

DISTRICT COURT OF DILI

BEFORE THE SPECIAL PANEL FOR SERIOUS CRIMES

CASE NO: *09/CG/TDD/2003*

INDICTMENT

THE DEPUTY GENERAL PROSECUTOR FOR SERIOUS CRIMES

-AGAINST-

EGIDIO MANEK
MATERNUS BERE
PEDROTELES
HENRIKUS MALI
COSMAS AMARAL
ALiPIO GUSMAO AKA ALiPIO MAU
BALTAZAR DA COSTA NUNES
DOMINGOS MALI AKA BETE ALOI
ILLIDIO GUSMAO
JOAQUIM BEREK AKA BEREK BOT
OLiVIO TATOO BAU
GABRIEL NAHAK
AMERICO MALI
AND
ZITO DA SILVA AKA ZITO SAEK

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:

EGIDIO MANEK
MATERNUS BERE
PEDRO TELES
HENRIKUS MALI
COSMAS AMARAL
ALÍPIO GUSMAO AKA ALÍPIO MAU
BALTAZAR DA COSTA NUNES
DOMINGOS MALI AKA SETE ALOI
ILLIDIO GUSMAO
JOAQUIM BEREK AKA BEREK BOT
OLÍVIO TATOO BAU
GABRIEL NAHAK
AMERICO MALI
AND
ZITO DA SILVA AKA ZITO SAEK

WITH

CRIMES AGAINST HUMANITY OF:

MURDER, EXTERMINATION, ENFORCED DISAPPEARANCE, TORTURE,
INHUMANE ACTS, RAPE,
DEPORTATION and PERSECUTION

As set forth in this indictment:

II. NAME AND PARTICULARS OF THE ACCUSED

1. Name: Egidio Manek
Place of birth: Tilomar, Covalima District, East Timor
Age/Date of birth: unknown
Sex: Male
Nationality: East Timorese
Address: Believed to be in West Timor, Indonesia
Occupation: Deputy Commander (Danyon) Laksaur Militia, Covalima District/member of Gadapaski
2. Name: Maternus Bere
Place of birth: East Timor
Age/Date of birth: unknown
Sex: Male
Nationality: East Timorese
Address: - Believed to be in West Timor
Occupation: Commander (Danki) of Laksaur militia, Suai Kota, /Teacher
3. Name: Pedro Teles
Place of birth: East Timor
Age/Date of birth: Unknown
Sex: Male
Nationality: East Timorese
Address: Believed to be in West Timor
Occupation: Commander (Danki) of Laksaur Militia, Fatululik Sub-District
4. Name: Henrikus Mali
Place of birth: Fatumean, Covalima District, East Timor
Age/Date of birth: unknown
Sex: Male
Nationality: East Timorese
Address: Believed to be in West Timor
Occupation: Commander (Danki) of Laksaur militia, Fatumean Sub-District/Retired TNI soldier
5. Name: Cosmas Amaral
Place of birth: East Timor
Age/Date of birth: unknown
Sex: Male
Nationality: East Timorese
Address: Believed to be in West Timor, Indonesia
Occupation: Commander (Danki) of Laksaur Militia, Fohorem Sub-District

6. Name: Alipio Gusmao aka Alipio Mau
 Place of birth: East Timor
 Age/Date of birth: unknown
 Sex: Male
 Nationality: East Timorese
 Address: Believed to be in West Timor
 Occupation: Operations Commander of Laksaur militia, Leogore Suai Kota, /Teacher
7. Name: Baltazar Da Costa Nunes
 Place of birth: Fatumean, Covalima District, East Timor
 Age/Date of birth: unknown
 Sex: Male
 Nationality: East Timorese
 Address: Believed to be in West Timor
 Occupation: Platoon Commander (Danton) of Laksaur militia, Fatumean Sub-District
8. Name: Domingos Mali aka Bete Aloï
 Place of birth: East Timor
 Age/Date of birth: Unknown
 Sex: Male
 Nationality: East Timorese
 Address: Believed to be in West Timor
 Occupation: Platoon Commander (Danton) of Laksaur Militia, Fatululik
9. Name: Illidio Gusmao
 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: Platoon Commander (Danton) of Laksaur Militia, Leogore, Suai Kota
10. Name: Joaquim Berek aka Berek Bot
 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: Platoon Commander (Danton) of Laksaur Militia, Tilomar
11. Name: Olivio Tatoon Bau
 Place of birth: East Timor
 Age/Date of birth: Unknown
 Sex: Male

Nationality: East Timorese
Address: Believed to be in West Timor
Occupation: Member of Laksaur Militia, Tilomar/Salele

12. Name: **Gabriel Nahak**
Place of birth: East Timor
Age/Date of birth: unknown
Sex: Male
Nationality: East Timorese
Address: Believed to be in West Timor
Occupation: Member of Laksaur militia, Leogore,Suai Kota

13. Name: **Americo Mali**
Place of birth: East Timor /
Age/Date of birth: unknown
Sex: Male
Nationality: East Timorese
Address: Believed to be in West Timor, Indonesia
Occupation: Member of Laksaur Militia, Tilomar/Salele

14. Name: **Zito Da Silva aka Zito Saek**
Place of birth: East Timor
Age/Date of birth: unknown
Sex: Male
Nationality: East Timorese
Address: Believed to be in West Timor
Occupation: Member of Laksaur militia, Tilomar/Salele

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 incitement, threats to life, intimidation, unlawful confinements, assaults, forced displacements, arsons, murders, rapes, torture and other forms of violence carried out by members of the pro-autonomy militia, members of the Indonesian Armed Forces, ABRI (*Angkatan Bersenjata Republik Indonesia*) renamed TNI (*Tentara Nasional Indonesia*) in 1999, and members of the Indonesian Police Forces (*POLRI*) with the acquiescence and active participation of civilian and military authorities.
3. In 1999, numerous militia groups operated throughout East Timor. Their goal was to support autonomy within Indonesia. The militia groups participated in the widespread or systematic attack and acted and operated with impunity.
4. This 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. As part of the widespread or systematic attack against the civilian population, the militia destroyed property including houses and livestock belonging to the civilian population.
6. The widespread or systematic attack resulted in the internal displacement of thousands of persons (IOPs). Additionally, the forcible transfer of the civilian population within East Timor and deportation to West Timor, Indonesia was an essential feature of the orchestrated campaign of violence.
7. Under terms of the 5 May 1999 Agreements, between Indonesia, Portugal and the United Nations on the popular consultation, the Indonesian security authorities (TNI and POLRI) had the responsibility to ensure a safe environment devoid of violence or other forms of intimidation as well as the general maintenance of law and order before, during and the

immediate aftermath of the popular consultation. 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.

8. The Indonesian Military in East Timor consisted of both regular territorial forces (Bn) 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.
9. From February 1999 to October 1999, the Indonesian Police Force (POLRI), the state agency for upholding the law and public order were also present in East Timor. It included a Mobile Police Brigade (BRIMOB), whose Units and members were stationed in East Timor, including in Covalima District.

IV. STATEMENT OF FACTS

10. 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. Covalima is comprised of six sub-districts namely, Tilomar, Suai, Fatumean, Fatululik, Fohorem and Zumalai.
11. Before 1999, the Indonesian army formed paramilitary groups in East Timor including WANRA and Gadapaski. These groups were trained in weapons and armed by KOPASUS.
12. Sometime in April 1999, the Laksaur militia group was formally inaugurated. The goal of the Laksaur militia group was to support autonomy within Indonesia. The Laksaur militia group participated in the widespread or systematic attack against the civilian population in Covalima District.
13. The commanders and members of the Laksaur militia group operated with impunity in all sub-districts of Covalima except in Zumalai sub-district where another militia group called Mahidi was already established with the same goal.
14. The Laksaur militia had five militia sub-groups operating in the various sub-districts in Covalima. except in Zumalai. These militia sub-groups were located in Tilomar, Suai, Fatululik, Fohorem and Fatumean and a Commander called "Danki" headed each sub-group. Each militia sub-group was further divided into platoons, which were headed by platoon commanders called "Danton".

15. The Supreme Commander of the Laksaur militia was Olivio Mendonca Moruk (deceased) and his brother Egidio Manek was his Deputy Commander and the two of them had effective command and control over the other commanders (Danki) and members of the Laksaur militia.
16. Egidio Manek (Danki) was in addition the Commander of the Laksaur militia in Tilomar, Maternus Bere (Danki) was Commander in Suai, Cosmas Amaral (Danki) was Commander in Fohorem, Pedro Teles (Danki) was Commander in Fatululik and Henrikus Mali (Danki) was Commander in Fatumean.
17. Egidio Manek, Maternus Bere, Cosmas Amaral, Pedro Teles and Henrikus Mali had effective command and control over the members of the Laksaur militia.
18. Baltazar Da Costa Nunes (Danton) was a platoon commander in Fatumean Sub-District, Domingos Do Carmo aka Bete Aloi (Danton) was a platoon commander in Fatululik Sub-District, Ulidio Gusmao (Danton) was a platoon commander in Suai Sub-District and Joaquim Berek aka Berek Bot (Danton) was a platoon commander in Tilomar Sub-District.
19. Olivia Tadoo Bau, Americo Mali, Gabriel Nahak, and Zito Da Silva aka Zito Saek were members of the Laksaur militia.

