, Blasius Manek, Petrus Bau, Jacob Cardoso, Reus Suri and Orasio Cardoso about his involvement with Falintil. Caetano Xiemenes and Agustino Xiemenes were subsequently released.
150. On or about 30 April 1999, Caetano Xiemenes, Agustino Xiemenes, Americo Da Silva, Antonio Amaral, Mariano Amaral, Francisco Amaral, Cervasio Yosep, Lodifucus Ulu, Mariano Amaral and Orlando Berek were arrested from various locations in Tilomar sub-district by members of the laksaur militia and the TNI under the command and control of Lt. Col. **Achmad Mas Agus** and taken to the Koramil in Salele Village. The TNI Commander for the Koramil in Salele was Sgt. Major Supoyo aka Pak Poyo.
151. At the Koramil, the villagers were interrogated about their pro-independence activities and severely beaten by members of the Laksaur

militia including Olivio Moruk, Egidio Manek, Alipio Gusmao aka Alipio Mau, Americo Mali, Joaquim Berek aka Berek Bot, Gaspar Bau, Noberto Xiemenes, Zito Da Silva aka Zito Saek and members of the TNI including Sebastiao Barreto, and Ratu Roman.

152. During the beatings and interrogations the militia put plastic bags over the heads of the villagers and suffocated them. Egidio Manek forced Ludifucus Ulu (one of the villagers arrested and detained with Cervasio Yosep) to bite the ear and nose of Cervasio Yosep until it bled.

Forced labour

153. During the night Caetano Xiemenes, Agustino Xiemenes, Americo Da Silva, Antonio Amaral, Mariano Amaral, Francisco Amaral, Cervasio Yosep, Lodifucus Ulu and Mariano Amaral were released but were ordered to report to the Koramil daily and do menial labour including gardening, cleaning and digging of toilets.
154. In compliance with the order, Caetano Xiemenes, Agustino Xiemenes, Americo Da Silva, Antonio Amaral, Mariano Amaral, Francisco Amaral, Cervasio Yosep, Lodifucus Ulu and Mariano Amaral continued to report at the Koramil each day and perform menial labour for the militia and TNI without pay, until sometime in late May 1999.

Torture of Verissimo Xiemenes and Joao Dos Nascimento, (24 April 1999)

155. Verissimo Xiemenes, Joao Dos Nascimento, Frigolindo Xiemenes Mau, Sertorio Maya and Lourenco Cardoso were all independence supporters living in, Raihun Village, Tilomar Sub-District.
156. Sometime in March 1999 a meeting was held in Wetaba Sub-Village. During the meeting, the village chief informed the villagers of the possibility of an attack by members of the Laksaur Militia.
157. Sometime in April 1999 members of the Laksaur Militia were patrolling the sub-villages of Wela and Wetaba armed with weapons and threatening the villagers to support autonomy of East Timor.
158. Verissimo Xiemenes, Joao Dos Nascimento, Frigolindo Xiemenes Mau, Sertorio Maya and Lourenco Cardoso and several other villagers from Wela and Wetaba left their villages in fear for their lives and went to Lakunak forest.
159. On or about 24 April 1999, the villagers were seen by Celestino Cardoso, the sub-village chief of Lakunak who invited them to his home. The villagers agreed and went with Celestino to his home.
160. The following morning, several members of the Laksaur Militia and TNI under the command and control of Lt. Col. Achmad Mas Agus came to the house of Celestino Cardoso together with Marcel Mendonsa (the

Village Chief of Raihun). Marcel Mendonsa ordered all the villagers including Verissimo Xiemenes, Joao Dos Nascimento, Frigolindo Xiemenes Mau, Sertorio Maya and Lourenco Cardoso to go to the Raihun Village Office. The militia members were armed with swords and had Indonesian flags tied around their foreheads.

161. The villagers got into the trucks and were taken to the village office by the members of the militia and TNI.
162. Soon after the villagers arrived at the Village Office, several members of the Laksaur Militia under the command and control of Egidio Manek, including Joaquim Berek aka Berek Bot, Alipio Gusmao aka Alipio Mau, Noberto Xiemenes, Miguel Mau, Miguel Mali, Damianus Dos Nascimento, Jacob Hale and Juliano Tanu came to the Village Office.
163. At the office, Joaquim Berek aka Berek Bot beat Verissimo Xiemenes and Joao Do Nascimento. Verissimo Xiemenes and Joao Do Nascimento suffered injury as a result of the beating.
164. Verissimo Xiemenes, Joao Do Nascimento, and several villagers were then detained at the village office in a small room for about three days. The villagers were ordered to report to the village office on a daily basis for approximately one month and perform menial labour for the militia without pay.

MURDER AND ENFORCED DISAPPEARANCE

165. In April and May 1999, members of the Laksaur militia under the command of Olivio Moruk, Egidio Manek, Maternus Bere, Henrikus Mali and Pedro Teles launched a campaign of violence and terror against the civilian population in Covalima District who were perceived to be supporters of independence. Armed with guns and machetes, the members of the Laksaur militia supported by the TNI under the command and control of **Lt. Col. Achmad Mas Agus** killed many civilians who supported the independence cause. Members of the Laksaur militia also abducted several civilians who have not been seen since.
166. Many supporters of independence went into hiding in the hills or at the Ave Maria Church in Suai in fear for their lives.

Enforced Disappearance of Marcal Amaral and Felix Amaral

167. On 19 April 1999 about 90 members of the Laksaur militia under the command and control of Maternus Bere including Illidio Gusmao, Dominikus Mali and Domingos Mali Aka Bete Alooi went to Matai Village.

168. The militia called out to all the villagers to gather at the house of Cancio Augusto De Jesus (the village chief of Matair). About 200 villagers including Felix Amaral and Antonio Taek gathered at the house of the village chief.
169. There, Dominikus Mali addressed the villagers saying that they had to vote for autonomy or they would all die. Domingos Mali Aka Bete Aloï gave a speech after Dominikus Mali also saying that the villagers had to vote for autonomy. Whilst Domingos Mali Aka Bete Aloï was giving his speech, Illidio Gusmao arrested Antonio Taek and together with Andreas Koli escorted Antonio Taek into the office of the village chief.
170. Illidio Gusmao returned to the place where the villagers were gathered and arrested Felix Amaral, who was also escorted to the office of the village chief.
171. At the time Marcal Amaral was working at the cemetery. He did not attend the meeting.
172. Illidio Gusmao asked the Babinsa of Matai Village Elviro Amaral (TNI) the whereabouts of Marcal Amaral. Illidio Gusmao was reading Marcal Amaral's name from a list of names he was holding.
173. Whilst the militia members were still in the village, Marcal Amaral returned to Matai Village and went to his house and shut the door, but the militia saw him entering his home. Illidio Gusmao together with some members of the militia went to the house of Marcal Amaral and arrested him. The militia handcuffed Marcal Amaral and led him to the office of the village chief. During this time, Dominikus Mali was interrogating Marcal Amaral in the office.
174. Some of the villagers who did not attend the meeting remained in the forest hiding from the militia. The members of the militia heard them calling out to each other. Andreas Coli and Americo Seran (TNI) left on their motorbikes accompanied by a truck full with TNI soldiers who were armed with rifles. They went towards the forest in the direction the voices were coming from. Soon afterwards, the TNI soldiers returned having arrested a villager named Rainato. Rainato was bleeding on his face. Domingos Mali Aka Bete Aloï and Americo Seran escorted Rainatu into the office of the village chief.
175. Antonio Taek and Rainatu were interrogated and subsequently released.
176. Felix Amaral and Marcal Amaral were interrogated and severely beaten by members of the militia and TNI.
177. The militia brought Felix Amaral and Marcal Amaral out of the office of the village chief and forced them into the military truck and drove off towards Legore Village.

178. Members of the Laksaur militia proceeded to Kiar Sub-Village in Matai Village. There, the militia gathered the villagers at the school and Dominikus Mali addressed the villagers. During that time, Matenus Bere arrived in Kiar Sub-Village. Matenus Bere gave a speech to the people of Kiar Sub-Village. While there, Illidio Gusmao and members of the militia arrested Raimero Aziz, Castro Amaral and Rui Amaral. Raimero Aziz was released shortly after. Castro Amaral and Rui Amaral were taken to the militia headquarters in Legore and released later on the same day.
 179. Felix Amaral and Marcal Amaral have not been seen since members of the TNI took them away on 19 April 1999.
- Torture of Marcal De Andrade and Murder of Sabino Gusmao (12 April 1999)**
180. Marcal De Andrade was a civil servant working in Covalima district. Marcal was also a supporter of independence who organized villagers in support of the clandestine movement. The members of the Laksaur militia knew that Marcal was a supporter of independence.
 181. Sabino Gusmao and Olivio Gusmao were independence supporters and members of the clandestine movement. In 1999 Sabino Gusmao and Olivio Gusmao were actively involved in clandestine activities.
 182. On or about 12 April 1999, Marcal De Andrade left his home in Lakonak at around 8 am and was on his way to work when he met members of the Laksaur militia including Egidio Manek, Alipio Gusmao aka Alipio Mau, Amerio Mali and Andi Koli.
 183. The members of the Laksaur militia stopped Marcal De Andrade and beat him up. After the beating, the members of the militia handcuffed Marcal and took him to the Kodim.
 184. At the Kodim, the members of the militia handed Marcal De Andrade over to the members of the TNI present there including Sgt Major Supoyo aka Pak Poyo.
 185. While at the Kodim, the members of TNI put Marcal De Andrade in a cell and beat him severely. Marcal suffered serious injuries and fainted as a result.
 186. After the beating, the members of the TNI handed Marcal De Andrade over to the militia and told them that the Dandim has ordered that he be killed.
 187. The members of the militia then put Marcal De Andrade in one of their vehicles and drove around Suai area.
 188. At this time, Sabino Gusmao and Olivio Gusmao went to the Pertamina Fuel Station in Suai to visit Leonito Gusmao who was working there. Soon after they arrived, about 70 members of the Laksaur Militia including

Agus Mali and Pedro da Cruz aka Pedro Besa, led by Olivio Moruk and Egidio Manek arrived at the fuel station on three trucks and several motorcycles.

189. On seeing Sabino Gusmao, Egidio Manek ordered members of the Laksaur Militia to kill him. Sabino Gusmao and Olivio Gusmao tried to escape. Members of the militia chased Sabino Gusmao and captured him. He was then stabbed by Pedro Da Cruz aka Pedro Besa. Sabino Gusmao died as a result of the attack.
190. Members of the militia put the body of Sabino Gusmao into one of the trucks and drove away.
191. The other group of militia arrived at the petrol station with Marcal De Andrade. While there, Marcal De Andrade saw blood dripping from the vehicle in which they put the body of Sabino. Some members of the militia approached Marcal De Andrade while he was in the car and told him that they had just killed Sabino.
192. The militia then drove off to the Kodim with Marcal De Andrade in one vehicle and the body of Sabino in another.
193. From the Kodim, the members of the militia drove Marcal De Andrade and the body of Sabino to the militia headquarters in Salele. Marcal De Andrade who was put in handcuffs and locked up in the militia vehicle. While at the headquarters, Olivio Moruk went up to Marcal De Andrade and told the militia members around the vehicle that Marcal De Andrade had at one time lived with him and that he should not be killed. He then promised Marcal De Andrade to remain in the vehicle until the end of a ceremony that was going on at the time when he would talk to the Danramil to save his life.
194. Marcal De Andrade remained in the vehicle until around 8 pm that evening when Olivio Moruk came and informed him that the Danramil had agreed not to kill him. Marcal De Andrade was released the following morning and taken to his home by Egidio Manek and Alipio Gusmao aka Alipio Mau.

