

Indictment

Defendant Letkol Inf. Soedjarwo

Case File No.: 06/HAM/ Timor-Timur/05/2002

1. THE DEFENDANT

Name : SOEDJARWO

Place of Birth : Cirebon

Age/Date of Birth : 42 years/ December 25, 1958

Sex : Male

Nationality : Indonesian

Address : Kodim 1624/East Flores

Religion : Islam

Occupation : TNI-AD officer / Former District Military

Commander 1627 / Dilli

(currently District Military Commander

1624 / East Flores)

Education : Military Academy Year of 1981

II. The defendant was not detained

III. INDICTMENT

Primary

He, the defendant: SOEDJARWO as District Military Commander 1627 / Dilli on September 3, 5 and 6, 1999 or at least in September 1999, at Dilli Diocesan Office in East Timor and at Bishop Bello residence compound or in other places in Dilli City, East Timor territory, or at least in certain places in accordance with article 2 Presidential Decree No. 96/2001 dated August 1, 2001 Human Rights Ad Hoc Court at the Central Jakarta District Court which has the authority to preside and rule over the case above. The defendant as a Military Commander or as a person who effectively performed as Military Comander, could be responsible for criminal deeds under the jurisdiction of Human Rights Court, which was committed by troops under his command and effective control or under his authority and effective control and the criminal deeds was committed as a result of unappropriate control of the troops, which was the Defendant as Military Commander

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appropriate and required acts in his authority to prevent or quell the deeds, resulting in grave human rights violation in the form of murder as part of a systematic or widespread attack directly aimed to the civilians, whereas as military commander or based on the condition at that time, he should have known that his troops were committing atau had just committed grave human rights violation in the form of murder of the Pro Independence civilians who were taking refuge in Dilli Diocesan office and attack at Bishop Bello's residence compound,

and did not take any appropriate and required action in his authority to prevent or quell the deeds or to hand over the offenders to the appropriate authorities for investigation, question, and prosecution.

The deeds were committed in the form of:

- Since September 3, 1999 until September 5, 1999 in Dilli Diocesan refugees had gathered and continued until more or less than 5000 people.
- On Sunday September 5, 1999 around 2. p.m. Eastern Indonesian Time, after the announcement of the result of popular consultation/ballot in Dilli, East Timor, won by Pro Independence group, the result made the Pro Integration upset because they suspected of unfairness, that were, faking ballot cards done by UNAMET and LEKTORAL which most of them were Pro Independence, and after knowing that ballot cards were scattered on the street and on the courtyard around Dilli Diocesan office and around Bishop Bello's house, then Pro Integration group attacked - in the form of shooting using homemade firearms, stabbing and slaughter with machetes and samurai - towards the Pro Independence refugees who were taking shelter at Dilli Diocesan office and resulting in wounded civilians and refugees, namely, Nelio Masquita Da Costa Rego, Nonato Soares, Joao Berhandino Soares and Vicente A.G De Sousa. The attack against the refugees at Dilli Diocesan was also done in the form burning down Dilli Diocesan building resulting in the building was destroyed.
- On Monday, September 6, 1999, around 11.00 p.m. Eastern Indonesian Time, the Integration group consisted of militia members and several TNI (Indonesian Army) troops wearing militia uniforms had come to Bishop Bello's house and they insisted refugees of Pro Independence group who were taking shelter inside the house to go out of the house. After the refugees of Pro Independence group went out and gathered in Bunda Maria park in front of Bishop Bello's house, not long after that a shout "ATTACK" was heard, then Pro Integration group consisted of militia members and several TNI troops wearing militia uniforms attacked in the form of shooting
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- Pro Independence resulting in one civilian dead named NUNU and a ten years old child named LILI was shot on left eye.
- The defendant as Military Commander should have prevented or quelled the TNI troops' deeds who participated in attacking Dilli Diocesan and Bishop Bello' house, however that action was not performed by the defendant.
- After the incident, the defendant as Military Commander should have surrendered the TNI troops who were participating in grave human rights violation, namely, the attack of Dilli Diocesan and Bishop Bello's house resulting in dead and wounded victims, but that action was not performed by the defendant.
- The defendant deeds were ruled and criminally charged under Article 7 b jis Article 9 a, Article 42, paragraph (1) a and b, Article 37 Law No. 26/2000 concerning the Human Rights Court.

SECONDARY:

He, the defendant SOEDJARWO as District Military Commander 1627/ Dilli on September 5, 1999 or at least in September 1999 in Dilli Diocesan office East Timor and Bishop Bello's residence compound or in other places in the city of Dilli East Timor or at least in another place according to Article 2 Presidential Decree No 96/2001, Human Rights Ad Hoc Court based on Central J.....