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

ARRESTS, DETENTIONS, TORTURES AND DESTRUCTION OF PROPERTY

Torture of Inacie Pereira Sarette (27 January 1999)

20. After the announcement by the Government of Indonesia that the people of East Timor will be allowed to choose between autonomy within Indonesia or independence, the militia groups in East Timor including the Laksaur militia in Covalima started a campaign of violence against civilians who were perceived to be supporters of independence.
21. Inacio Pereira Baretto was a member of the clandestine movement supporting independence.
22. On or about 27 January 1999, while Inacio Pereira Baretto was visiting his relatives in Uma Murah, he was arrested by members of the TNI including Sugito and 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
23. Inacio Pereira Baretto was forced to get into a truck driven by the militia and TNI and he was taken to the Kodim in Suai where he was detained until the next day.
24. After his release, Inacio Pereira Saretto together with several other villagers fled to Lakalese forest in Fohorem.

Attack at Umah Murah- Torture (26 February 1999)

25. 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.
26. In 1999, members of the Laksaur militia and the TNI knew that Jose Fatima Xavier was an active member of the clandestine.
27. On 26 February 1999, Jose Fatima Xavier was at the house of Elizeu Gusmao in Rumah Murah Village. He was together with his daughter Marcefinia 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 Afonsu, Grigorio Afonsu, Aristu Moruk, Guillermino Fonso, Adelina Carvalho, mother of Maria Carvalho, Maria Carvalho and her child Elidio Gusmao **aka** Erik.

28. 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.
29. Sebastiao Mendonca TNI (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.
30. At about 8pm that evening, members of the TNI including Lt. Sugito (Koramil-Suai), S91. Major Sukarman (Koramil-Fohorem), Angelino and Cornelio and members of the Laksaur militia including Olivia Moruk, Egidio Manek, Cosmas Amaral, **Alipio** Gusmao **aka** Alipio **Mau**, Americo Mali Andreas Coli, and Abilio Breok attacked the house of Elizeu Gusmao.
31. 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.
32. Jose Fatima Xavier, Elizeu Gusmao 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 Inacio Amaral 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.
33. 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.
34. 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.
35. 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 (Mas Agus) ordered that Jose Fatima Xavier and Elizio Gusmao be taken to the Kodim and not be killed.
36. Throughout the journey from beach to the Kodim, Jose Fatima Xavier and Elizeu Gusmao were severely beaten.
37. 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/militia Headquarters.
38. Before Jose Fatima Xavier and Elizeu Gusmao were released, Lt. Col. Mas Agus (Dandim-Covalima), U. Co. 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.

39. 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.

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

40. 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.
41. On or about 14 April 1999, Jose Fatima Xavier was arrested at his house in Rumah 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. Jose Fatima Xavier was severely beaten by Americo Mali and the militia members present. Americo Mali handcuffed his hands behind him and placed a plastic bag over Jose Fatima Xavier's head.
42. Jose Fatima Xavier was taken to the house of Ulu Kehi (in Rumah Murah) where he was tied to a chair and interrogated by Americo Mali and Yosef Berek about the independence movement and weapons they believed to have been kept at the Suai Church.
43. 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.
44. 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.

Oili Rally

45. On 17 April 1999, leaders of the Integration fighting 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 Olivia Moruk and Maternus Bere attended.
46. During the rally, Eurico Guterres, Deputy Commander of the PPI spoke to 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)

47. 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 arrested about thirty men from Manekiik Village and took them to the Koramil in Belulik Leten.
48. 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.
49. 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.
50. The members of the militia pulled out the fingernails of Alfredo Freitas at the time they arrested him.
51. 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.
52. 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.
53. There were a total of 27 villagers who were detained at the militia post in Belulik Leten where the militia again beat them.
54. On the next day, 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.
55. The following day, on 25 April 1999, militia members, Petrus Suri Besi and Demetrius 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.
56. 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.

57. 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.
58. 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
59. 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. /
60. 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 allowed to leave Belulik Leten Village without his prior approval or the approval of Eduardo Leneng (the Sub-District Police Commader), Josep Kehi (TNI)(the Koramil Commander) 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)

61. 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 were looking for Joao Da Silva who was in hiding.
62. 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 Olivia Moruk, Egidio **Manek**, Alipio Gusmao **aka** Alipio **Mau**, America **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), Tern Berek, Leonito Cardoso, Miguel Da Silva Mau and Felipe Nahak.
63. The members of the militia went on this operation together with members of the TNI from Koramil Salele, including Sgt. Major Supoyo aka Pale Poyu (Sub-district military Commander-Salele), Bentu (LNU), Jaime Pinto and Leonito Cardoso (TNI).
64. The militia found and interrogated Jose Cardoso and three other villagers about the whereabouts of Joao Da Silva. Alipio Gusmao **aka** Alipio Mau, America Mali and Felipe Nahak beat them severely during the interrogation.

65. After the beating Alipio Gusmao **aka** Alipio **Mau**, America **Mali** and Felipe Nahak threatened José Cardoso and the three others with death if they were to follow Joao Da Silva in supporting independence.
66. Later the militia spotted Alexio Xiemenes, Tomas Cardoso, Paulus Xiemenes who were relatives of Joao Da Silva and killed them.
67. The militia then left Nikir 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.
68. The militia members and the TNI then proceeded to Fatukmetan.
69. 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.
70. 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.
71. 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**.
72. 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.
73. 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, Teotilo 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)

74. 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.
75. 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.
76. 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.

77. On or about 26 April 1999, "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.
78. Andreas Koli accused Augustino Gusmao of being an independence supporter, arrested him and took him to the militia headquarters in Legore Village.
79. 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,
80. 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 Sudyono. 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)

81. In 1999 Vincente Alves Quintao was a leader and Francisco Do Espiritu was a member of the clandestine movement supporting independence for East Timor.
82. 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.
83. On that day, Francisco Do Espiritu was at his home with Vincente Alves Quintao in Degus Sub-Village.
84. In compliance with the order of Pedro Teles, members of the Laksaur Militia including Xisto Barros, Ricardo Andrade, Cesar Mendonca, Casimiro and Joaquin Do Carmo armed with swords went to the house of Francisco Do Espiritu and arrested him and Vincente Alves Quintao.
85. 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.
86. 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.

87. Francisco Do Espiritu and Vincente Alves Quintao were then detained in a small room at the militia pbst, which was also the koramil in Legore in which 8g1. Maj. Harun Tateny was the Commander.
88. 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 and Torture 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

89. Caetano Xiemenes and Agustino Xiemenes were clandestine CNRT members and Americo Da Silva, Antonio Amaral, Mariano Amaral, Francisco Amaral, Cervasio Yosep, Lodifucus Ufu, Mariano Amaral and Orlando Berek were all supporters of independence. They were all living in Tilomar Sub-District in 1999.
90. On or about 22 April 1999, members of the Laksaur militia led by Olivio Moruk, Egidio Manek and Alipio Gusmao ~~aka Afipio Mau~~ attacked Wetabe Sub-Village in Salele Village, Tilomar Sub-District.
91. The militia members were armed with guns and shooting into the houses. On the orders of Olivia 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 Florinda 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

92. 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).
93. 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.
94. 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 and taken to the Koramil in Salele Village. The TNI Commander for the Koramil in Salele was Sgt. Major Supoyo aka Pak Poyo.

95. At the Koramil, the villagers were interrogated about their pro-independence activities and severely beaten by members of the Laksaur militia including Olivia Moruk, Egidio **Manek**, Alipio Gusmao **aka** Alipio Mau, Americo Mali, Joaquim Berek **aka** Berek Bot, Gaspar Bau, Noberto Xiemenes, Zito Oa Silva **aka** Zito Saek and members of the TNI including Sebastiao Barreto, and Ratu Roman.
96. During the beatings and interrogations the militia put plastic bags over the heads of the villagers and suffocated them. Egidio **Manek** forced Ludificus Ulu (one of the villagers 'arrested and detained with the Cervasio Yosep) to bite the ear and nose of Cervasio Yosep until it bled.

Forced labour

97. 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.
- 9a. 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)

99. Verissimo Xiemenes, Joao Dos Nascimento, Frigolindo Xiemenes Mau, Sertorio Maya and Lourenco Cardoso were all independence supporters living in, Raihun Village, Tilomar Sub-District.
100. Sometime in March 1999 a meeting was held in Wetaba Sub-Village. During the meeting, the village chief informed the villagers of a possibility of an attack by members of the Laksaur Militia.
101. 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.
102. 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.

103. On or about 24 April 1999, the villagers were seen by Celestino Cardoso, the sub-village chief of Lakunak and invited them to his home. The villagers agreed and went with Celestino to his home.
104. On the following morning, several members of the Laksaur Militia and TNI 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.
105. The villagers got into the trucks and were taken to the village office by the members of the militia and TNI.
106. 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.
107. 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.
108. 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

109. In April and May 1999, members of the Laksaur militia under the command of Olivia 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 killed many civilians who supported the independence cause. Members of the Laksaur militia also abducted several civilians who have not been seen since.
110. 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

111. On 19 April 1999 about 90 members of the Lak-saur militia under the command and control of Maternus Bere including Illidio Gusmao, Dominikus Mali and Domingos Mali **aka** Bete Aloï went to Matai Village.
112. 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.
113. There, Dominikus Mali gave a speech to 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.
114. 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.
115. At the time Marcal Amaral was working at the cemetery. He did not attend the meeting.
116. Illidio Gusmao asked the Babinsa of Matai Village Elvir.o Amaral (TNI) the whereabouts of Marcal Amaral. Illidio Gusmao was reading Marcal Amaral's name from a list of names he was holding.
117. 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.
118. 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 America 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 America Seran escorted Rainatu into the office of the village chief.
119. Antonio Taek and Rainatu were interrogated and subsequently released.