Enforced Disappearance of Amaro De Araujo (21 April 1999)

195. In 1999, Amaro De Araujo was a member of the clandestine organisation.
196. Sometime in April 1999, Guilherme De Araujo, one of the Deputy Commanders of the Mahidi Militia based in Zumalai Sub-district informed the TNI and POLRI that Amaro De Araujo and several villagers who were members of the clandestine organisation and independence supporters would be leaving Suai to go to Dili and that they were to be arrested.
197. On or about 21 April 1999, Amaro De Araujo together with his wife and several other villagers from Belaku Sub-Village were at the Suai airport, en route to Dili. Soon after they arrived at the Suai Airport, members of

the TNI including **Americo Seran** arrived at the airport. **Americo Seran** was dressed in military uniform and armed with a gun.

198. **Americo Seran** ordered Amaro De Araujo to hand over his registration card and ordered Amaro De Araujo not to escape or he will be shot. **Americo Seran** ordered a TNI soldier to guard Amaro Araujo. **Americo Seran** then used his radio to contact and informed a member of the TNI that he had arrested a clandestine member.
199. Soon after, several armed members of the TNI and POLRI arrived at the Suai airport in a military truck from the KODIM. Amaro De Araujo was ordered to get into the truck and was taken away by the TNI and the POLRI. **Americo Seran** took the belongings of Amaro De Araujo and left the Suai airport on his motorbike.
200. Amaro De Araujo has not been seen since.

Enforced Disappearance of Benedito Dos Nascimento (23 April 1999)

201. In 1999, Benedito Do Nascimento was the Deputy Chief of the Clandestine Organisation in Caicoli Sub-Village in Tilomar Sub-District.
202. On or about 23 April 1999, Benedito Do Nascimento was at the market in Salele when members of the Laksaur Militia under the command of Egidio Manek including Noberto Xiemenes, Marcel Moruk, Felipe Nahak and Hendricos Lau, who were armed with swords came and arrested him. On the orders of Noberto Xiemenes, Marcel Moruk and Felipe Nahak arrested Benedito Dos Nascimento and forced him to get into the vehicle driven by the Laksaur Militia.
203. Benedito Dos Nascimento refused to get into the truck. Marcel Moruk then slashed Benedito Dos Nascimento's neck with his sword. Benedito Dos Nascimento was then carried into the truck by the militia members and taken to the Koramil. Benedito Dos Nascimento was never seen again.

Murder of Alexio Xiemenes, Tomas Cardoso, Paulus Ximenes (23 April 1999)

204. Alexio Xiemenes, Tomas Cardoso and Paulus Ximenes were supporters of independence living in Raihun Village in Tilomar Sub-District.
205. On or about 23 April 1999, members of the Laksaur militia under the command and control of Olivio Moruk and Egidio Manek, including Alipio Gusmao aka Alipio Mau, Americo Mali, Zito Da Silva aka Zito Saek, Joaquim Berek aka Berek Bot, Bou Luan, Nahak Malik, Guru Nandus, Orak (LNU) Moruk Kasak, Jacob Bere, Oracio (LNU), Miguel Da Silva Mau and Felipe Nahak and members of the TNI from Koramil Salele

including **Sgt. Major Supoyo aka Pak Poyu** (Sub-district military Commander-Salele), Bentu (LNU), and Jaime Pinto attacked Nikirr Sub-Village, Raihun Villager in Tilomar Sub-District in search of Joao Da Silva.

206. At that time Alexio Xiemenes, Tomas Cardoso and Paulus Xiemenes were hiding in the house of Hilario Manek. The militia ordered Hilario Manek to bring Alexio Xiemenes, Tomas Cardoso and Paulus Ximenes out of the house.
207. Hilario Manek Alexio Xiemenes, Tomas Cardoso and Paulus Ximenes came out of the house and went towards the militia who were standing on the road. On the order of Egidio Manek, members of the militia including Miguel Mau and Nahak stabbed and chopped Alexio Xiemenes, Tomas Cardoso and Paulus Ximenes with machetes. Alexio Xiemenes, Tomas Cardoso and Paulus Ximenes died as a result of the attack.

Murder of Lodificus Rabo (23 April 1999)

208. Lodificus Rabo was an independence supporter. On or about 23 April 1999 Lodificus Rabo was in hiding in his house in Nikirr Sub-Village, Raihun Village, Tilomar Sub-District.
209. After killing Alexio Xiemenes, Tomas Cardoso and Paulus Xiemenes, the militia proceeded towards Fatukmetan village. On their way, the members of the militia under the command of Olivio Moruk and Egidio Manek stopped at the house of Lodificus Rabo. The members of the militia included Egidio Manek, Alipio Gusmao aka Alipio Mau, Americo Mali, Zito Da Silva aka Zito Saek, Joaquim Berek aka Berek Bot, Bou Luan, Nahak Malik, Guru Nandus, Orak (LNU) Moruk Kasak, Jacob Bere, Oracio (LNU), Tem Berek, **Leonito Cardoso**, Miguel Mau and Felipe Nahak. Members of the TNI from Koramil Salele including **Sgt. Major Supoyo aka Pak Poyu** (Sub-district military Commander-Salele), Bentu (LNU), Jaime Pinto were also with them.
210. The militia surrounded the houses of Lodificus Rabo and started shouting for him to come out of the house. When Lodificus Rabo did not respond, a member of the TNI lit a match to set the house on fire, at which point Lodificus Rabo came out of his house.
211. The militia members including Tem Berek and Joaquim Berek aka Berek Bot and a member of the TNI beat Lodificus Rabo and tied his hands behind his back.
212. Egidio Manek then ordered the members of the militia to take Lodificus Rabo to the forest and kill him. The members of the militia put Lodificus Rabo in their vehicle and drove away. Lodificus Rabo has never been seen since.

213. When the militia returned to their Headquarters at the Koramil in Salele, Joaquim Berek aka Berek Bot reported to Egidio Manek that they had killed Lodificus Rabo. Joaquim Berek aka Berek Bot was seen with a blood stained machete.
214. On or about 30 April 1999, **Leonito Cardoso** showed several villagers from Nikirr Village a blood stained machete and told them that Lodificus Rabo had been killed by the militia including himself and was cut into pieces and thrown into the forest.

Murder of Jose Afonso Amaral & Attempted Murder of Dinis Afonso Monis (13 May 1999)

215. Francisco Xavier Guterres was a member of the clandestine movement supporting independence. On or about 12 May 1999, Francisco Xavier Guterres together with several other villagers left Dato Rua Village and went to Macous Village, Fatululik Sub-District to determine the activities of the militia so that they would be able to warn the villagers of any imminent militia and/or TNI attacks.
216. At Macous Village, Francisco Xiavier Guterres and the villagers saw that members of the Laksaur Militia had set up a militia post at the house of militia member, Inacio Mau. There were about 50 militia members stationed there.
217. Francisco Xavier Guterres and the villagers then went to the house of Olivio Mau, who was also a member of the clandestine movement where they spent the night.
218. On or about 13 May 1999, at about 4am members of the Laksaur Militia including Domingos Mali Aka Bete Aloï and Inacio Mau attacked the house of Olivio Mau and arrested Francisco Xavier Guterres. Domingos Mali aka Bete Aloï was armed with a rifle. The militia members tied his legs and hands and forcibly took Francisco Xavier Guterres to Fatoloro Sub-Village to the house of Ernesto Mali, the sub-village chief.
219. A few hours later, Pedro Teles (commander of Fatululik Laksaur Militia group) and **Sgt. Maj. Harun Tateny** (Danramil Fatululik) (TNI Commander-Fatululik) arrived at the house of Ernesto Mali together with several members of the Laksaur Militia including Ernesto Bere, Paulos Bere, Bau Gap, Antonio Mau, Victor Leite, Anis Bere, Seran Leo, Ricardo Bere, Victor, Vincente, Sergio, Cesar Mendonca, Bere Metan and Nelson and a POLRI officer Joao Koli. Pedro Teles and **Sgt. Maj. Harun Tateny** were armed with rifles. The militia members were armed with rifles and swords. Ernesto Bere, Paulos Berek and Bere Metan were armed with rifles.
220. At the house of Olivio Mau, Pedro Teles, Sgt. Maj Harun Tateny and Domingos Mali Aka Bete Aloï had a discussion about the clandestine supporters who had gone to the forest to hide and they decided that

Francisco Xavier Guterres would be taken to the river and killed. After the discussion, Pedro Teles, **Sgt. Maj. Harun Tateny** and Domingos Mali Aka Bete Aloï ordered the villagers to gather in front of the house of Olivio Mau and they spoke to the people about autonomy and encouraged the people to vote for autonomy.

221. After the meeting, Pedro Teles, **Sgt. Maj. Harun Tateny**, Domingos Mali Aka Bete Aloï, Joao (POLRI) left together with the members of the militia.
222. Francisco Xavier Guterres was ordered to ride on the motorcycle of Joao Koli.
223. Jose Afonso Amaral and Dinis Afonso Monis were family members of Francisco Xavier Guterres. On or about 13 May 1999 the family members of Francisco Xavier Guterres including Jose Afonso Amaral and Dinis Afonso Monis were informed that Francisco Xavier Guterres had been arrested by the militia and they went to Fatuloro wanting to rescue Francisco Xavier Guterres.
224. Just before Joao Koli (POLRI) could leave the area with Francisco Xavier Guterres, Jose Afonso Amaral, Dinis Afonso Monis and several other family members surrounded the motorcycle and insisted that Francisco Xavier Guterres not be taken away.
225. At that moment members of the militia including Domingos Mali Aka Bete Aloï and Ernesto Bere and TNI attacked the villagers and started firing their rifles towards them. Jose Afonso Amaral who was killed in the attack and Dinis Afonso Monis suffered serious injuries.

Murder of Domingos Martins & Gabriel Amaral (28 May 1999)

226. On or about 2 May 1999, Olivio Moruk and members of the Laksaur militia organized a meeting in Oegues village. The militia gathered the villagers and Olivio Moruk addressed them.
227. Olivio Moruk asked the villagers who Daniel Seran aka Daniel Pereira was. Daniel Seran aka Daniel Pereira identified himself and Olivio Moruk told him that he had information that some of the civilians from Oegues village were hiding in the forest and that Daniel Seran aka Daniel Pereira should ensure that they came back.
228. Daniel Seran aka Daniel Pereira had a farm in Wesei forest. A number of independence supporters including Domingos Martins, Gabriel Amaral and other villagers from Kamenasa were hiding at the farm of Daniel Seran aka Daniel Pereira in Wesei Forest because they were involved with the clandestine movement and the members of the Laksaur militia were looking for them.
229. On or about 28 May 1999, Domingos Martins and Gabriel Amaral were in the garden house in Wesei Forest when suddenly members of the

Laksaur Militia under the command and control of Egidio Manek including Paulus (LNU) attacked them. The militia members were armed with rifles and started shooting towards the house where Domingos Martins and Gabriel Amaral were hiding. Domingos Martins and Gabriel Amaral died as a result of the attack.

230. After the shooting, the militia set fire to the house. They also gathered the bodies of Domingos Martins and Gabriel Amaral and set them on fire.

Murder of Vasco Amaral (28 May 1999)

231. In 1999, Vasco Amaral was a member of the clandestine and an independence supporter living in Fatumean Sub-District.
232. On or about 28 May, Vasco Amaral was at the home of a villager in Alastehen Village. While Vasco Amaral was there, members of the Laksaur militia led by Henrikus Mali (Danki of Laksaur in Fatumean) attacked the house and dragged Vasco Amaral out of the house.
233. Members of the Laksaur Militia present were Henrikus Mali, Petrus Suri Bisi and Marianos Berek, and among others.
234. The militia forcibly put Vasco Amaral into their vehicle and took him away.
235. The following day members of the Laksaur Militia held a meeting in Alastehen Village. At the meeting, Henrikus Mali told the villagers not to look for Vasco Amaral because "Vasco Amaral was no more".
236. On or about 30 May 1999, the villagers discovered the dead body of Vasco Amaral in a cave in Kunsabibi Village in Fatumean Sub-District.