120. Felix Amaral and Marcal Amaral were interrogated and severely beaten by members of the militia and TNI.
121. 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.
122. The 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 gave a speech to the villagers. During that time, Martenus Bere arrived in Kiar Sub-Village. Maternus 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.
123. Felix Amaral and Marcal Amaral have not been seen since members of the TNI took them away on 19 April 1999.

Murder of Sabino Gusmao (12 April 1999)

124. 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.
125. On or about 12 April 1999, 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.
126. On seeing Sabino Gusmao, **Egidio Manek** ordered members of the Laksaur Militia to kill him. Sabino Gusmao and Olivio Gusmao tried to escape. The militia and 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.
127. Members of the militia put the body of Sabino Gusmao into one of the trucks and drove away.

Enforced Disappearance of Benedito Do Nascimento (23 April 1999)

128. In 1999, Benedito Do Nascimento was the Deputy Chief of the Clandestine Organisation in Caicoli Sub-Village in Tilomar Sub-District.
129. 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.

130. Benedito Do 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 and the militia members drove to the Koramil. Benedito Dos Nascimento was never seen again.

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

131. Alexio Xiemenes, Tomas Cardoso and Paulus Ximenes were supporters of independence living in Raihun Village in Tilomar Sub-District.
132. 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 Nikir Sub-Village, Raihun Villager in Tilomar Sub-District in search of Joao Da Silva.
133. At that time Alexio Xiemenes, Tomas Cardoso and Paulus Ximenes 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.
134. 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 Alexia Xiemenes, Tomas Cardoso and Paulus Ximenes with machetes. Alexia Xiemenes, Tomas Cardoso and Paulus Ximenes died as a result of the attack.

Murder of Lodificus Rabo (23 April 1999)

135. Lodificus Rabo was an independence supporter. On or about 23 April 1999 Lodificus Rabo was in hiding in his house in Nikir Sub-Village, Raihun Village, Tilomar Sub-District.
136. After killing Alexia Xiemenes, Tomas Cardoso and Paulus Xiemenes, the militia was proceeding to Fatukmetan village. On their way, the members of the militia under the command of Olivia Nloruk and Egidio Manek stopped at the house of Lodificus Rabu. The members of the militia including Egidio Manek, Alipio Gusmao aka Alipio Mau, Americo Mali, Zito Da Silva aka Zito Saek, Joaquim Berek aka Berek Boi, Bou Luan, Nahak Malik, Guru Nandus, Orak (LNU) Nloruk Kasak Jacob Sere,

Oracio (LNU), Tern 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.

137. 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.
138. The militia members including Tern Berek and Joaquim Berek aka Berek Bot and a member of the TNI beat Lodificus Rabo and tied his hands behind his back.
139. 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.
140. 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.
141. On or about 30 April 1999, Leonito Cardoso showed several villagers from Nikir 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)

142. Francisco Xavier Gutteres was a member of the clandestine movement supporting independence. On or about 12 May 1999, Francisco Xavier Gutteres 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.
143. At Macous Village, Francisco Xavier Gutteres 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.
144. Francisco Xavier Gutteres and the villagers then went to the house of Olivia Mau, who was also a member of the clandestine movement where they spent the night.
145. On or about 13 May 1999, at about 4am members of the Laksaur Militia including Domingos Mali aka Bete Alois and Inacio Mau attacked the house of Olivia Mau and arrested Francisco Xavier Gutteres. Domingos

Mali aka Bete Aloï was armed with a rifle. The militia members tied his legs and hands and forcibly took Francisco Xavier Gutteres to Fatuloro Sub-Village to the house of Ernesto Mali, the sub-village chief.

146. 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 Bere and Bere Metan were armed with rifles.
147. 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 Gutteres 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.
148. After the meeting, Pedro Teles, 8gt. Maj. Harun Tateny, Domingos Mali aka Bete Aloï, Joao (POLRI) left together with the members of the militia.
149. Francisco Xavier Gutteres was ordered to ride on the motorcycle of Joao Koli.
150. Jose Afonso Amaral and Dinis Afonso Monis were family members of Francisco Xavier Gutteres. On or about 13 May 1999 the family members of Francisco Xavier Gutteres including Jose Afonso Amaral and Dinis Afonso Monis were informed that Francisco Xavier Gutteres had been arrested by the militia and they went to Fatuloro wanting to rescue Francisco Xavier Gutteres.
151. Just before Joao Koli could leave the area with Francisco Xavier Gutteres, Jose Afonso Amaral, Dinis Afonso Monis and several other family members surrounded the motorcycle and insisted that Francisco Xavier Gutteres not be taken away.
152. At that moment members of the militia and TNI including Domingos Mali aka Bete Aloï and Ernesto Bere attacked the villagers and started firing their rifles towards them. Jose Afonso Amaral who was killed in the attack and Dinis Afonso Manis suffered serious injuries.

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

153. 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 Olivia Moruk addressed them.
154. 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.
155. 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.
156. 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.
157. 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)

158. In 1999, Vasco Amaral was a member of the clandestine and an independence supporter living in Fatumean Sub-District.
159. 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.
160. The members of the Laksaur Militia present, amongst others, were Henrikus Mali, Petrus Suri Bisi and Marianas Berek.
161. The militia forcibly put Vasco Amaral into their vehicle and took him away.
162. On 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".

163. 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)

164. 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.
165. 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.
166. At the militia headquarters, members of the Laksaur militia beat Jaime Da Costa and Bendito De Jesus aka Bene Leki.
167. 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.
168. 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.
169. 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.
170. 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.
171. Jaime Da Costa Nunes and Bendito De Jesus aka Bene Leki split up in Mota Ulun Sub-Village and later meet up in Mamalus village and proceeded to Aisik village.
172. At Aisik village, Jaime Da Costa Nunes and Bendito De Jesus aka Bene Leki went to visit Martino Do Rego and Abel Pereira, who were respectively the brother and father of Jaime Da Costa.
173. In the evening of that day, Martino Do Rego summoned 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.

174. 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.
175. 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.
176. 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.
177. 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.
178. 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.
179. 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.
180. 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 15 DECEMBER 1999 (POST-CONSULTATION PERIOD)

ARREST, DETENTION, TORTURE AND DESTRUCTION OF PROPERTY

181. 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.
182. The militia, TNI and Polri commenced forcibly transferring/deporting the civilian population to West Timor, Republic of Indonesia.
183. During this exercise, the perceived supporters of independence who were apprehended were killed and others unlawfully detained and subsequently forcibly transferred or deported.
184. 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 Mava, Joao Fernandes, Caitano Do Carmo, Domingos Do Carma, Rui Gusmao, Jacinto (5 September 1999)

185. 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.
186. 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.
187. 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.
188. During the period of their detention the members of the Laksaur militia and the Polri officers beat the villagers.

189. The villagers were detained at the Polri office until 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 Carma, Rui Gusmao and Jacinto suffered serious physical injury.

Inhumane Act against Manuel Mendes (5 September 1999)

190. Manuel Mendes was an active independence supporter and chief of investigations for CNRT in Suai. He was informed that militiamen Olivia Moruk, Egidia Manek and Joseph Bere were looking for him.
191. 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.
192. Laksaur militiaman Olivia Tadoo Bau and TNI Raul Halek saw Manuel Mendes walking to his house. Olivia Tadoo Bau stabbed Manuel Mendes in the back, who was able to run to his 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)

193. 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.
194. On or about 17 September 1999, members of the Laksaur militia under the command of Olivia Moruk and Egidio Mianek including Mateus Sau, 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.
195. 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 militia and the TNI.
196. 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.

197. 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.
198. 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 Oliviera aka Raimundo Mau, Martinho Do Rego and Abel Pereira (4 September 1999)

199. After the popular consultation, the Laksaur militia group based in Fatumean embarked on an operation which involved the arresting of civilian believed to be supporters of independence.
200. On 30 August 1999, Raimundo De Oliveira informed his wife, Abel Pereira, Martino 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, Martino 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.
201. On or about 1 September 1999, at around 7:00 a.m. Raimundo De Oliveira, his wife Abel Pereira, Martino 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, Martino 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, Martino 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 beat, slapped and kicked Abel Pereira and the Martino Do Rego's wife and verbally abused them.
202. 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 Oliviera aka Raimundo Mali 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 Mau, 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.

203. Raimundo De Oliveira, his wife, Abel Pereira, Martino 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 Martino Do Rego were again beaten.
204. On or about 4 September 1999, the militia released the two women.
205. At the militia headquarters in Belulik Leten, Raimundo De Oliveira, Abel Pereira and Martino Do Rego were killed by Henrikus Maui, Gabsuri and Vincen Susar.
206. On the orders of Henrikus Mali the bodies of Raimundo De Oliveira, Abel Pereira and Martino Do Rego were taken to West Timor where they were disposed off somewhere near Atambua.