Murder of Jaime Da Costa Nunes (27 August 1999)

237. Jaime Da Costa Nunes, Eugenio Do Rego and Benedito De Jesus aka Bene Leki were known supporters of independence. Jaime Da Costa would go to villagers to encourage them to vote for the independence of East Timor. Members of the Laksaur militia were aware of the independence activities of Jaime Da Costa Nunes, Eugenio Do Rego and Benedito De Jesus aka Bene Leki and wanted to kill them.
238. On or about 24 June 1999 the male villagers of Mota Ulun including Jaime Da Costa Nunes and Bendito De Jesus aka Bene Leki were told by the village chief to go to the militia headquarters in Belulik Leten where members of the Laksaur militia were raising the Indonesian flag.
239. At the militia headquarters, members of the Laksaur militia beat Jaime Da Costa and Bendito De Jesus aka Bene Leki.
240. Soon after the beating of Jaime Da Costa Nunes and Bendito De Jesus aka Bene Leki by the members of the militia, Jaime Da Costa Nunes,

Bendito De Jesus aka Bene Leki and other supporters of independence went to hide themselves at the Suai Church in fear for their lives.

241. On or about 25 August 1999, Jaime Da Costa Nunes and Bendito De Jesus aka Bene Leki were tasked to deliver voting cards to all the villages in Fatumean. They were told to give the voting cards to clandestine members.
242. On or about 25 August 1999, Jaime Da Costa Nunes and Bendito De Jesus aka Bene Leki left the Suai Church where they were hiding and proceeded to Mota Ulun Sub Village in Fatumean Sub-District.
243. On or about 26 August 1999, they arrived in Mota Ulun Sub Village, where Bendito De Jesus aka Bene Leki delivered some voting cards to his sister.
244. Jaime Da Costa Nunes and Bendito De Jesus aka Bene Leki split up in Mota Ulun Sub-Village and later met in Mamalus village and proceeded to Aisik village.
245. At Aisik village, Jaime Da Costa Nunes and Bendito De Jesus aka Bene Leki went to visit Martinho Do Rego and Abel Pereira, who were respectively the brother and father of Jaime Da Costa.
246. In the evening of that day, Martinho Do Rego summoned Raimundo De Oliviera aka Raimundo Mali to come to his house and receive the voters cards from Jaime Da Costa Nunes and Bendito De Jesus aka Bene Leki. When he arrived, Jaime Da Costa Nunes and Bendito De Jesus aka Bene Leki gave him all the remaining voting cards for distribution.
247. On 26 August 1999, members of the Laksaur militia under the command and control of Henrikus Mali and Baltazar Da Costa Nunes including Vencen Tuas, Agus Bere, Damianus Da Costa Nunes and Lorencio Da Costa Nunes went looking for Jaime Da Costa Nunes at his home.
248. On or about 27 August 1999 about 7 o'clock in the morning, Jaime Da Costa Nunes was hiding in the bushes in Aikfotu area in Mota Ulun sub-village.
249. At this time, Damianus Da Costa Nunes, Jose Pereira aka Manek Pahak aka Manek Casa and Manuel Luan (all members of the Laksaur militia under the command and control of Henrikus Mali and Baltazar Da Costa Nunes) together with a villager were walking down the road when Damianus Da Costa Nunes saw Jaime Da Costa Nunes hiding in the bushes. The militia members were all armed with swords.
250. Damianus Da Costa grabbed Jaime Da Costa Nunes by the arms and dragged him out of the bushes onto the pathway. Damianus Da Costa then held Jaime Da Costa Nunes tightly across his body while Jose Pereira aka Manek Pahak aka Manek Casa cut Jaime Da Costa Nunes across his forehead with a machete. Damianus Da Costa then held Jaime

Da Costa Nunes by the arms again, and Jose Pereira aka Manek Pahak aka Manek Casa stabbed Jaime Da Costa Nunes. The members of the militia then threw his body in to the bushes and later buried it.

251. Jaime Da Costa Nunes died as a result of this attack. After the killing of Jaime Da Costa Nunes, Damianus Da Costa Nunes ordered all the villagers from Mota Ulun not to use the pathway where the killing had taken place.
252. At approximately midday, members of the militia including Baltazar Da Costa Nunes, **Raul Halek** (TNI), **Simao Nahak** (TNI) and Binu Ten went to the house where the wife of Jaime Da Costa was hiding, and **Raul Halek** told her that Jaime Da Costa Nunes had been killed.
253. The next day, Jose Pereira aka Manek Pahak aka Manek Casa and Vincen Tuas, a member of Laksaur militia under the command of Henrikus Mali came to the house of Jaime Da Costa Nunes and showed his wife a pair of human ears and human genitals and told her that the human ears and genitals belonged to Jaime Da Costa Nunes.

OFFENCES COMMITTED BETWEEN 5 SEPTEMBER 1999 AND 25 OCTOBER 1999 (POST-CONSULTATION PERIOD)

ARREST, DETENTION, TORTURE AND DESTRUCTION OF PROPERTY

254. After the announcement of the result of the popular consultation, members of the Laksaur militia, Polri and TNI resumed their campaign of violence and terror against the civilian population in Covalima District with greater intensity.
255. The militia, TNI and POLRI commenced forcibly transferring/deporting the civilian population to West Timor, Republic of Indonesia.
256. During this exercise, the perceived supporters of independence who were apprehended were killed and others unlawfully detained and subsequently forcibly transferred or deported.
257. As a result of the violence against the civilian population, many civilians went to hide in the forest and others went to hide in the Ave Maria Church in Suai in fear for their lives.

Persecution by unlawful Detention & Torture of Agosto Fernando, Joao Amaral, Gaspar Gusmao, Bendito Maya, Joao Fernandes, Caitano Do Carmo, Domingos Do Carmo, Rui Gusmao, Jacinto (5 September 1999)

258. On or about 5 September 1999 members of the Laksaur militia lead by Maternus Bere and Olivio Tatoo Bau and about 4 police (Polri) officers attacked Asumaten Village where they arrested several villagers including Agosto Fernando, Joao Amaral, Gaspar Gusmao, Bendito Maya, Joao Fernandes, Caitano Do Carmo, Domingos Do Carmo, Rui Gusmao, and Jacinto who were all independence supporters.
259. The militia and POLRI officers took Agosto Fernando, Joao Amaral, Gaspar Gusmao, Bendito Maya, Joao Fernandes, Caitano Do Carmo, Domingos Do Carmo, Rui Gusmao and Jacinto to the Polri Station.
260. Agosto Fernando, Joao Amaral, Gaspar Gusmao, Bendito Maya, Joao Fernandes, Caitano Do Carmo, Domingos Do Carmo, Rui Gusmao, and Jacinto were made to take off their clothing and were detained in one cell in the Polri Station.
261. During the period of their detention the members of the Laksaur militia and the Polri officers beat the villagers.
262. The villagers were detained at the Polri office untill 11 September 1999. During the 6 days of their detention, the villagers were only given food on three days. As a result of the beating and the circumstances of their detention Agosto Fernando, Joao Amaral, Gaspar Gusmao, Bendito Maya, Joao Fernandes, Caitano Do Carmo, Domingos Do Carmo, Rui Gusmao and Jacinto suffered serious physical injury.

Inhumane Act against Manuel Mendes (5 September 1999)

263. Manuel Mendes was an active independence supporter and chief of investigations for CNRT in Suai. He was informed that militiamen Olivio Moruk, Egidio Manek and Joseph Bere were looking for him.
264. On or about 5 September 1999, Manuel Mendes was returning to his home from the Suai Church to make preparations to flee to the mountains for safety.
265. Laksaur militiaman Olivio Tatoo Bau and TNI Raul Halek saw Manuel Mendes walking to his house. Olivio Tatoo Bau stabbed Manuel Mendes in the back but he was able to run to safety. Manuel Mendes suffered serious injury as a result of the attack.

Persecution by unlawful detention & Torture Of Francisco Da Cruz Luan & Agapito Mau In Foholulik (17 September 1999)

266. In 1999 Francisco Da Cruz Luan and Agapito Mau were independence supporters and clandestine members of CNRT living in Foholulik. After the announcement of the results of the popular consultation the villagers from Foholulik fled to the surrounding forests in fear for their lives. They fled to Jupal Gue forest where they were hiding from the militia and the TNI.

267. On or about 17 September 1999, members of the Laksaur militia under the command of Olivio Moruk and Egidio Manek including Mateus Bau, Anton Anis and members of the TNI including Petrus Seran, Graciano Hale and Augustino Hale went to Jupal Gue forest looking for the civilians who were hiding there.
268. The members of the militia and TNI found Francisco Da Cruz Luan and Agapito Mau and the other villagers in their hiding place and arrested them. They took the villagers back to Foholulik and detained them in a room in Beidasi Hospital which was in front of the Koramil in Foholulik. During the period of their detention, the villagers were guarded by the members of the militia and the TNI.
269. On or about 18 September 1999, Francisco Da Cruz Luan and Agapito Mau were taken to the Koramil where they were interrogated about their clandestine activities. During the interrogation, they were severely beaten by Sgt. Major **Harun Tateny**, (the TNI Commander in Foholulik), Miguel Saek and Venancio Tes.
270. Francisco Da Cruz Luan and Agapito Mau were then ordered to stand outside the Koramil and pay homage to the Indonesian flag by raising their heads and looking at the flag.
271. Francisco Da Cruz Luan and Agapito Mau were forced to do this for almost an hour. Francisco Da Cruz Luan and Agapito Mau were taken back to the Beidasi hospital where they were detained until 19 September 1999.

MURDER, EXTERMINATION AND ENFORCED DISAPPEARANCE

Murder of Raimundo De Oliveira aka Raimundo Mali, Martinho Do Rego and Abel Pereira (4 September 1999)

272. After the popular consultation, the Laksaur militia group based in Fatumean embarked on an operation, which involved the arresting of civilians who were believed to be supporters of independence.
273. On 30 August 1999, Raimundo De Oliveira informed his wife, Abel Pereira, Martinho Do Rego and his wife that the Laksaur militia wanted to kidnap and kill them because they knew about their distribution of voting cards to the villagers. Raimundo De Oliveira and his wife, Abel Pereira, Martinho Do Rego and his wife decided to walk towards Fohorem, spent a night in the sub district of Fohorem, Dato Rua village, Haeoan Fatulidun sub -village and the next day they proceeded to Fohorem. They reached the church on 31 August 1999.
274. On or about 1 September 1999, at around 7:00 a.m. Raimundo De Oliveira, his wife Abel Pereira, Martinho Do Rego and his wife moved to the priests' house. While they sought refuge there, members of the Laksaur militia attacked the house and started throwing stones at the

house. The militia members informed the priest that the villagers had to leave his house. Raimundo De Oliveira's wife, Abel Pereira, Martinho Do Rego and his wife left the priest's house and went to a house close to the church. Soon after, the members of the Laksaur militia attacked the building and ransacked the house. The militia recognized Raimundo De Oliveira's wife, Abel Pereira, Martinho Do Rego and his wife and arrested them. They were taken to Mausae river where they were beaten by members of the militia including Damaio Da Costa Nunes aka Damianus and Petrus Suri Bisi and Taek Kasa who then beat Abel Pereira and Martinho Do Rego's wife and verbally abused them.

275. The militia then took Martinho Do Rego, Abel Pereira and the two women to the house of Baltazar Da Costa Nunes where they were detained, interrogated and the men beaten. Later that same day, Yacobus Bere (platoon commander, Laksaur militia in Fatumean) arrested Raimundo De Oliveira and took him to the house of Baltazar Da Costa Nunes. He was also interrogated about his encouraging villagers to flee to Fohorem. There, Raimundo De Oliveira, Martinho Do Rego and Abel Pereira were again beaten severely by members of the Laksaur militia. The militia members who participated in the beating were Henrikus Mali, Petrus Lau, Zeremias aka Meas, Vinven Susar and Gabsuri.
276. Raimundo De Oliveira, his wife, Abel Pereira, Martinho Do Rego and his wife were taken to the militia headquarters in Belulik Leten, Fatumean Sub-District (which was also the koramil). At the militia headquarters, Raimundo De Oliveira, Abel Pereira and Martinho Do Rego were again beaten.
277. On or about 4 September 1999, the militia released the two women.
278. At the militia headquarters in Belulik Leten, Raimundo De Oliveira, Abel Pereira and Martinho Do Rego were killed by Henrikus Mali, Gabsuri and Vincen Susar.
279. On the orders of Henrikus Mali the bodies of Raimundo De Oliveira, Abel Pereira and Martinho Do Rego were taken to West Timor where they were disposed off somewhere near Atambua.