Murder of Felix Mali (5 September 1999)

207. 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.
208. Sometime in 1988. Felix Mali was appointed as leader of Korenti Mate Fatin. He suffered from a physical disability that prevented him from walking.
209. On 5 September 1999 at about 3am, members of Laksaur militia including Olivio Tadoo Bau. Joanico Gusmao, Vintura Logore, Paulus Orun and Candiro armed with rifles and swords attacked Sukaer Laran Sub-village.
210. Olivio Tadoo Bau was armed with a pistol and Joanico Gusmao was armed with a sword.
211. 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.
212. 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.
213. Joanico Gusmao went back into the house of Felix Mali and killed him by stabbing him in the back with his sword.

214. The militia then forcibly took the villagers of Sukaer Laran Sub-Village to West Timor.

Suai Church Massacre (6 September 19'99)

215. 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.

216. 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.

217. 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.

218. 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 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.

219. As a result of the shooting and the threats by the TNI and militia, on or about 5 September 1999, Father 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.

220. Lt. Col. Gatot Subiaktoro assured FatherTarsisius Dewanto that he would arrange for security for the church and the villagers hiding in the church.

221. 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 TN!. 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.

222. 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 Mendonca that all the villagers had to go to West Timor and trucks will be sent to the church to transport the villagers.

223. 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.

224. 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.
225. 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.
226. 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.
227. Soon after, the commanders of the Laksaur Militia and several members of the militia left the Kodim and gathered at the house of Herman Sudyono. The militia members were armed with rifles, swords and machetes.
228. At about 2.30 pm members of the Laksaur Militia left the house of Herman Sudyono, the Bupati of Covalima District (Regent of Covalima District) and went towards the Suai Church. Herman Sudyono followed behind them dressed in a TNI uniform and armed with a rifle.
229. When they arrived at the church members of the Laksaur Militia and the TNI surrounded the church compound.
230. Two grenades were thrown into the church compound and then the militia and the TNI started to shoot into the church compound.
231. The militia and the TNI then entered the church compound and attacked the villagers who were hiding inside the church compound.
232. 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 75 to 200 civilians were killed during the attack and many were injured.
233. Herman Sudyono, Lt. Sugita, 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 Tatroo Sau, Zito da Silva aka Zito Saek, Joaquim Berek aka Berek Bot, Alipio Gusmao aka Alipio Mau, Gabriel Nahak, Domingos Mali aka Bete Alo, Egidio Gusmao,

Noberto Xiemenes, Miguel Mau, Bosko Seran, Paulus Berek, Juliano Tahu, Alberto Mali, and Antonio Moruk also participated in the attack.

234. 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.
235. 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.
236. On or about 7 September 1999" at about 7 am, members of the TNI including Lt. Col. 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 onto trucks and taken to West Timor where they were disposed off.
237. 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)

238. 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.
239. 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.
240. 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.

241. 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)

242. 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.
243. Agapito Amaral was an independence supporter living in Manekiik Villag. Rosalina Belak was the mother of Agapito Amaral.
244. On 6 September 1999 Agapito Amaral, Graciano Da Cruz and Francisco De Araujo were at the farm of Francisco De Araujo at Makerloot Village. They were informed by Francisco De Araujo's wife Rozalina 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.
245. 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.
246. 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.
247. 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.
248. 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.
249. 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.
250. Upon hearing the insults being made by Rosalina Belak, Henriku5 Mali ordered members of the laksaur militia including Yacobus Bere, Marcurious De Deus and Petrus Lau to kill Rosalina Cardoso Belak.

251. The militia armed with guns and machetes went around 1V1aneikiik 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.
252. Marcurious De Deus Mali and Petrus Lau then stabbed Rosalina Belak thereby killing her.
253. Yacobus Bere, Marcurious De Deus and Petrus Lau returned to the militia post and informed Henrikus Mali that his orders had been executed.
254. 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)

255. Jose Dos Reis was a clandestine supporter of Falintil and provided assistance to Falintil members who were hiding in the mountains.
256. In 1999, members of the Laksaur militia became aware of the clandestine activities of Jose Dos Reis.
257. 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.
258. 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.
259. On or about 6 September 1999, Filomena Mendonca was arrested in Mata Air Village by Laksaur militia members.
260. 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.

261. 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.
262. 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.
263. 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.
264. 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)

265. On or about 7 September 1999, Domingos Bau Koli aka Domingos Andrade and several other villagers including Joao Leite, Arminda de Oliviera, 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 members.
266. 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.
267. On that day, Andre Amaral was traveling in a vehicle heading towards the Koramil in Suai where several other villagers had sought refuge.
268. 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.
269. 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 Olivia Tatoo Bau.
270. After Andre Amaral got into the vehicle, Olivia 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.

271. 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.
272. Domingos Sau 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 Sau Koli, and found a camera and his university certificate.
273. Olivio Tatoo Bau then told all those present that Domingos Sau Koli is a journalist and he must be killed. Olivio Tatoo Bau then slashed Domingos Sau Koli on his arm with his sword.
274. The members of the militia then drove away with the villagers they had arrested.
275. After driving for some distance, the militia ordered Josefina De Jesus to get out of the vehicle. Domingos Sau Koli and Andre Amaral remained in the vehicle driven by Olivio Tatoo Bau.
276. 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.
277. Sometime around 5pm that day, Olivio Tatoo Bau and other members of the militia drove the arrested people towards Fatukuan village. Throughout the drive towards Fatukuan, the members of the militia continuously beat Domingos Sau Koli and Andre Amaral
278. 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 Sau Koli to get out of the vehicle.
279. Olivio Tatoo Bau pointed a gun at Andre Amaral while the 5 militiamen armed with swords took Domingos Sau Koli a short distance away and killed him.

Persecution (abduction) of Alfredo Nahak (7 September 1999)

280. Alfredo Nahak was a clandestine member and an active independence supporter.
281. 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.
282. They left Kamanasa Village on board a truck. When they arrived at the militia post in Suai, members of the Laksaur militia including Olivia Tatoo Bau, Adelino Nahak and Ameo stopped the truck.

283. 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.
284. 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.
285. 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.
286. Sometime in November 1999, ⁱ members of his family found the remains of Alfredo Nahak in Fatukuan

Murder of Simplicio Doutel Sarmento (8 September 1999)

287. 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.
288. 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.
289. Members of the Laksaur militia including Olivia Tatoo Bau and Americo Mali dragged Simplicio Doutel Sarmento off his motorcycle. On the order of Olivio Tatoo, Bau members of the militia tied the hands of Simplisio Doutel Sqrmento behind him. Olivio Tatoo Bau then stabbed Simplicio Doutel Sarmento with a knife. The militia ordered the truck with the villagers to proceed.
290. Simplicio Doutel Sarmento died as a result of the attack.

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

291. 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.
292. On the way, at Fatukuan, by Olivia Tatoo Bau and Americo Mali who were in a blue kijang parked by the side of the road, stopped the truck.

Olivio Tatoon Bau and Americo Mali were armed with a pistol and a sword respectively.

293. Manuel Noronha was dragged out of the truck and severely beaten by Olivio Tatoon Bau and Americo Mali. Olivio Tatoon Bau and Americo Mali blindfolded Manuel Noronha, tied up his hands behind him and put him into the kijang.
294. Manuel Noronha was never seen again. Family members of Manuel Noronha recovered his remains sometime after the killing.

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

295. Anibal Do Rego was a clandestine supporter of Falintil and provided assistance to Falintil who were hiding in the mountains. Litu Da Costa, Johannes Tahu, Paulus Ximenes and Cancio Nahak were known supporters of independence.
296. On or about 9 September 1999, Anibal Do Rego, Litu Da Costa, Johannes 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, Johannes 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.
297. Anibal Do Rego, Litu Da Costa, Johannes 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, Johannes Tahu, Paulus Ximenes and Cancio Nahak to get out of the vehicle and to form a line-up.
298. Lt. Sugito ordered the militia members present to shoot Anibal Do Rego, Litu Da Costa, Johannes Tahu, Paulus Ximenes and Cancio Nahak.
299. Paulus Ximenes, Cancio Nahak and Johannes 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 Johannes Tahu. When the three victims were lying on the ground, Saulus then cut the throats of Paulus Ximenes, Cancio Nahak and Johannes Tahu. Paulus Ximenes and Johannes Tahu died as a result of the attack but Cancio Nahak survived the attack.

300. 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.

301. On the same day, Anibal Do Rego and Litu Da Costa were taken to West Timor.

Laktos Massacre (12 September 1999)

302. 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.

303. Cosmas Amaral was the Commander of the Laktos militia in Fohorem and Laurindo Agustino was his deputy.

304. In 1999, the Laksaur militia in Fohorem had its Headquarters together with the Milsas (organization within the TNI).

305. The TNI Unit that was stationed in Laktos in 1999 was called Battalion 143 under the Command of Lt. Ari.

306. 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.

307. On or about 5 September 1999, Cosmas Amara! 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.

308. 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.

309. 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.

310. After the briefing, the members of the militia led by Laurindo Agustino, the milsas led by Anito Lau and the TNI led by L1. 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.

311. The group divided themselves into three groups and took different routes to Rai Ulun.
312. 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.
313. 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 get closer, the members of the militia told the villagers that they would be taken to West Timor.
314. The villagers were armed with machetes to defend themselves and told the militia, TNI and Milsas that they will not go to West Timor.
315. The villagers moved forward and suddenly the TNI, militia and milsas started shooting at the villagers. Antonio Amaral Sau, Alberto Ferreira, Ernesto Carvalho Letto, Anito Coli, Anito Mali, Anito Sau, Daniel Monis Aci, Domingos Amaral, Eurico Sau, Daniel Taek, Abel Soares Gomes, Jose Do Rego, Geraldo Amaral and Soaventura De Araujo were killed in the attack. The militia and the TNI then gathered the bodies of the victims and burnt them.
316. The group left Rai Ulun and went to Laktos village burning down all the houses on their way. The group then met Soaventura 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)

317. Carlos Yosep and Patricio De Jesus Xiemenes Mauk were clandestine members of Falintil.
318. 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.
319. 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.
320. 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.

- 321. The group led by Abilio Hale comprised of militia members including Alfredo Naka, Almer! Taek, Filipus Tae, Sebastiao Lau and Alex.
- 322. 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.
- 323. 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.
- 324. 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)

- 325. 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.
- 326. 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, Simoa Nahak (TNI), Constancio Amaral Luan and Francisco Dos Santos
- 327. After the interrogation, Jose Pereira Coli was severely beaten by Simao Nahak. Sima Nahak then took Jose Pereira Coli away on his motorcycle.
- 328. After some time Simao Nahak returned to the militia post without Jose Pereira Coli. Jose Pereira Coli was never seen again.
- 329. 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

- 330. 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.
- 331. Commanders of the Laksaur militia including Olivia Ivoruk 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 rtiava and inhumane acts against Juliana Moniz (25 September 1999)

332. On 7 September 1999, villagers from Nikir 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.
333. On 25 September 1999, members of the Laksaur militia attacked Wea Forest and found the villagers from Nikir hiding there. Members of the militia present included Simoa Da Silva aka Simao Nahak (TNI), Illidio Gusmao, Marcel Mendonca, Yosep Leki, Noberto Xiemenes, Juliao Tahu, Charistiano Tae, Vitor Leecas, Zito Da Silva aka; Zito Saek, lakarias Xiemenes, Kehi Asan, Gaspar Bau, Bene Asa, and Paulus Moruk Kasak.
334. The militia members were armed with automatic rifles, machetes and swords. Simon Da Silva aka Simao Nahak (TNI) was the first to have seen the villagers and called out to the other militia.
335. 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 on the leg and suffered serious injuries. The other villagers who were hiding with them were able to escape without injury.
336. 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.

Murder of Paulino Cardoso aka Lino Cardoso (26 September 1999)

337. On or about 4 September 1999 villagers from Wetabe 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. Paulino Cardoso aka Lino Cardoso, and about 15 other villagers fled to Mudasikun Forest in Salele.
338. On or about 26 September 1999 eight villagers from the group of Wetabe villagers including Paulino Cardoso aka Lino Cardoso, were resting in a group in Mudasikun Forest, when suddenly they were surrounded by about 20 members of the Laksaur militia. Among the Laksaur militia present were Illidio Gusmao, Noberto Xiemenes, Yosep Leki, Marcel Mendonca, Zito Da Silva aka Zito Da Snva aka Zito Saek, Lambertus Muti, Luan Akan and Christiano Donasimento.

339. Zito Da Silva aka Zito Sael{ ordered the villagers not to run or he would shoot. He then fired two shots into the air. The villagers scattered in fear and tried to flee. Illidio Gusmao shot Paulino Cardoso aka Lino Cardoso six times. Noberto Xiemenes shot Paulino Cardoso aka Lino Cardoso twice. Paulino Cardoso aka Lino Cardoso fell to the ground. Noberto Xiemenes then ordered Yosep Leki to shoot Paulino Cardoso aka Lino Cardoso and Yosep Leki shot Paulino Cardoso aka Lino Cardoso twice. Paulino Cardoso aka Lino Cardoso died as a result of the attack.

Murder of Domingos Barros aka Domingos Marsal (26 September 1999)

340. Miguel Da Cruz was a member-of Falintil and a known supporter of independence. Domingos Barros was the brother of Miguel Da Cruz. In fear for their lives due to threats by the members of the Laksaur militia. Domingos Barros and Miguel Da Cruz had sought refuge in the Suai Church from 7 May 1999 until 5 September 1999.
341. After the announcement of the results of the popular consultation. Domingos Barros and Miguel Da Cruz fearing that the militia and TNI may attack the church, decided to leave the church. They returned to their home in Aidila Laran Village in Suai where they found that their house had been burnt and destroyed. Domingos Barros and Miguel Da Cruz fled to Wesei Forest on 5 September 1999 and were hiding with other independence supporters.
342. On or about 26 September 1999. whilst Domingos Barros was cooking breakfast, members of the Laksaur under the command and control of Egidio Manek militia including Silvestre Atai aka Silvestre Berek attacked the place where the villagers were hiding in Wesei Forest. During the attack, Domingos Barros was shot in the stomach. Silvestre Atai aka Silvestre Berek chopped off the head of Domingos Barros. and picked up the head in his hand and held it up saying "these people are looking for independence.
343. Miguel Da Cruz fled from the scene and returned the next day to the location of the attack, and found the remains of Domingos Barros.

Murder of Fredrico Barros, Lorenzo Gusmao & Nazario Gutteres (5 October)

344. On the orders of Olvio Moruk, Egidio Manek and Pedro Tele, members of the Laksaur militia led by Olivia Tatoo Bau attacked Lookeu Village and the surrounding Laketo Forest.
345. On or about 5 October 1999, the group of militia including Xisto Barros, Joaquim Do Carmo, Cesar Mendonca, Marciano De Andrade and Alberto led by Olivia Tatoo Bau attacked Lookeu Village. The militia members

were armed with rifles and machetes. The militia started shooting towards the villagers who were running.

346. Xisto Barros and Cesar Mendonsa shot Fredrico Barros. Fredrico Barros died as a result of the attack.
347. After the attack in Lookeu Village, the same group of Laksaur Militia led by Olivio Tatro Bau attacked Laketo Forest.
348. Lorenzo Gusmao and Nazario Gutteres were hiding in Laketo Forest, together with several Villagers from Busu Kukun in fear for their lives due to the violence against people perceived by members of the Laksaur militia to be supporters of independence.
349. Upon seeing the villagers, the militiamen started firing their weapons at the villagers who were hiding there.
350. During the attack, Lorenzo Gusmao and Nazario Gutteres were killed and several villagers including Armando Soares Pereira, Fenciq Soares Pereira and Ermundo Soares (who was 5 years old at the time of the attack) suffered serious physical injuries.
351. After the attack the villagers were gathered and were forcibly taken by the militia to West Timor.

Murder of Luis Rosalino (5 October 1999)

352. Luis Rosalino was an independence supporter living in Suai Sub-District.
353. Sometime in October 1999, Luis Rosalino was identified by Alipio Gusmao aka Alipio Mau and members of the Laksaur militia while he was sitting in a truck with other villagers. Alipio Gusmao aka Afipio Mau wanted to use the truck to transport zinc-roofing sheets to West Timor. Alipio Gusmao, aka Alipio Mau said that CNIRT supporters people who did not want to go to West Timor as refugees should not have the truck.
354. Alipio Gusmao aka Alipio Mau ordered Ricardo De Andrade to kill Luis Rosalino. Ricardo De Andrade shot Luis Rosalino. Luis Rosalino died as a result of the attack.

Enforced Disappearance Of Apolinario Mau Joni, Edmundos Bere And Yohanes Laku (17 October 1999)

355. Apolinario Mau Joni, Edmundos Bere and Yohanes Laku were supporters of independence. In 1999 Yohanes Laku was local staff working for UNAMET.
356. On or about 17 October 1999, Apolinario Mau Joni, Edmundos Bere and Yohanes Laku were arrested by TNI members including Budi Yawan Basuki and members of the Laksaur Militia including Domingos Mali aka Bete Aloï, and were taken to the TNT post in Bora Village, West Timor,

Republic of Indonesia. At the TNI post, Apolinario Mau Joni, Edmundos Bere and Yohanes Laku were tied up and beaten.

357. Later the same day, the wife of Yohanes Laku approached the persons who had earlier arrested Apolinario Mau Joni, Edmundos Bere and Yohanes Laku including Budi Yawan Basuki, Domingos Mali aka Bete Alois and Joao Mali, and asked them about the whereabouts of Apolinario Mau Joni, Edmundos Bere and Yohanes Laku. She was told by Joao Mali that Apolinario Mau Joni, Edmundos Bere and Yohanes Laku were "thrown away" and Budi Yawan Basuki informed her that they were taken to the hospital.
358. Apolinario Mau Joni, Edmundos Bere and Yohanes Laku were never see again.