Murder of Felix Mali (5 September 1999)

280. Felix Mali was living with his wife and two children in Sukaer Laran Sub-Village, Debos Village in Suai Sub-District, Covalima District. In 1986 Felix Mali became a member of Korenti Mate Fatin a clandestine group which supported the Falintil members in the jungle.
281. Sometime in 1988, Felix Mali was appointed as leader of Korenti Mate Fatin. He suffered from a physical disability that prevented him from walking.

282. On 5 September 1999 at about 3am, members of Laksaur militia including Olivio Tatoo Bau, Joanico Gusmao, Vintura Logore, Paulus Orun and Candiro armed with rifles and swords attacked Sukaer Laran Sub-village.
283. Olivio Tatoo Bau was armed with a pistol and Joanico Gusmao was armed with a sword.
284. When the militia attacked, Felix Mali was in his house. The members of the Laksaur militia set fire to neighboring houses and then proceeded to the house of Felix Mali. Joanico Gusmao forcibly entered the house.
285. Joanico Gusmao came out of the house of Felix Mali and went into the house of Fernando Pereira and ordered everyone in the house to leave because the militia members were going to burn the house. The militia ordered them to get into a truck they parked near the house of Felix Mali.
286. Joanico Gusmao went back into the house of Felix Mali and killed him by stabbing him in the back with his sword.
287. The militia then forcibly took the villagers of Sukaer Laran Sub-Village to West Timor.

Suai Church Massacre (6 September 1999)

288. Between January 1999 and September 1999, members of the Laksaur militia under the command and control of Olivio Moruk, Egidio Manek, Maternus Bere, Cosmas Amaral and Pedro Teles, and members of the TNI and Polri in Covalima District terrorized the civilians who were perceived to be supporters of independence.
289. As a result of the campaign of terror and violence by the militia, TNI and POLRI, villagers from Suai, Fohorem, Fatululik, Tilomar, Fatumean and Zumalai sought refuge in the Suai Church Compound in fear of their lives.
290. After the popular consultation and before the announcement of the result, armed members of the Laksaur militia and TNI patrolled the church area and threatened the civilians who were who were seeking refuge there.
291. On 4 September 1999 after the announcement of the results of the popular consultation and 5 September 1999, members of the Laksaur militia, armed with rifles, swords and machetes and members of the TNI under the command and control of Lt. Col. Lilik Kushardianto continued to move around outside the church compound and started firing guns into the air and threatening the villagers who were hiding inside the church compound.
292. As a result of the shooting and the threats by the TNI and militia, on or about 5 September 1999, Father Tarsisius Dewanto went to the POLRI station in Suai and informed Lt. Col. Gatot Subiaktoro (the POLRI Commander) of the situation and requested security for the church and the villagers who were hiding in the church.

293. **Lt. Col. Gatot Subiaktoro** assured Father Tarsisius Dewanto that he would arrange for security for the church and the villagers hiding in the church. **Lt.Col. Gatot Subiaktoro** failed to provide security for the church.
294. On or about 5 September 1999, Father Hilario Madeira told the villagers that the church was no longer safe for them and that there may be an attack on the church by the militia and the TNI. Father Hilario advised the villagers to leave the church compound and to seek refuge elsewhere. About 500 villagers fled from the church compound and went into hiding in the surrounding jungles.
295. Sometime during the morning of 6 September 1999, about two members of the Laksaur Militia including Joanico Gusmao came to the Suai Church Compound and informed Father Hilario Madeira that all the villagers had to go to West Timor and trucks will be sent to the church to transport the villagers.
296. At around 8am on 6 September 1999, a truck full of TNI soldiers arrived at the Salele Koramil which was also the headquarters of the Laksaur Militia in Salele. A TNI officer got off from the truck and went into the Koramil where he spoke with Olivio Moruk, while members of the Laksaur militia were lined up outside the Koramil and being supervised by Egidio Manek.
297. After Olivio Moruk spoke with the TNI officer, he came out and directed the members of the Laksaur Militia present, that they would attack the Ave Maria Church in Suai that day.
298. Members of the Laksaur militia under the command and control of Olivio Moruk and Egidio Manek left the Koramil in Salele and went to the Kodim in Suai. On their way, Egidio Manek ordered militia members from the surrounding area to gather at the Kodim in Suai.
299. At the Kodim in Suai, Olivio Moruk, Egidio Manek, Pedro Teles and Maternus Bere went into the Kodim office while the members of the militia gathered outside and waited for the commanders to come out. Olivio Moruk, Egidio Manek, Pedro Teles and Maternus Bere were armed with rifles and the other members of the Laksaur militia were armed with rifles, swords and machetes.
300. Soon after, the commanders of the Laksaur Militia and several members of the militia left the Kodim and gathered at the house of **Herman Sedyono** (Bupati of Covalima District (Regent of Covalima District)). The militia members were armed with rifles, swords and machetes.
301. At about 2.30 pm members of the Laksaur Militia left the house of **Herman Sedyono** and went towards the Suai Church. **Herman Sedyono** followed behind them dressed in a TNI uniform and armed with a rifle.

302. When they arrived at the church members of the Laksaur Militia and the TNI and Brimob had already surrounded the church compound.
303. Two grenades were thrown into the church compound and then the militia and the TNI started to shoot into the church compound. Due to the shooting into the compound and the fact that TNI and Brimob and the militia surrounded the compound, the people inside could not run out of the compound.
304. The militia and the TNI then entered the church compound and attacked the villagers who were hiding inside the church compound, while some members of the TNI, Polri and Brimob stood guard outside thereby preventing some of the civilians from running out of the compound.
305. During the attack, the TNI and members of the Laksaur Militia killed many civilians including the three priests namely, Father Hilario Madeira, Father Francisco Soares and Father Tarsisius Dewanto and women and children. Between 27 to 200 civilians were killed during the attack and many were injured.
306. **Herman Sedyono, Lt. Col. Lilik Kushardianto, Lt. Col. Gatot Subiaktoro, Lt. Sugito, Olivio Moruk, Egidio Manek, Maternus Bere and Pedro Teles** were present and participated in the attack. Members of the Laksaur Militia under the command and control of Olivio Moruk and Egidio Manek including, Olivio Tatoo Bau, Zito da Silva aka Zito Saek, Joaquim Berek aka Berek Bot, Alipio Gusmao aka Alipio Mau, Gabriel Nahak, Domingos Mali Aka Bete Aloj, Ilidio Gusmao, Noberto Xiemenes, Miguel Mau, Bosko Seran, Paulus Berek, Juliano Tahu, Alberto Mali, and Antonio Moruk also participated in the attack.
307. Among the members of the TNI who participated in the killing of the civilians at the church included Sgt. Andolus, Abel Amaral, Sgt. Martinus Bain, Santoso, **Sgt. Raul Halek, Lt. Widodo, Sgt. Major Supoyo aka Pak Poyo, Capt. Achmad Syamsuddin, Americo Seran, Sgt. Simon Tassion, Basko, Marcel Mali, Alarico Periera and Made Suarsa.**
308. After the attack, members of the Laksaur militia and TNI forcibly took the surviving civilians to the Kodim Compound in Suai and some were forcibly taken to the primary school building. The villagers were detained there for about 8 days before members of the Laksaur Militia and the TNI forcibly took them to West Timor.
309. Egidio Manek abducted Juliana Dos Santos aka Lola who was hiding at the Suai church at the material time and announced that Juliana would be his wife from that moment. Juliana was forcibly taken to West Timor.
310. On or about 7 September 1999, at about 7 am, members of the TNI including **Lt. Col. Achmad Mas Agus and Lt. Sugito**, and members of the Laksaur Militia including Egidio Manek went to the church compound and gathered all the dead bodies that were lying there. Some of the

bodies were piled up and set on fire. Later all the bodies were loaded on to trucks and taken to West Timor where they were disposed off.

311. On or about 22 November 1999, about 27 bodies of victims of the massacre at the Suai Church were recovered under the direction of the Indonesian National Inquiry Commission on East Timor from mass graves in West Timor.

**Persecution (abduction) of Albino Nahak aka Albino De Niri
(6 September 1999)**

312. Sometime in September 1999, members of the Laksaur Militia ordered villagers to go to West Timor. On or about 6 September 1999, Albino Nahak aka Albino De Niri was together with several other villagers waiting by the side of the road in Suai for transportation to go to West Timor.
313. Whilst the villagers were waiting by the side of the road, members of Laksaur militia under the command of Henrikus Mali namely, Baltazar Da Costa Nunes and Damaio Da Costa Nunes aka Damianus arrived on a motorcycle. Baltazar Da Costa Nunes and Damaio Da Costa Nunes aka Damianus were armed with a gun and a knife respectively. When the militia arrived, Damaio Da Costa Nunes aka Damianus identified Albino Nahak aka Albino De Niri as a pro-independence supporter.
314. Damaio Da Costa Nunes aka Damianus then handcuffed Albino Nahak aka Albino De Niri's hands behind him and took him away on the motorcycle. Albino Nahak aka Albino De Niri was made to sit in between Baltazar Da Costa Nunes and Damaio Da Costa Nunes aka Damianus on the motorcycle and they drove away. Albino Nahak aka Albino De Niri was never seen again. Sometime after 6 September 1999, family members of Albino Nahak aka Albino De Niri were informed that he had been killed.
315. On or about 15 October 1999, family members of Albino Nahak aka Albino De Niri located his remains in Legore Village in Suai Sub-District and buried them

Murder of Agapito Amaral & Rosalina Belak (6 September 1999)

316. After the announcement of the results of the popular consultation on 4 September 1999, the Laksaur militia under the command and control of Henrikus Mali, started registering names of villagers to be deported to West Timor, including the villagers of Manekiik in Fatumean Sub-District, Covalima District.
317. Agapito Amaral was an independence supporter living in Manekiik Village. Rosalina Belak was the mother of Agapito Amaral.
318. On 6 September 1999 Agapito Amaral, Graciano Da Cruz and Francisco De Araujo were at the farm of Francisco De Araujo at Makeriik Village. They were informed by Francisco De Araujo's wife Rosalina that the

militia were registering villagers to be taken to West Timor. Agapito Amaral did not want his family to be taken to West Timor.

319. Agapito Amaral, Graciano Da Cruz and Francisco De Araujo returned to Manekiik Village to find out the reason villagers were being forced to go to West Timor. Agapito Amaral, Graciano Da Cruz and Francisco De Araujo were carrying machetes.
320. At Siberen Village, Agapito Amaral, Graciano Da Cruz and Francisco De Araujo met Yacobus Bere who was armed with a rifle and Petrus Fahik who was armed with a sword. Yacobus Bere (Platoon Commander of Laksaur militia in Fatumean Sub-District) ordered Agapito Amaral, Graciano Da Cruz and Francisco De Araujo to drop their machetes. Agapito Amaral refused to drop his machete and Yacobus Bere shot him in the stomach.
321. After Agapito Amaral was shot, Petrus Lau arrived at the scene. On the orders of Yacobus Bere, Graciano Da Cruz and Francisco De Araujo moved Agapito Amaral's body into the bushes.
322. Petrus Lau noticed that Agapito Amaral was still alive and informed Yacobus Bere accordingly. On the orders of Yacobus Bere Petrus Lau cut Agapito Amaral's throat. Agapito Amaral died as a result of the attack.
323. Soon after, Rosalina Cardoso Belak was told that her son Agapito Amaral was killed by members of the Laksaur militia. Upon hearing of her son's death, Rosalina Belak went near the militia post and hailed insults at the militia for killing her son.
324. Upon hearing the insults being made by Rosalina Belak, Henrikus Mali ordered members of the laksaur militia including Yacobus Bere, Marcurious De Deus and Petrus Lau to kill Rosalina Cardoso Belak.
325. The militia armed with guns and machetes went around Manekiik Village searching for Rosalina Belak to execute the order by Henrikus Mali. They went to her house and did not find her there. The militia went to the place where Agapito Amaral was killed to see whether she was there. When the militia arrived there, they found Rosalina Belak crying over the body of Agapito Amaral.
326. Marcurious De Deus Mali and Petrus Lau then stabbed Rosalina Belak thereby killing her.
327. Yacobus Bere, Marcurious De Deus and Petrus Lau returned to the militia post and informed Henrikus Mali that his orders had been executed.
328. Later that evening Henrikus Mali ordered members of the militia to dispose off the bodies of Agapito Amaral and Rosalina Cardoso Belak. In compliance of this order, members of the militia including Marcurious De Deus returned to the place where the bodies were left, tied the bodies together and threw them over a cliff.