RAPES

RAPE OF VICTIM A, VICTIM B and VICTIM C (Between 5 and 7 October 1999)

359. Victim A was the wife of a leader of the CNRT and active independence supporter in East Timor. On or about 26 February 1999 Victim A and her family were in their house in Rumah Murah Village with other Villagers who were pro-independence supporters, when members of the Laksaur Militia and the TNI attacked them in their home. Some of the villagers were able to escape. Elizeu Gusmao, Jose Fatima Xavier and Inacio Amaral suffered serious injuries as a result of the attack. After the attack Victim A and her husband sought refuge at the Suai Church until 6 September 1999, when the members of the militia attacked the TNI Suai Church.
360. Victim B and her husband were clandestine members of Falintil and known pro-independence supporters. As a clandestine member in 1999, Victim B used to provide food for Falintil members in Salele Village. Sometime in February, Victim B and he husband heard about the militia attacking and killing pro-independence supporters in Rumah Murah. In fear of their lives and safety, Victim B and her husband sought refuge at the Suai Church until 6 September 1999 when the church was attacked.
361. Victim C was a clandestine member of Falintil. In 1999 Victim C was living in Tilomar Sub-District. On or about 27 February 1999 Caitano Mendonca De Araujo and Egidio rJianek threatened Victim C that the militia will kill her and her family if they continued to support the pro-independence cause. In fear of her life and safety as a result of the threat, Victim C sought refuge at the Suai Church until 6 September 1999 when the church was attacked.
362. After the attack in the church on 6 September 1999, members of the Laksaur Militia gathered the villagers including Victims A and B and took

them to the KODIM in Suai. Victim C and her three children and other villagers were taken to the High School in Suai Town.

363. During her detention, Victim C was repeatedly questioned about the whereabouts of her brother who was a known pro-independence supporter. The militia threatened victim C that she would be raped unless she disclosed his whereabouts. Victim C was detained at the school until 13 September 1999. Throughout the period of detention, the villagers were guarded by the militia and the TNI and were not allowed to leave the school premises. On or about 13 September 1999, all the Villagers detained at the school were forcibly taken to West Timor on board trucks.
364. Victim B and Victim C were taken to Wemasa Village where they stayed in refugee camps and were guarded by the militia.
365. On 14 September Victim A together with other villagers was taken to West Timor on board trucks driven and escorted by TNI soldiers. Victim A together with her mother and her son were taken to a refugee camp in Raihenek Oan Village, West Timor which was also the militia headquarters in West Timor. Egidio Manek, Olivia Tatoo 'Sau and America Mali also lived in the same area.
366. On or about 7 October 1999, whilst Victim A was attending a funeral in the same village, Olivio Tatoo Sau and Damianus Bere came to the place where she was and ordered her to go with him to report to the Danyon. Olivio Tatoo Bau was armed with a rifle.
367. Victim A together with her son followed the militia and got into the car being driven by Olivio Tatoo Sau. Egidio Manek, Francisco (aka Frans), Damianus Bere and Gaspar Bau were also in the car. They were all dressed in TNI uniforms and armed with rifles, except Damianus Bere who was armed with a sword. They drove off to Wemasa refugee camp with Victim A and her son.
368. Upon arriving at Wemasa refugee camp, Egidio (t'ane)k and Damianus Bere went into the camp and brought Victim B and Victim C.
369. With Olivio Tatoo Bau driving, the militia took victim A together with her son, Victim B and Victim C to a forested area and stopped the vehicle.
370. Egidio Manek forcibly pulled Victim A out of the vehicle and took her some distance away where he threatened to kill her. He then forcibly had sexual intercourse with Victim A without her consent.
371. Francisco aka Frans took Victim B some distance away. There he threatened Victim B with his rifle and forcibly had sexual intercourse with her without her consent.
372. Olivio Tatoo Bau remained by the vehicle with Victim C. Olivio Tatoo Sau threatened Victim C with his rifle. He then forcibly had sexual intercourse with Victim C without her consent.

373. After Victim B returned to the vehicle, Olivia Tatoo Bau then took victim B some distance away and forcibly had sexual intercourse with Victim B without her consent. Victim B's son was with her and watched his mother being raped by Francisco and Olivio Tatoo Bau.

RAPE OF VICTIM D (between 6 September 1999 and 15 December 1999)

374. After the attack at the Suai Church on 6 September 1999, Victim D together with her son and other villagers were taken to the High School in Suai where they stayed until 13 September 1999 when they were taken to West Timor by the militia.
375. On 6 September 1999, Gabriel Nahak took the victim and her son and locked them in a separate classroom. Victim D was holding her son in her arms. Gabriel Nahak forcibly removed her son from her grip and pushed her onto the floor.
376. Gabriel Nahak then tied a rope around each of the ankles and tied the other end of the rope to the legs of the table, such that her legs were parted. Gabriel Nahak then forcibly had sexual intercourse with Victim D without her consent. Gabriel Nahak then untied the rope from around the Victim's legs.
377. Victim D was very afraid and she remained in the room with her son. Gabriel Nahak returned a few hours later and again forcibly had sexual intercourse with Victim D without her consent. Between 6 September 1999 and 13 September 1999, Gabriel Nahak returned to the room where Victim D was and forcibly had sexual intercourse with her without her consent, several times.
378. On or about 13,September 1999, Victim D, her son and other villagers staying at the High School were forcibly taken to West Timor to Wemasa Village where they had to stay in refugee camps.
379. On or about 16 September 1999, Gabriel Nahak, dressed in a TNI uniform and armed with a rifle went to the refugee camp where Victim D was staying. Gabriel Nahak beat Victim D and ordered her to go with him.
380. Victim D in fear of her life and safety accordingly went with Gabriel Nahak. He took Victim D and her son to the beach where he forcibly had sexual intercourse with her without her consent. Gabriel Nahak then left Victim D by the beach and left. Gabriel Nahak returned a few hours later, and again forcibly had sexual intercourse with Victim D against her will. Gabriel Nahak took Victim D back to the refugee camp. During this time, the son of Victim D was present and watched his mother being raped by Gabriel Nahak.

381. Between 17 September 1999 and 15 December 1999, Gabriel Nahak repeatedly had forcible sexual intercourse with Victim D without her consent in the presence of her son. As a result of the repeated sexual violence by Gabriel Nahak against her, Victim D and her son suffered serious mental and physical injury.

DEPORTATION

382. 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.
383. On or about 5 September 1999 the Sub-District militia commanders including Egidio Manek, Maternus Bere, Pedro Teles, Casmás Amaral and Henrikus Mali and their militia members and the TNI commenced deporting the civilian population in Covalima District.
384. Following the attack on Suai church on 6 September 1999, members of the Laksaur militia under the command of Olivia Moruk, Egidio Manek, Maternus Bere, Pedro Teles and Henrikus Mali together with the TNI 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, members of the Laksaur militia and TNI deported all the women to various places in West Timor.
385. 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.
386. The Bupati, Herman Sudyono 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.
387. In all other sub-districts in Covalima, the militia commanders and their subordinates together with the TNI deported thousands of civilians they found in Covalima. The participants in the deportation included Alipio Gusmao aka Alipio Mau, Olivia Tatoo Sau, Americo Mali, Zito Da Silva aka Zito Saek, Illidio Gusmao, Domingos Mali aka Bete Aloí, Joaquim Berek aka Berek Bot aka Berek Bot, Baltazar Da Costa Nunes, Yacobos Bere, Simao Nahak and Gabriel Nahak.

PERSECUTION

388. Between January 27 1999 and October 25 1999 the commanders of the Laksaur Egidio Manek, Maternus Bere, Hendrikus Mali, Pedro Teles and Cosmas Amaral and members of the militia under their command and control embarked on an organized campaign of intimidation, abduction, assault, unlawful arrests and detention, destruction of property of civilians in Covalima District who were perceived to be supporters of independence.
389. 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) selecting, 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
 - i. After the announcement of the results of the popular consultation on or about 4 September 1999, the Commanders of the Laksaur Militia including Egidio Manek, Maternus Bere, Hendrikus Mali, Pedro Teles and Cosmas Amaral ordered members of the Laksaur Militia under their command and control 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 Laksaur Militia including Alipio Gusmao aka Alipio Mau, Olivio "tattoo" Sau, Baltazar Da Costa Nunes, Gabriel Nahak, Americo Mali, Zito Da Silva aka Zito Saek, Domingos Mali aka Bete Aloj, Illidio Gusmao, Joaquim Berek aka Berek Bot and Simao Nahak, in compliance with the orders of Egidio Manek, Maternus Bere, Hendrikus Mali, Pedro Teles and Cosmas Amaral 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 Laksaur Militia burnt down a part of the church building.
- iv. The attacks on property in Covalima District by members of the Laksaur Militia, caused a destruction of the livelihood of the population of Covalima District.

IV. GENERAL ALLEGATIONS

390. 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 RESPONSIBIUTY

Individual Criminal Responsibility

391. 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

392. Egidio Manek, Maternus Bere, Cosmas Amaral, Pedro Teles and Henrikus Mali and Baltazar Da Costa Nunes are criminally responsible as superiors for the acts of their subordinates pursuant to Section 16 of UNTAET Regulation 2000/15. 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: Torture

By their acts or omissions in relation to the *events* described in paragraphs 20 to 24(inclusive), Alipio Gusmao Aka Alipio Mau and America Mali are responsible as individuals for the torture of Inacio Pereira, on or about 27 January 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 2. Crime Against Humanity: Torture

By their acts or omissions in relation to the events described in paragraphs 25 to 39 (inclusive), Egidio Manek, Cosmas Amaral, Alipio Gusmao aka Alipio Mau and Americo Mali are responsible as individuals or superiors for the torture of Jose Fatima Xavier, Elizio Gusmao and Inacio Amaral, on or about 26 February 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 2000/1 5.

Count 3. Crime Against Humanity: Torture

By their acts or omissions in relation to the events described in paragraphs 40 to 44(inclusive), Egidio Manek, Henrikus Mali and Americo Mali are responsible as individuals or superiors 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 47 to 60 (inclusive), Henrikus Mali is responsible as an individual or a superior for the torture of Geraldo Orleans, Alfredo Freitas, Domingos Dos Santos, Francisco Nahak, Baltazar 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 their acts or omissions in relation to the events described in paragraphs 61 to 65 (inclusive), Egidio Manek, Alipio Gusmao aka Alipio Mau and Americo Mali are responsible as individuals or as superiors 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: Torture

By their acts or omissions in relation to the events described in paragraphs 68 to 73 (inclusive), Egidio Manek, Alipio Gusmao aka Alipio Mau, Zito Da Silva aka Zito Saek, Joaquim Berek and Americo Mali are responsible as individuals or as superiors for the torture of Cervasio Yosep, Balbina Maia, Rosalinda Abuk, Luizina Maia, Filipos Yosep. Daniel Xiemenes, Markus Xiemenes, Jaime Cardoso and Teofilo da Silva in Fatukmetan Village, on or about 23 April 1999 in Fatukmetan 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 7. Crime Against Humanity: Torture

By their acts or omissions in relation to the events described in paragraphs 74 to 80 (inclusive), Maternus Gere and Domingos Mali aka Bete Alois are responsible as individuals or as superiors for the torture of Agustino Gusmao, on or about 26 April 1999 in Legore Village, 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, TORTURE a crime stipulated under Section 5.1 (f) of UNTAET Regulation 2000/15.

Count 8. Crime Against Humanity: Torture

By their acts or omissions in relation to the events described in paragraphs 81 to 88 (inclusive), Maternus Bere and Pedro Teles are responsible as individuals or as superiors for the torture of Francisco Do Espirito and Vicente Alves Quintao, on or about 26 April 1999 in Legore 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 9. Crime Against Humanity: Persecution (by Destruction of Property)

By their acts or omissions in relation to the events described in paragraphs 89 to 91 (inclusive), Egidio Manek and Alipio Gusmao aka Alipio Mau are responsible as individuals or as superiors for persecution of the villagers of Wetaba, on or about 22 April 1999 in Wetabe sub-village, Salele, Tilomar Sub-District, Covalima District including Orlando Berek, Petrus Da Costa, Antonio Amaral, Joao Ximenes, Mateus Dos Reis, Tome Nunes and Florindo Cardoso 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 10. Crime Against Humanity: Torture

By their acts or omissions in relation to the events described in paragraphs 92 to 96 (inclusive), Egidio Manek, Alipio Gusmao aka Alipio Mau, Americo Mali, Joaquim Berek aka Berek Bot and Zito Da Silva aka Zito Saek are responsible as individuals or as superiors for the torture of Caetano Ximenes, Agustino Ximenes, Americo Da Silva, Antonio Amaral, Mariano Amaral, Francisco Amaral, Cervasio Yosep, Loduficus Ulu and Orlando Berek, on or about 30 April 1999 in Salele, 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 11. Crime Against Humanity: Torture

By their acts or omissions in relation to the events described in paragraphs 99 to 107 (inclusive), Egidio Manek, Alipio Gusmao aka Alipio Mau and Joaquim Berek aka Berek Bot are responsible as individuals or as superiors for the torture of Verissimo Ximenes and Joao Dos Nascimento on or about 24 April 1999 in 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 12. Crime Against Humanity: Enforced Disappearance

By their acts or omissions in relation to the events described in paragraphs 111 to 123 (inclusive), Maternus Bere, Illidio Gusmao and Domingos Mali aka Bete Aloi are responsible as individuals or as Superiors for the enforced disappearance of Marcal Amaral and Felix Amaral, on or about 19 April 1999 in Matai Village, 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, ENFORCED DISAPPEARANCE a crime stipulated under Section 5.1 (i) of UNTAET Regulation 2000/15.

Count 13. Crime Against Humanity: Murder

By his acts or omissions in relation to the events described in paragraphs 124 to 127 (inclusive), Egidio Manek is responsible as an individual or as a superior for the murder of Sabino Gusmao, on or about 12 April 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, MURDER a crime stipulated under Section 5.1(a) of UNTAET Regulation 2000/15.

Count 14. Crime Against Humanity: Enforced Disappearance

By his acts or omissions in relation to the events described in paragraphs 128 to 130 (inclusive), Egidio Manek is responsible as an individual or as a superior for the Enforced Disappearance of Benedito Dos Nascimento, on or about 23 April 1999 in Caicoli Sub-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, ENFORCED DISAPPEARANCE a crime stipulated under Section 5.1 (i) of UNTAET Regulation 2000/15.

Count 15. Crime Against Humanity: Murder

By his acts or omissions in relation to the events described in paragraphs 131 to 134 (inclusive), Egidio Manek is responsible as an individual or as a superior for the Murder of Alexia Xiemenes, Tomas Cardoso and Paulus Xiemenes, on or about 23 April 1999 in 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, MURDER a crime stipulated under Section 5.1(a) of UNTAET Regulation 2000/15.

Count 16. Crime Against Humanity: Murder

By their acts or omissions in relation to the events described in paragraphs 135 to 141 (inclusive), Egidio Manek and Joaquim Berek aka Bere Bot are responsible as individuals for the murder of Lodificus Rabo on or about 23 April 1929 in 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, MURDER a crime stipulated under Section 5.1 (a) of UNTAET Regulation 2000/15.

Count 17. Crime Against Humanity: Murder

By their acts or omissions in relation to the events described in paragraphs 142 to 152 (inclusive), Pedro Teles and Domingos Mali aka Bete Aloi are responsible as individuals for the murder of Jose Afonso Amaral, on or about 13 May 1999 in Fatuloro Village, Fatululik 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 18. Crime Against Humanity: Attempted Murder

By their acts or omissions in relation to the events described in paragraphs 142 to 152 (inclusive), Pedro Teles and Domingos Mali aka Bete Aloi are responsible as individuals for the attempted murder of Dinis Afonso Monis, on or about 13 May 1999 in Fatuloro Village, Fatululik 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 19. Crime Against Humanity: Murder

By his acts or omissions in relation to the events described in paragraphs 153 to 157 (inclusive), Egidio Manek is responsible as a superior for the Murder of Domingos Martins and Gabriel Amaral, on or about 28 May 1999 in Uma Wesei Forest, 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, MURDER a crime stipulated under Section 5.1 (a) of UNTAET Regulation 2000/15.

Count 20. Crime Against Humanity: Murder

By his acts or omissions in relation to the events described in paragraphs 158 to 163 (inclusive), Henrikus Mali is responsible as an individual or a superior for the murder of Vasco Amaral, on or about 28 May 1999 in Alastehen 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, MURDER a crime stipulated under Section 5.1 (a) of UNTAET Regulation 2000/15.

Count 21. Crime Against Humanity: Murder

By their acts or omissions in relation to the events described in paragraphs 164 to 180 (inclusive), Henrikus Mali and Baltazar Da Costa Nunes are responsible as superiors for the murder of Jaime Da Costa Nunes. on or about 27 August 1999 in Mota Ulun Sub-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, MURDER a crime stipulated under Section 5.1 (a) of UNTAET Regulation 2000/15.

Count 22. Crime Against Humanity: Torture

By their acts or omissions in relation to the events described in paragraphs 185 to 189 (inclusive), Martenus Bere and Olivia Tatoon Bau are responsible as individuals or as superiors for the torture of Agosto Fernando, Joao Amaral, Gaspar Gusmao, Bendito Maya, Joao Fernandes, Caitano Do Carma, Domingos Do Carmo, Rui Gusmao and Jacinto on or about 5 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, TORTURE a crime stipulated under Section 5.1 (f) of UNTAET Regulation 2000/15.

Count 23. Crime Against Humanity: Inhumane Acts

By his acts or omissions in relation to the events described in paragraphs 190 to 192 (inclusive), Olivio Tatoon Bau is responsible as an individual for the inhumane act against Manuel Mendes, on or about 5 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, INHUMANE ACTS a crime stipulated under Section 5.1(k.) of UNTAET Regulation 2000/15.

Count 24. Crime Against Humanity: Torture

By his acts or omissions in relation to the events described in paragraphs 193 to 196 (inclusive), Egidio Manel(is responsible as a superior for the torture Francisco Da Cruz Luan & Agapito Mau, on or about 17 September 1 999 in THomar 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 25. Crime Against Humanity': Murder

By their acts or omissions 'in relation to the events described in paragraphs 199 to 206 (inclusive), Henrikus Mali and Baltazar Da Costa Nunes are responsible as individuals for the murder of Raimundo de Oliviera aka Raimundo Mali, Iv1artinho Do Rego and Abel Pereira, on or about 4 September 1999 in BelUlik 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, MURDER a crime stipulated under Section 5.1(a) of UNTAET Regulation 2000/15.