Murder of Jose Dos Reis (7 September 1999)

- 329. Jose Dos Reis was a clandestine supporter of Falintil and provided assistance to Falintil members who were hiding in the mountains.
- 330. In 1999, members of the Laksaur militia became aware of the clandestine activities of Jose Dos Reis.
- 331. Sometime in April 1999, members of the Laksaur militia were looking for Jose Dos Reis. The members of the militia found Jose Dos Reis at his house and arrested him. He was taken to the Militia Headquarters in Legore. Later, on the same day, members of the Laksaur militia returned him to his home.
- 332. On or about 5 September 1999 members of the Laksaur militia went to Mata Air village, where they ordered all the villagers to leave the village and go to West Timor because the militia was going to burn down all the houses. All the villagers fled from their homes and sought refuge in the Electrical Compound in Mata Air Village. At the material time, Jose Dos Reis and his family were hiding in the house of a villager, Victor Laku.
- 333. On or about 6 September 1999, Filomena Mendonca was arrested in Mata Air Village by Laksaur militia members.
- 334. On or about 7 September members of the Laksaur militia including Damaio Da Costa Nunes aka Damianus, Alipio Gusmao aka Alipio Mau, **Simao Nahak** (TNI), Baltazar Da Costa Nunes and Raul Hale (TNI) arrested Jose Dos Reis from the house of Victor Laku and took him to the house of **Raul Halek** (TNI), which was located next to Victor Laku's house. There, the members of the militia tied up Jose Dos Reis and interrogated him as to why he had not left East Timor and gone to West Timor.
- 335. Jose Dos Reis told the militia that East Timor was his land and he would live or die only in East Timor. Jose Dos Reis was then severely beaten by the militia.
- 336. On or about 7 September 1999, Filomena Mendonca was ordered to get into a truck and Jose Dos Reis was carried and placed inside the truck.
- 337. Some members of the militia and TNI present got into the truck and drove away, and the others followed the truck on motorbikes. They were going in the direction of Maucatar village.
- 338. En route to Maucatar Village, the truck stopped. Members of the Laksaur Militia including Damaio Da Costa Nunes aka Damianus and **Simao Nahak** (TNI) dragged Jose Dos Reis out of the truck and took him to a nearby corn plantation. There, Damaio Da Costa Nunes aka Damianus stabbed Jose Dos Reis in his chest with a knife and **Simao Nahak**, hit

him on his back with his rifle. Jose Dos Reis died as a result of the attack.

Murder of Domingos Bau Koli aka Domingos Andrade (7 September 1999)

339. On or about 7 September 1999, Domingos Bau Koli aka Domingos Andrade and several other villagers including Joao Leite, Arminda de Oliveira, Josefina De Jesus and Anita Da Costa decided to leave Kamanasa Village and go to West Timor. They were afraid that the members of the Laksaur militia might arrest them because they were clandestine supporters of independence.
340. Domingos Bau Koli aka Domingos Andrade and the villagers went to the main road where they were standing waiting for transportation to go to West Timor.
341. On that day, Andre Amaral was traveling in a vehicle heading towards the Koramil in Suai where several other villagers had sought refuge.
342. Olivio Tatoo Bau and other members of the Laksaur militia were in the area burning down houses. Upon arriving at Taboko Village in Suai members of the Laksaur militia stopped Andre Amaral. Olivio Tatoo Bau then dragged Andre Amaral out of his vehicle.
343. Members of the Laksaur militia present then beat Andre Amaral, handcuffed his hands behind him and forced him to get into the kijang driven by Olivio Tatoo Bau.
344. After Andre Amaral got into the vehicle, Olivio Tatoo Bau then drove off heading towards the Koramil. On their way, members of the militia saw Domingos Bau Koli aka Domingos Andrade and the other villagers standing by the road.
345. Olivio Tatoo Bau stopped the vehicle and pointed a gun at Domingos Bau Koli and ordered him to get into the blue kijang vehicle he was driving.
346. Domingos Bau Koli aka Domingos Andrade did as he was told and Olivio Tatoo Bau ordered Joao Leite and Josefina De Jesus to get into the vehicle being driven by Ameo (LNU). They also complied. Before driving off, Olivio Tatoo Bau searched the pockets of Domingos Bau Koli, and found a camera and his university certificate.
347. Olivio Tatoo Bau then told all those present that Domingos Bau Koli is a journalist and he must be killed. Olivio Tatoo Bau then slashed Domingos Bau Koli on his arm with his sword.
348. The members of the militia then drove away with the villagers they had arrested.

349. After driving for some distance, the militia ordered Josefina De Jesus to get out of the vehicle. Domingos Bau Koli and Andre Amaral remained in the vehicle driven by Olivio Tatoo Bau.
350. Olivio Tatoo Bau together with the other members of the Laksaur militia and the people who were arrested then proceeded to the Koramil in Suai.
351. Sometime around 5pm that day, Olivio Tatoo Bau and other members of the militia left the Koramil in Suai and drove the arrested people towards Fatukuan village. Throughout the drive towards Fatukuan, the members of the militia continuously beat Domingos Bau Koli and Andre Amaral
352. When the members of the militia arrived at a forested area in Fatukuan, Olivio Tatoo Bau stopped the vehicle and ordered Andre Amaral and Domingos Bau Koli to get out of the vehicle.
353. Olivio Tatoo Bau pointed a gun at Andre Amaral while the 5 militiamen armed with swords took Domingos Bau Koli a short distance away and killed him.
- Persecution (abduction) of Alfredo Nahak (7 September 1999)**
354. Alfredo Nahak was a clandestine member and an active independence supporter.
355. On or about 7 September 1999, Alfredo Nahak and his family members decided to leave Kamanasa Village and go to West Timor because they were afraid that they may be killed by the members of the militia.
356. They left Kamanasa Village on board a truck. When they arrived at the militia post in Suai, members of the Laksaur militia including Olivio Tatoo Bau, Adelino Nahak and Ameo stopped the truck.
357. Olivio Tatoo Bau saw Alfredo Nahak in the truck and ordered him to get down. At this point, the family members of Alfredo Nahak told Olivio Tatoo Bau that Alfredo Nahak was an ordinary villager and was not involved in politics. Olivio Tatoo Bau then permitted Alfredo Nahak to proceed.
358. A shortwhile after the truck proceeded, Adelino Nahak ran behind the truck and ordered the driver to stop the truck. Adelino Nahak then ordered Alfredo Nahak to get down from the truck.
359. When Alfredo Nahak got down from the truck, members of the Laksaur Militia including Adelino Nahak tied his hands behind his back and took him to the Kodim. Alfredo Nahak was never seen again.
360. Sometime in November 1999, members of his family found the remains of Alfredo Nahak in Fatukuan

Murder of Simplicio Doutel Sarmento (8 September 1999)

361. On or about 8 September 1999, Simplicio Doutel Sarmento, members of his family and other villagers decided to leave their village, Kamanasa Village because they had heard that people had been killed at the Suai Church and the militia had started burning houses in all the sub-districts in Covalima.
362. Simplicio Doutel Sarmento rode his motorcycle and his family got into a truck and followed behind him heading to West Timor. When they reached the militia check post in Salele, members of the Laksaur militia ordered them to stop.
363. Members of the Laksaur militia including Olivio Tatoo Bau and Americo Mali dragged Simplicio Doutel Sarmento off his motorcycle. On the order of Olivio Tatoo Bau members of the militia tied Simplicio Doutel Sarmento's hands behind him. Olivio Tatoo Bau then stabbed Simplicio Doutel Sarmento with a knife. The militia ordered the truck with the villagers to proceed. Simplicio Doutel Sarmento died as a result of the attack.

Murder of Suri Atok and Jose Ramos aka Luan Suri (8 September 1999)

364. Suri Atok was a clandestine supporter of Falintil and independence. Jose Ramos aka Luan Suri was the adopted son of Suri Atok.
365. On or about 8 September 1999, members of the TNI including **Simao Nahak**, and **Raul Halek** and members of the Laksaur Militia including Anito Amaral, Saka Moruk, Anderes Asah and Mario Bau met at a home of a villager in Fatumean where it was decided that the TNI and militia would conduct a joint patrol of the area.
366. Later that day, members of the TNI including **Simao Nahak** who was armed with a rifle and members of the Laksaur Militia including Anito Amaral, Mario Bau, Saka Moruk and Adreas Asa who were armed with knives and machetes went on patrol towards Fatulido Sub-Village, Dato Rua Village in Fatumean Sub-district where they saw **aka Luan Suri**.
367. **Simao Nahak** ordered the TNI and militia members present to arrest and kill Suri Atok and Jose Ramos aka Luan Suri. Mario Bau and Saka Moruk slashed Suri Atok and Jose Ramos aka Luan Suri respectively, with their machetes. Suri Atok and Jose Ramos aka Luan Suri died as a result of the attack.

Persecution (abduction) of Manuel Noronha (8 September 1999)

368. On or about 8 September 1999, Manuel Noronha together with several other villagers boarded a truck and left Kamanasa Village to go to West Timor.
369. On the way, at Fatukuan, by Olivio Tatoo Bau and Americo Mali who were in a blue kijang parked by the side of the road, stopped the truck. Olivio Tatoo Bau and Americo Mali were armed with a pistol and a sword respectively.
370. Manuel Noronha was dragged out of the truck and severely beaten by Olivio Tatoo Bau and Americo Mali. Olivio Tatoo Bau and Americo Mali blind folded Manuel Noronha, tied up his hands behind him and put him into the kijang.
371. Manuel Noronha was never seen again. Family members of Manuel Noronha recovered his remains sometime after the killing.

Murder of Elizario Martins and Mateus Amaral (9 September 1999)

372. Elizario Martins and Mateus Amaral were pro-independence supporters living in Kiar village, Suai. In 1999, Elizario Martins and Mateus Amaral were involved in pro-independence rallies.
373. Sometime in 1999, after the announcement of the results of the popular consultation, members of the Laksaur Militia and TNI including **Americo Seran** came to Kiar Village. The militia and the TNI were armed with rifles and spears. At Kiar Village, the militia and TNI ordered the villagers to go to the KODIM in Suai or they would be killed. In fear for their safety, some of the villagers fled to the mountains and some of the villagers went to the KODIM.
374. On or about 8 September 1999, Elizario Martins and Mateus Amaral went to the KODIM with their families. At the KODIM, the villagers were told that they would be taken to West Timor. Elizario Martins and Mateus Amaral did not want to go West Timor and decided to flee to the mountains with their families.
375. On or about 9 September 1999 Elizario Martins and Mateus Amaral left the KODIM compound with their families. While they were walking some members of the Laksaur Militia saw them and ordered them to return to the KODIM. The militia members were armed with rifles and swords. The militia beat Elizario Martins and Mateus Amaral, tied their hands behind their backs and forcibly took them back to the KODIM.
376. At the KODIM members of the militia took Elizario Martins and Mateus Amaral into a room and beat them severely for almost an hour. During the beating a militia member cut Elizario Martins' ear. After Elizario Martins

and Mateus Amaral were beaten, the militia ordered Elizario Martins and Mateus Amaral to get into a car, which had many militia members and drove away. **Lt Sugito** and Olivio Moruk joined in and went with the militia members and Elizario Martins and Mateus Amaral.

377. On the orders of **Lt. Sugito** and Olivio Moruk, the members of the militia took Elizario Martins and Mateus Amara into the forest and killed them there.

Persecution (abduction) of Paulus Amaral and Mario Martins

378. On or about 8 September 1999, members of the Laksaur militia and TNI including **Sgt. Americo Seran** (Babinsa for Matai) went to Loho Rai village in Matai and ordered all the civilians to go to West Timor or be killed.
379. On 8 September 1999, about 20 other civilians from Loho Rai village including Mario Tavares went to hide in the forest in Loho Rai because they did not want to go to West Timor.
380. While they were hiding there, members of the militia found them and forcibly took them all to the house of **Americo Seran** where they were to wait to be forcibly taken to West Timor.
381. The villagers were made to stay at the compound of **Americo Seran** for two days before they were taken to West Timor.
382. On or about 9 September 1999, Mario Tavares left the house of **Americo Seran** and went to his house. On his way he met Paulus Amaral. He, Paulus Amaral and another villager were talking when the members of the militia arrived with **Americo Seran** in a white kijang belonging to BRTT and driven by Paulus Berbosi.
383. The militia stopped and ordered Paulus Amaral to get inside the vehicle which he did. The militia drove away with Paulus Amaral.
384. Later on the same day, another group of civilians from Loho Rai village, Matai, including Mario Martins were walking towards Debos village in order to join another group to go to West Timor. On their way, members of the militia including Olivio Tatoo Bau, Henrikus Nahak and Paulus Berbosi and TNI member **Americo Seran**, arrived and stopped the villagers.
385. Olivio Tatoo Bau then ordered Mario Martins to get into the white Kijang they were driving in and went away with him.
386. Sometime in October 1999, the villagers found the bodies of Paulus Amaral and Mario Martins floating in the river in Loho Rai.

Murder of Paulus Ximenes and Johanes Tahu & Attempted Murder of Cancio Nahak (9 September 1999)

387. Anibal Do Rego was a clandestine supporter of Falintil and provided assistance to Falintil members who were hiding in the mountains. Litu Da Costa, Johanes Tahu, Paulus Ximenes and Cancio Nahak were known supporters of independence.
388. On or about 9 September 1999, Anibal Do Rego, Litu Da Costa, Johanes Tahu, Paulus Ximenes and Cancio Nahak were arrested in Suai by **Lt. Sugito** and members of the Laksaur militia namely, Alipio Gusmao aka Alipio Mau, Americo Mali, Francisco and Saulus. In their presence, Alipio Gusmao aka Alipio Mau informed **Lt. Sugito** that Anibal Do Rego, Litu Da Costa, Johanes Tahu, Paulus Ximenes and Cancio Nahak were supporters of independence and it was decided by **Lt. Sugito** and Alipio Gusmao aka Alipio Mau that they were to be killed.
389. Anibal Do Rego, Litu Da Costa, Johanes Tahu, Paulus Ximenes and Cancio Nahak were ordered to board a TNI vehicle together with the members of Laksaur militia namely, Americo Mali, Francisco (Frans), Salus and Domingos. Americo was armed with a rifle and the other militia members were armed with swords and machetes. The TNI vehicle was then driven by **Lt. Sugito** towards Kamenasa Village. **Lt. Sugito** stopped the vehicle nearby to Audian Hospital in Kamenasa Village, and ordered Anibal Do Rego, Litu Da Costa, Johanes Tahu, Paulus Ximenes and Cancio Nahak to get out of the vehicle and to form a line-up.
390. **Lt. Sugito** ordered the militia members present to shoot Anibal Do Rego, Litu Da Costa, Johanes Tahu, Paulus Ximenes and Cancio Nahak.
391. Paulus Ximenes, Cancio Nahak and Johanes Tahu were shot one after the other by Americo Mali. Americo Mali told Sugito that Anibal Do Rego and Litu Da Costa were the father in law and brother of Eurico Gutteres respectively and the militia were ordered not to shoot them. After Americo Mali shot them, Domingos then stabbed Cancio Nahak and Johanes Tahu. When the three victims were lying on the ground, Saulus then cut the throats of Paulus Ximenes, Cancio Nahak and Johanes Tahu. Paulus Ximenes and Johanes Tahu died as a result of the attack but Cancio Nahak survived the attack.
392. Believing that Paulus Ximenes, Cancio Nahak and Johanes Tahu were all dead as a result of their injuries, **Lt. Sugito** ordered Anibal Do Rego and Litu Da Costa to board the vehicle together with the militia and they left Kamenasa Village.
393. On the same day, Anibal Do Rego and Litu Da Costa were taken to West Timor.

Laktos Massacre (12 September 1999)

394. Laktos Village is one of the villages in Fohorem Sub-district and is comprised of 4 sub-villages namely, Kakaut, Fatuk Laran, Aululik and Kolobor.
395. Cosmas Amaral was the Commander of the Laksaur militia in Fohorem and Laurindo Agustino was his deputy.
396. In 1999, the Laksaur militia in Fohorem had its Headquarters together with the Milsas (organization within the TNI). The Milsas in Fohorem were under the command and control of **Julio Borges** and **Capt. Achmad Syamsuddin**.
397. The TNI Unit that was stationed in Laktos in 1999 was called Battalion 143 under the Command of **Lt. Ari**.
398. After the announcement of the results of the popular consultation, the villagers of Laktos went to hide in the hills in fear for their lives due to intimidation and threats by the militia. The men from Laktos organized themselves to guard the village and to alert others whenever they saw militia approaching.
399. On or about 5 September 1999, Cosmas Amaral together with several members of the militia who were stationed in Fohorem including Raimundo Amaral went to Salele where Olivio Moruk briefed the respective Sub-District Commanders of the Laksaur militia including Cosmas Amaral that the civilian population had to go to West Timor and that whoever refused to go must be killed.
400. On or about 12 September 1999, members of Battalion 143 arrived at the Headquarters of the militia in Laktos. **Lt. Ari** spoke privately with Cosmas Amaral while the other TNI members waited outside.
401. Soon after the conversation, Cosmas Amaral gathered the members of the militia and Laurindo Agustino ordered them to go together with the TNI and milsas to Rai Ulun in Laktos. They were informed that they were going to fix a broken water pipe.
402. After the briefing, the members of the militia led by Laurindo Agustino, the milsas led by **Anito Lau** and the TNI led by **Lt. Ari** left for Rai Ulun together with two villagers. The members of the militia were armed with machetes while Laurindo Augusto was armed with a rifle. Members of the milsas were armed with machetes while their commander **Anito Lau** was armed with a rifle. All the members of the TNI were armed with guns. The TNI carried jerry cans containing kerosene.
403. The group divided themselves into three groups and took different routes to Rai Ulun.

404. After repairing the pipe, one group comprising Lt. Ari, Laurindo Augusto, **Anito Lau** and about 20 TNI soldiers and a number of militia members and milsas proceeded to Rai Ulun.
405. When they arrived in Rai Ulun, the men in the village had converged at the hill watching the militia, TNI and Milsas advance towards them. As they got closer, the members of the militia told the villagers that they would be taken to West Timor.
406. The villagers were armed with machetes to defend themselves and told the militia, TNI and Milsas that they will not go to West Timor.
407. The villagers moved forward and suddenly the TNI, militia and milsas started shooting at the villagers. Antonio Amaral Bau, Alberto Fereira, Ernesto Carvalho Letto, Anito Coli, Anito Mali, Anito Bau, Daniel Monis Aci, Domingos Amaral, Eurico Bau, Daniel Taek, Abel Soares Gomes, Jose Do Rego, Geraldo Amaral and Boaventura De Araujo were killed in the attack. The militia and the TNI then gathered the bodies of the victims and burnt them.
408. The group left Rai Ulun and went to Laktos village burning down all the houses on their way. The group then met Boaventura and stabbed him with machetes. He died of his injuries.

Murder of Carlos Yosep and Patricio De Jesus Xiemenes Mauk in Kulit Village, Tilomar Sub-District (15 September 1999)

409. Carlos Yosep and Patricio De Jesus Xiemenes Mauk were clandestine members of Falintil.
410. On or about 14 September 1999 there was a Laksaur Militia meeting in Kada Village in West Timor where Olivio Moruk ordered all members of the laksaur militia to return to East Timor and attack Kulit Village.
411. On 15 September 1999, about 150 members of the Laksaur militia returned to East Timor to the Koramil in Salele Village, Tilomar Sub-District. At the Koramil, Egidio Manek ordered members of the Laksaur militia to attack the villages of Kulit and Aidere and to arrest all villagers and to kill those who tried to escape, and to burn all the houses in the village.
412. The members of the militia divided themselves into three groups led by Egidio Manek, Abilio Hale and Lambertus Muti respectively and proceeded to Kulit Village.
413. The group led by Abilio Hale comprised of militia members including Alfredo Naka, Almeri Taek, Filipus Tae, Sebastiao Lau and Alex.
414. Carlos Yosep and Patricio De Jesus Xiemenes Mauk were in Aidere sub-village when the militia arrived. When they saw the militia arriving, Carlos Yosep and Patricio De Jesus Xiemenes Mauk tried to run away.

415. The militia gave chase and captured Patricio De Jesus Xiemenes Mauk who was then attacked and hacked at the back of his neck by Filipus Tae. Carlos Yosep was also captured and killed by the militia members including Sebastiao Lau and Alex.
416. The laksaur militia then set fire to and destroyed the houses belonging to villagers in Kulit, Aidere and Tabolo villages.

Persecution (abduction) of Jose Pereira Coli (19 September 1999)

417. Jose Pereira Coli was a supporter of independence. On or about 19 September 1999 Jose Pereira Coli was arrested in Mota Ulun Sub-Village by members of the Laksaur militia namely Baltazar Da Costa Nunes and Albino Tilman.
418. The militia tied his hands behind him and Baltazar Da Costa Nunes and **Simao Nahak** (TNI) took Jose Pereira Coli to the militia post in Alastehen Sub-Village. At the militia post, Jose Pereira Coli was interrogated by Joao Kehi, a member of the Laksaur militia about his running away to Dili and to West Timor and his return to Mota Ulun. Militia members present included Baltazar Da Costa Nunes, Albino Nahak, **Simao Nahak** (TNI), Constancio Amaral Luan and Francisco Dos Santos
419. After the interrogation, Jose Pereira Coli was severely beaten by **Simao Nahak**. **Simao Nahak** then took Jose Pereira Coli away on his motorcycle.
420. After some time **Simao Nahak** returned to the militia post without Jose Pereira Coli. Jose Pereira Coli was never seen again.
421. Sometime in January 2000, villagers found and buried the remains of Jose Pereira Coli.

ATTACKS BY MEMBERS OF THE LAKSAUR MILITIA ON CIVILIANS HIDING IN THE FORESTS IN COVALIMA DISTRICT

422. After the announcement of the results of the popular consultation, many civilians went to hide in the forests in and around Covalima District in fear for their lives and to avoid being deported to West Timor.
423. Commanders of the Laksaur militia including Olivio Moruk and Egidio Manek, ordered their members to go into the forests and seek out all those who were hiding in the forests and kill them. Pursuant to these orders, members of the Laksaur militia went into the forests and attacked the villagers who were hiding.

Murder of Titus Mali, Damiao Xiemenes and Januario Maya and inhumane acts against Juliana Moniz (25 September 1999)

424. On 7 September 1999, villagers from Nikirr village fled to the forest to hide from the militia and TNI who were targeting independence supporters and forcing villagers to go to West Timor. Januario Maya, Damaio Xiemenes Titus Mali and Juliana Moniz, were among those who fled to Wea Forest.
425. On 25 September 1999, members of the Laksaur militia attacked Wea Forest and found the villagers from Nikirr hiding there. Members of the militia present included **Simao Nahak** (TNI), Illidio Gusmao, Marcel Mendonca, Yosep Leki, Noberto Xiemenes, Juliao Tahu, Charistiano Tae, Vitor Leecas, Zito Da Silva aka Zito Saek, Zakarias Xiemenes, Kehi Asan, Gaspar Bau, Bene Asa, and Paulus Moruk Kasak.
426. The militia members were armed with automatic rifles, machetes and swords. **Simao Nahak** (TNI) was the first to have seen the villagers and called out to the other militia.
427. The militia members started to shoot into the group of villagers. Titus Mali, Damiao Xiemenes and Januario Maya were killed in the attack. Juliana Moniz was shot and hit in the leg and suffered serious injuries. The other villagers who were hiding with them were able to escape without injury.
428. The militia arrested Ermelinda Moniz, Mariana Moniz, Juliana Moniz, Albano Xiemenes, Domingos Xiemenes, Pedro Xiemenes, Trimaria Xiemenes and Jose Cardoso. They were taken to Salele where Olivio Moruk and Illidio Gusmao ordered them to be deported to West Timor.

DEPORTATION

429. On or about 5 September 1999, Cancio Lopes De Carvalho Supreme Commander of the Mahidi militia in Ainaro and Zumalai arrived at the FPKD office in Suai together with a lot of militia members. Cancio Lopes De Carvalho and the members of his group were armed with rifles and machetes.
430. At the office of the FPKD in Suai, **Herman Sedyono** had a meeting with Cancio Lopes De Carvalho, Nursalim, Olivio Tatoo Bau, Jose Carmilos, Joao Mendonca De Araujo and some civil servants. During the meeting, **Herman Sedyono** ordered Jose Carmilos and Joao Mendonca De Araujo to go to West Timor and bring vehicles to be used for the deportation of the civilians to West Timor.
431. On or about 5 September 1999, Olivio Moruk briefed the respective Sub-District Commanders of the Laksaur militia that the civilian population had to go to West Timor and that whoever refused to go must be killed.

432. On or about 5 September 1999 the Sub-District militia commanders including Egidio Manek, Maternus Bere, Pedro Teles, Cosmas Amaral and Henrikus Mali and their militia members and the TNI under the command and control of **Lt. Col. Lilik Koeshardianto** commenced deporting the civilian population in Covalima District.
433. Following the attack on Suai church on 6 September 1999, members of the Laksaur militia under the command of Olivio Moruk, Egidio Manek, Maternus Bere, Pedro Teles and Henrikus Mali together with the TNI under the command and control of **Lt. Col. Lilik Koeshardianto**, including **Capt. Achmad Syamsuddin** and **Lt. Sugito** gathered all the female survivors of the massacre and took them to the Kodim (1635 in Suai) and the High School. The women were kept in these places for 8 days during which time, they were guarded by the militia and TNI. Between 13 and 14 September, **Herman Sedyono**, the members of the Laksaur militia and TNI under the command and control of **Lt. Col. Achmad Mas Agus** deported all the women to various places in West Timor.
434. On 6 and 7 September 1999, Olivio Moruk drove around Suai town announcing on a loudspeaker that if the villagers were still there on 9 September, they would die. Many of the villagers gathered their belongings by the roadside awaiting transport to go to West Timor.
435. The Bupati (District Administrator), **Herman Sedyono** arranged for trucks from West Timor to deport the villagers to West Timor. More than 30 trucks were used to transport the people out of Suai.
436. In all other sub-districts in Covalima, the TNI commanders and their subordinates together with the Laksaur and Mahidi Militia deported thousands of civilians they found in Covalima. The participants in the deportation included **Lt Sugito**, **Sgt, Major Harun Tateny**, **Sgt Major Supoyo**, **Lt. Ari**, **Lt Widodo**, **Julio Borges**, **Raul Halek**, **Simao Nahak** and **Americo Seran**.

PERSECUTION

437. Between January 27 1999 and October 25 1999 the commanders of the Laksaur militia, Egidio Manek, Maternus Bere, Hendrikus Mali, Pedro Teles and Cosmas Amaral and members of the militia under their command and control with the active encouragement and support of **Herman Sedyono** and the participation of members of the TNI under the command and control of **Lt. Col. Achmad Mas Agus** and POLRI under the command and control of **Lt. Col. Gatot Subiaktoro** embarked on an organized campaign of intimidation, abduction, assault, unlawful arrests, detention, and destruction of property of civilians in Covalima District who were perceived to be supporters of independence.

438. This campaign was perpetrated, executed and carried out by or through the following means:
- (a) killing and causing serious injury or harm to those perceived to be pro-independence supporter, including women, children, the elderly and the infirm, both during and after such attacks;
 - (b) seeking, detaining and imprisoning those perceived to be pro-independence supporters
 - (c) attacking towns and villages and coercing, intimidating, terrorising and causing civilians to flee their homes and villages;
 - (d) physical and psychological abuse, inhumane treatment and forced labor against those perceived to be pro-independence supporters.
 - (e) extensive destruction of property including civilian dwellings, government buildings, schools and civilian personal property and livestock and in particular:
 - i. After the announcement of the results of the popular consultation on or about 4 September 1999, d members of the TNI including **Lt Sugito, Sgt, Major Harun Tateny, Sgt Major Supoyo, Lt. Ari, Lt Widodo, Julio Borges, Raul Halek, Simao Nahak and Americo Seran** together with the Laksaur Militia started to burn and destroy all buildings and structures in the District of Covalima including dwelling houses, government buildings, and schools. The Commanders of the Laksaur Militia directed members of the Laksaur Militia that no structure must remain unburned irrespective of whether the owner is an independence supporter or pro-autonomy.
 - ii. Between 4 September 1999 and 25 October 1999, members of the TNI and the Laksaur Militia destroyed and burnt down many dwelling houses and government building in the sub-districts of Suai, Fohorem, Fatumean, Tilomar and Fatululik .
 - iii. On or about 6 September 1999, during the attack on the Ave Maria Church in Suai, members of the TNI and the Laksaur Militia burnt down a part of the church building.

- iv. The attacks on property in Covalima District by members of the TNI and Laksaur Militia, caused a destruction of the livelihood of the population of Covalima District.

IV. GENERAL ALLEGATIONS

438. Between January 1999 and 25 October 1999 **Col. Herman Sedyono, Lt. Col. Achmad Mas Agus** and **Lt. Col (Pol) Gatot Subiaktoro** knew that members of the Laksaur and Mahidi militia groups, members of the TNI and members of the POLRI were participating in the commission of crimes in Covalima District.
439. Between January 1999 and 25 October 1999 **Col. Herman Sedyono, Lt. Col. Achmad Mas Agus** and **Lt. Col (Pol) Gatot Subiaktoro** encouraged, facilitated, induced, and assisted in the commission of the crimes charged in this indictment.
440. Between January and 7 September 1999, the POLRI under the authority, command and control of **Lt. Col (Pol) Gatot Subiaktoro** failed to prevent, investigate, arrest or prosecute members of the militia, TNI and POLRI who had engaged in criminal activities including attacks such as murder, torture, inhumane acts, unlawful detentions, abductions and threats against civilians in Covalima District.
441. For each count charging crimes against humanity, the acts or omissions of 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 independence supporters, linked to or sympathetic to the independence cause of East Timor, with knowledge of the attack.

V. CRIMINAL RESPONSIBILITY

Individual Criminal Responsibility

443. 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:*
- (i) *be made with the aim of furthering the criminal activity or criminal*
 - (ii) *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;"*

Superior Criminal Responsibility

444. **Lt. Col. Achmad Mas Agus, Lt. Col. Lilik Kushadiyanto** (from 29 August 1999 to 7 September 1999) and **Lt. Col. Gatot Subiaktoro** are criminally responsible as superiors for the acts of their subordinates pursuant to Section 16 of UNTAET Regulation 2000/15.
445. Superior criminal responsibility is the responsibility of a superior for the acts of his subordinates if the superior "*knew or had reason to know that the subordinate was about to commit such acts or had done so and the superior failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof*".

VI PURSUANT TO THE ABOVE, THE DEPUTY GENERAL PROSECUTOR CHARGES:

Count 1. Crime Against Humanity: Persecution (Torture)

By their acts or omissions in relation to the events described in paragraphs 73 to 115, 124 to 127, 129 to 144, 148 to 152, 155 to 164 (inclusive), **Col. Herman Sedyono**, is responsible for the persecution of civilians mentioned in the named paragraphs, between January 1999 and April 1999 in various places in Covalima District 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) of UNTAET Regulation 2000/15.

Count 2. Crime Against Humanity: Torture

By their acts or omissions in relation to the events described in paragraphs 73 to 115, 124 to 127, 129 to 144, 148 to 152, 155 to 164 (inclusive), **Lt. Col. Achmad Mas Agus** and **Lt. Col (Pol) Gatot Subiaktoro** are responsible as superiors for the torture of civilians mentioned in the named paragraphs, between January 1999 and April 1999 in various places in Covalima District as part of a widespread or systematic attack against a civilian population with knowledge of the attack and thereby committed a CRIME AGAINST HUMANITY, TORTURE a crime stipulated under Section 5.1(f) of UNTAET Regulation 2000/15.

Count 3. Crime Against Humanity: Torture

By their acts or omissions in relation to the events described in paragraphs 78 to 99 (inclusive), **Lt. Sugito** and **Lt. Widodo** are responsible as individuals for the torture of Jose Fatima Xavier, on or about 14 April 1999 in Uma Murah, Tilomar Sub-District, Covalima District as part of a widespread or systematic attack against a civilian population with knowledge of the attack and thereby committed a CRIME AGAINST HUMANITY, TORTURE a crime stipulated under Section 5.1(f) of UNTAET Regulation 2000/15.

Count 4. Crime Against Humanity: Torture

By his acts or omissions in relation to the events described in paragraphs 102-115 (inclusive) **Lt. Supoyo** is responsible as an individual or a superior for the torture of Geraldo Orleans, Alfredo Freitas, Domingos Dos Santos, Francisco Nahak, Baltasar Maya and Domingos Da Cruz, on or about 23 April 1999 in Bulilik Leten Village, Fatumean Sub-District, Covalima District as part of a widespread or systematic attack against a civilian population with knowledge of the attack and thereby committed a CRIME AGAINST HUMANITY, TORTURE a crime stipulated under Section 5.1(f) of UNTAET Regulation 2000/15.

Count 5. Crime Against Humanity: Torture

By his acts or omissions in relation to the events described in paragraphs 116 to 128 (inclusive), **Leonito Cardoso** is responsible as an individual for the torture of Jose Cardoso and three others, on or about 23 April 1999 in Nikirr, Raihun Village, Tilomar Sub-District, Covalima District as part of a widespread or systematic attack against a civilian population with knowledge of the attack and thereby committed a CRIME AGAINST HUMANITY, TORTURE a crime stipulated under Section 5.1(f) of UNTAET Regulation 2000/15.

Count 6. Crime Against Humanity: Persecution (Murder)

By his acts or omissions in relation to the events described in paragraphs 165 to 166, 188 to 193, 204 to 253 (inclusive), **Col. Herman Sedyono** is responsible as an individual for the Persecution of civilians mentioned in the named paragraphs, from January 1999 to August 1999 in various places in Covalima District 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) of UNTAET Regulation 2000/15.

Count 7. Crime Against Humanity: Murder

By their acts or omissions in relation to the events described in paragraphs 165 to 166, 188 to 193, 204 to 253 (inclusive), **Lt. Col. Achmad Mas Agus** and **Lt. Col (Pol) Gatot Subiaktoro** are responsible as individuals or as superiors for the murder of civilians mentioned in the named paragraphs, from January 1999 to August 1999 in various places in Covalima District, 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) of UNTAET Regulation 2000/15.

Count 8. Crime Against Humanity: Murder

By their acts or omissions in relation to the events described in paragraphs 204 to 214 (inclusive), **Lt. Supoyo and Leonito Cardoso** are responsible as individuals for the murder of Alexio Xiemenes, Tomas Cardoso, Paulus Xiemenes and Lodificus Rabo on or about 23 April 1999 in Nikirr Village, Tilomar Sub-District, Covalima District 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) of UNTAET Regulation 2000/15.

Count 9. Crime Against Humanity: Murder

By his acts or omissions in relation to the events described in paragraphs 215 to 225 (inclusive), **Harun Tateny** is responsible as an individual for the murder of Jose Afonso Amaral in Nikirr Village, Tilomar Sub-District, Covalima District 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) of UNTAET Regulation 2000/15.

Count 10. Crime Against Humanity: Persecution (Enforced Disappearance)

By his acts or omissions in relation to the events described in paragraphs 165 to 179, 195 to 203(inclusive), **Col. Herman Sedyono** is responsible as an individual for the Persecution of civilians mentioned in the named paragraphs, from January 1999 to August 1999 in various places in Covalima District 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) of UNTAET Regulation 2000/15.

Count 11. Crime Against Humanity: Enforced Disappearance

By their acts or omissions in relation to the events described in paragraphs 165 to 179, 195 to 203(inclusive), **Lt. Col. Achmad Mas Agus and Lt. Col (Pol) Gatot Subiaktoro** are responsible as individuals or as superiors for the enforced disappearance of Marcal Amaral, Felix Amaral, Amaro De Araujo and Bendito Dos Nascimento in April 1999 in various places in Covalima District, as part of a widespread or systematic attack against a civilian population with knowledge of the attack and thereby committed a CRIME AGAINST HUMANITY, ENFORCED DISAPPEARANCE a crime stipulated under Section 5.1(i) of UNTAET Regulation 2000/15.

Count 12. Crime Against Humanity: Enforced Disappearance

By his acts or omissions in relation to the events described in paragraphs 165 to 179, 192 to 200 (inclusive), **Americo Seran**, is responsible as an individual for the enforced disappearance of Marcal Amaral, Felix Amaral and Amaro De Araujo in April 1999 in various places in Covalima District as part of a widespread or

systematic attack against a civilian population with knowledge of the attack and thereby committed a CRIME AGAINST HUMANITY, ENFORCED DISAPPEARANCE a crime stipulated under Section 5.1(i) of UNTAET Regulation 2000/15.

Count 13. Crime Against Humanity: Persecution

By his acts or omissions in relation to the events described in paragraphs 254 to 271 (inclusive), **Col. Herman Sedyono** is responsible as an individual for the Persecution of civilians mentioned in the named paragraphs, from January 1999 to August 1999 in various places in Covalima District 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) of UNTAET Regulation 2000/15.

Count 14. Crime Against Humanity: Torture

By their acts or omissions in relation to the events described in paragraphs 254 to 262, 266 to 271 (inclusive), **Lt. Col. Lilik Koeshardianto** and **Lt. Col (Pol) Gatot Subiaktoro** are responsible as superiors for the torture of civilians mentioned in the named paragraphs, between 4 September 1999 and 6 September 1999 in various places in Covalima District as part of a widespread or systematic attack against a civilian population with knowledge of the attack and thereby committed a CRIME AGAINST HUMANITY, TORTURE a crime stipulated under Section 5.1(f) of UNTAET Regulation 2000/15.

Count 15. Crime Against Humanity: Torture

By his acts or omissions in relation to the events described in paragraphs 266 to 271 (inclusive), **Lt. Col. Achmad Mas Agus** is responsible as a superior for the torture of civilians mentioned in the named paragraphs, between 4 September 1999 and 6 September 1999 in various places in Covalima District as part of a widespread or systematic attack against a civilian population with knowledge of the attack and thereby committed a CRIME AGAINST HUMANITY, TORTURE a crime stipulated under Section 5.1(f) of UNTAET Regulation 2000/15.

Count 16. Crime Against Humanity: Persecution

By his acts or omissions in relation to the events described in paragraphs 272 to 287, 312 to 421 (inclusive), **Col. Herman Sedyono** is responsible as an individual for the Persecution of civilians mentioned in the named paragraphs, from September 1999 to October 1999 in various places in Covalima District 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) of UNTAET Regulation 2000/15.

Count 17. Crime Against Humanity: Murder

By their acts or omissions in relation to the events described in paragraphs 272 to 287 (inclusive), **Lt. Col. Lilik Koeshardianto** and **Lt. Col (Pol) Gatot Subiaktoro** are responsible as superiors for the murder of Raimundo De Oliviera, Martinho Do

Rego, Abel Pereira and Felix Mali between 4 and 5 September 1999 in Covalima District 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) of UNTAET Regulation 2000/15.

Count 18. Crime Against Humanity: Extermination

By their acts or omissions in relation to the events described in paragraphs 288 to 311 (inclusive), **Herman Sedyono, Lt. Col. Lilik Kushardianto, Lt. Col. Gatot Subiaktoro, Lt. Sugito, Lt. Widodo, Sgt. Major Supoyo aka Pak Poyo, Capt. Achmad Syamsuddin, Sgt. Raul Halek Americo Seran** are responsible as individuals or as superiors for the extermination of an unknown number of civilians, on or about 6 September 1999 at the Ave Maria Church, Suai Sub-District, Covalima District including Father Hilario Madeira, Father Tarsisius Dewanto and Father Francisco 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(b) of UNTAET Regulation 2000/15.

Count 19. Crime Against Humanity: Persecution (Abduction)

By his acts or omissions in relation to the events described in paragraphs 312 to 315, 354 to 260 (inclusive), **Lt. Col. Lilik Kushardianto and Lt. Col. Gatot Subiaktoro** are responsible as Superiors for the persecution of Albino Nahak aka Albino De Niri and Alfredo Nahak by abducting him, between 6 and 7 September 1999 in Suai Sub-District, Covalima District 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) of UNTAET Regulation 2000/15.

Count 20. Crime Against Humanity: Murder

By his acts or omissions in relation to the events described in paragraphs 316 to 353, 361 to 363 (inclusive), **Lt. Col. Lilik Kushardianto and Lt. Col. Gatot Subiaktoro** are responsible as superiors for the murder of Agapito Amaral, Rosalina Belak, Jose Dos Reis, and Domingos Bau Koli between 6 and 8 September 1999 in various places in Covalima District 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) of UNTAET Regulation 2000/15.

Count 21. Crime Against Humanity: Murder

By his acts or omissions in relation to the events described in paragraphs 361 to 367, 372 to 377, 387 to 416, and 424 to 428 (inclusive), **Lt Col. Achmad Mas Agus** is responsible as a superior for the murder of civilians mentioned in the named paragraphs from 8 September 1999 to 26 September 1999 in various places in Covalima District 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) of UNTAET Regulation 2000/15.

Count 22. Crime Against Humanity: Murder

By his acts or omissions in relation to the events described in paragraphs 329 to 338, 364 to 367, 424 to 428 (inclusive), **Simao Nahak** is responsible as an individual for the murder of Jose Dos Reis, Suri Atok and Jose Ramos and Titus Mali, Damaio Xiemenes and Januario Maya on or about 7, 8 and 25 September 1999 respectively in Covalima District 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) of UNTAET Regulation 2000/15.

Count 23. Crime Against Humanity: Murder

By his acts or omissions in relation to the events described in paragraphs 329 to 338 (inclusive), **Sgt Raul Halek** is responsible as an individual for the murder of Jose Dos Reis, on or about 7 September 1999 respectively in Covalima District 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) of UNTAET Regulation 2000/15.

Count 24. Crime Against Humanity: Murder

By his acts or omissions in relation to the events described in paragraphs 372 to 377 and 387 to 393 (inclusive), **Lt. Sugito** is responsible as an individual for the murder of Elizario Martins and Mateus Amaral and Paulus Xiemenes and Johanesh Tahu, on or about 9 September 1999 respectively in Covalima District 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) of UNTAET Regulation 2000/15.

Count 25. Crime Against Humanity: Attempted Murder

By his acts or omissions in relation to the events described in paragraphs 387 to 393 (inclusive), **Lt. Sugito** is responsible as an individual for the attempted murder of Cancio Nahak, on or about 9 September 1999 in Suai Sub-District, Covalima District as part of a widespread or systematic attack against a civilian population with knowledge of the attack and thereby committed a CRIME AGAINST HUMANITY, ATTEMPTED MURDER a crime under Section 5.1(a) and Section 14.3(f) of UNTAET Regulation 2000/15.

Count 26. Crime Against Humanity: Persecution (Abduction)

By his acts or omissions in relation to the events described in paragraphs 368 to 371, 378 to 386, 417 to 421 (inclusive), **Lt. Col. Achmad Mas Agus** are responsible as Superiors for the persecution of Manuel Noronha, Paulus Amaral and Mario Martins, Jose Pereira Coli by abducting them, between 8 and 19 September 1999 in Covalima District 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) of UNTAET Regulation 2000/15..

Count 27. Crime Against Humanity: Persecution (Abduction)

By his acts or omissions in relation to the events described in paragraphs 378 to 386 (inclusive), **Americo Seran** is responsible as an individual for the persecution of Paulus Amaral and Mario Martins by abducting them, on or about 8 September 1999 in Tilomar Sub-District, Covalima District 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) of UNTAET Regulation 2000/15.

Count 28. Crime Against Humanity: Persecution (Abduction)

By his acts or omissions in relation to the events described in paragraphs 417 to 421 (inclusive), **Simao Nahak** is responsible as an individual for the persecution of Jose Pereira Coli by abducting him, on or about 19 September 1999 in Fatumean Sub-District, Covalima District 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) of UNTAET Regulation 2000/15.

Count 29. Crime Against Humanity: Extermination

By their acts or omissions in relation to the events described in paragraphs 394 to 408 (inclusive), **Lt. Col. Achmad Mas Agus, Captain Achmad Syamsuddin, Lt. Ari Julio Borges and Anito Lau** are responsible as individuals or as superiors for the extermination of civilians in Laktos Village on or about 12 September 1999 in Fohorem Sub-District, Covalima District as part of a widespread or systematic attack against a civilian population with knowledge of the attack and thereby committed a CRIME AGAINST HUMANITY, EXTERMINATION a crime stipulated under Section 5.1(b) of UNTAET Regulation 2000/15.

Count 30. Crime Against Humanity: Deportation

By their acts or omissions in relation to the events described in paragraphs 429 to 436 **Col. Herman Sedyono, Lt. Col. Achmad Mas Agus, Lt. Col. Lilik Koeshardianto, Capt. Achmad Syamsuddin, Lt Sugito, Sgt. Major Harun Tateny, Sgt Major Supoyo, Lt. Ari, Lt Widodo, Julio Borges, Raul Halek, Simao Nahak and Americo Seran** are responsible as individuals or as superiors for the deportation of civilians from Covalima District between 5 September 1999 and 30 October 1999 to West Timor, Republic of Indonesia as part of a widespread or systematic attack against a civilian population with knowledge of the attack and thereby committed a CRIME AGAINST HUMANITY, DEPORTATION a crime stipulated under Section 5.1(d) of UNTAET Regulation 2000/15.

Count 31. Crime Against Humanity: Persecution

By their acts or omissions in relation to the events described in paragraphs 145 to 147, 153 to 154, 437 to 438, **Col. Herman Sedyono, Lt. Col. Achmad Mas Agus, Lt. Col. Lilik Kushardianto, Lt. Col. Gatot Subiaktoro, Lt Sugito, Sgt, Major Harun Tateny, Sgt Major Supoyo, Lt. Ari, Lt Widodo, Julio Borges, Raul Halek, Simao Nahak and Americo Seran** are responsible as Superiors are responsible as individuals or as superiors for the persecution of civilians in Covalima District and in West Timor, Republic of Indonesia between 5 September 1999 and 30 October 1999 to West Timor, Republic of Indonesia 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) of UNTAET Regulation 2000/15.

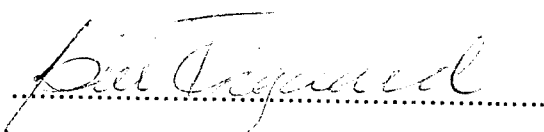
VIII. LIST OF VICTIMS

The list of victims, which forms part of this indictment, is attached as Annex "A".

IX. REQUEST FOR TRIAL

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

Dated this 8 day of April 2003



Siri Frigaard
Deputy General Prosecutor For Serious Crimes