Count 26. Crime Against Humanity: Murder

By his acts or omissions in relation to the events described in paragraphs 207 to 213 (inclusive), Olivio Tatoon Bau are responsible as an individual for the murder of Felix Mali, on or about 5 September 1999 in Debos, 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, MURDER a crime stipulated under Section 5.1 (2) of UNTAET Regulation 2000/15.

Count 27. Crime Against Humanity: Extermination

By their acts or omissions in relation to the events described in paragraphs 215 to 237 (inclusive), Egidio Manek, Martenus Bere, Pedro Teles, **Henrikus** Mali, Cosmas Amaral, Alipio Gusmao **aka** Alipio Mau, Baltazar Do. Costa Nunes, Domingos Mali aka Bete Aloi, Ilidio Gusmao, Joaoquim Berek aka Berek Bot, Olivio Tatoon Bau, Americo Mali, Gabriel **Nahak**, and Zito Da Silva aka Zito Saek 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, Father 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 28. Crime Against Humanity: Persecution (Abduction)

By his acts or omissions in relation to the events described in paragraphs 238 to 240 (inclusive), Baltazar Do. Costa Nunes is responsible as an individual for the persecution of Albino Nahak aka Albino De Niri by abducting him, on or about 6 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 29. Crime Against Humanity Murder

By his acts or omissions in relation to the events described in paragraphs 242 to 254 (inclusive), Henrikus Mali is responsible as an individual or as a superior for the murder of Agapito Amaral and Rosalina Belak, on or about 6 September 1999 in Manekik 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, MURDER a crime stipulated under Section 5.1(0.) of UNTAET Regulation 2000/15.

Count 30. Crime Against Humanity: Murder

By their acts or omissions in relation to the events described in paragraphs 255 to 264 (inclusive), Alipio Gusmao aka Alipio Mau and Baltazar Da Costa Nunes are responsible as individuals for the murder of Jose Dos Reis, on or about 7 September 1999 in Maucatar Village, 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(0.) of UNTAET Regulation 2000/15.

Count 31. Crime Against Humanity Murder

By his acts or omissions in relation to the events described in paragraphs 265 to 279 (inclusive), Olivio Tatoon Bau is responsible as an individual for the murder of Domingos Bau Koli aka Domingos Andrade, on or about 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, MURDER a crime stipulated under Section 5.1(a) of UNTAET Regulation 2000/15.

Count 32. Crime Against Humanity: Persecution (Abduction)

By his acts or omissions in relation to the events described in paragraphs 280 to 286 (inclusive), Olivio Tatoon Bau is responsible as an individual for the persecution of Alfredo Nahak by abducting him, on or about 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 33. Crime Against Humanity: Murder

By their acts or omissions in relation to the events described in paragraphs 287 to 290 (inclusive), Olivio Tatoon Bau and Americo Mali are responsible as individuals for the murder of Simplicio Doutel Sarmiento, on or about 8 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, MURDER a crime stipulated under Section 5.1(a) of UNTAET Regulation 2000/15.

Count 34. Crime Against Humanity: Persecution (Abduction)

By their acts or omissions in relation to the events described in paragraphs 291 to 294 (inclusive), Olivio Tatoon Bau and America Mali are responsible as individuals for the persecution of Manuel Noronha by abducting him on or about 8 September 1999 in Sua; 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 35. Crime Against Humanity: Murder

By his acts or omissions in relation to the events described in paragraphs 295 to 300 (inclusive), Alipio Gusmao aka Alipio Mau is responsible as an individual for the murder of Paulus Xiemenes and Johanes Tahu, 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, MURDER a crime stipulated under Section 5.1 (a) of UNTAET Regulation 2000/15.

Count 36. Crime Against Humanity: Attempted Murder

By his acts or omissions in relation to the events described in paragraphs 295 to 300 (inclusive), Alipio Gusmao aka Alipio Mau 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 37. Crime Against Humanity: Murder

By his acts or omissions in relation to the events described in paragraphs 302 to 316 (inclusive). Cosmas Amaral is responsible as a superior for the murder of Antonio Amaral Bau, Alberto Fereira, Ernesto Carvalho Letto, Anito Coli, Anito Mali, Anita Sau, Daniel Monis Aci, Domingos Amaral, Eurico Sau, Daniel Taek, Abel Soares Gomes, Jose Do Rego, Geraldo Amaral and Boaventura De AraUjo, on or about 12 September 1999 in Laktos Village, 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, MURDER a crime stipulated under Section 5.1 (a) of UNTAET Regulation 2000/15.

Count 38. Crime Against Humanity: Murder

By his acts or omissions in relation to the events described in paragraphs 317 to 324 (inclusive), Egidio Manek is responsible as an individual or as a superior for the murder of Carlos Yosep and Patricio De Jesus Xiemenes Mauk, on or about 12 September 1999 in Kulit 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 39. Crime Against ~~Humanity~~: Persecution (Abduction)

By his acts or omissions in relation to the events described in paragraphs 325 to 329 (inclusive), Baltazar Da Costa Nunes is responsible as individuals persecution of Jose Pereira Coli by abducting him, on or about 19 September 1999 in Alastehen Village, Fatumean Sub-District Covaffma 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 40. Crime Against Humanity: Murder

By their acts or omissions in relation to the events described in paragraphs 330 to 335 (inclusive), Egidio Manek, Illidio Gusmao, and Zito Da Silva aka Z1to Saek are responsible as individuals or as superiors for the murder of Titus Mali, Damaio Xiemenes and Januario Maya, on or about 25 September 1999 in Wea Forest, 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(8) of UNTAET Regulation 2000/15.

Count 41. Crime Against Humanity: Inhumane Acts

By their acts or omissions in relation to the events described in paragraphs 330 to 335 (inclusive), Egidio Manek, Illidio Gusmao, Zito Da Silva aka Zito Saek and Simao Nahak are responsible as individuals or as superiors for the inhumane act against Juliana Monis, on or about 25 September 1999 in Wea Forest, 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, INHUMANE ACTS a crime stipulated under Section 5.1(k) of UNTAET Regulation 2000/15.

Count 42. Crime Against Humanity: Murder

By their acts or omissions in relation to the events described in paragraphs 330, 331 and 337 to 339 (inclusive), Egidio Manek", Illidio Gusmao and Zito Da Silva aka Zito Saek are responsible as individuals or as superiors for the murder of Paulino Cardoso aka Lino Cardoso on or about 26 September 1999 in Mudasikun Forest, 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 43. Crime Against Humanity: Murder

By his acts or omissions in relation to the *events* described in paragraphs 330, 331 and 340 to 343 (inclusive), Egidio Manek is responsible as a superior for the murder of Domingos Barros aka Domingo Marsal, on or about 26 September 1999 in Wesei Forest, 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 44. Crime Against ~~Humanity~~: Murder

By his acts or omissions in relation to the events described in paragraphs 330, 331 and 344 to 351 (inclusive), Egidio Manek, Pedro Teles and Olivio Tatroo Bau are responsible as individuals or as superiors for the murder of Fredrico Barros, Lorsche Gusmao and Nazario Gutteres on or about 5 October 1999 in Laketo Forest, Lookeu Village, *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, ~~vi~~MURDER a crime stipulated under Section 5.1(a) of UNTAET Regulation 2000/15.

Count 45. Crime Against ~~Humanity~~: Murder

By his acts or omissions in relation to the events described in paragraphs 330, 331 and 352 to 354 (inclusive), Alipio Gusmao aka Alipio Mau is responsible as an individual for the murder of Luis Rosalino on or about 5 October 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, MURDER a crime stipulated under Section 5.1 (a) of UNTAET Regulation 2000/15.

Count 46. Crime Against Humanity: Enforced Disappearance

By his acts or omissions in relation to the events described in paragraphs 330,331 and 355 to 358 (inclusive), Domingos Mali aka Bete Alai is responsible as an individual for the enforced disappearance of Apolinario Mau Joni, Yohanes Laku and Edmundos Bere on or about 17 October 1999 in Bora Village, 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, ENFORCED DISAPPEARANCE a crime stipulated under Section 5.1 (i) of UNTAET Regulation 2000/15.

Count 47. Crime Against Humanity: Rape

By thier acts or omissions in relation to the *events* described in paragraphs 359 to 373 Egidio Manek, Olivio Tadoo Bau and Americo Bau are responsible as individuals for the rape of Victim A, Victim B and Victim C on or about 7. October 1999 near Wemasa Village, 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, RAPE a crime stipulated under Section 5.1 (g) of UNTAET Regulation 2000/15.

Count 48. Crime Against Humanity: Rape

By his acts or omissions in relation to the events described in paragraphs 374 to 377 Gabriel Nahak is responsible as an individual for the rape of Victim D between 6 September 1999 and 13 September 1999 near Wemasa Village, 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, RAPE a crime stipulated under Section 5.1(g) of UNTAET Regulation 2000/15.

Count 49. Crime Against Humanity: Rape

By his acts or omissions in relation to the events described in paragraphs 378 to 381 Gabriel Nahak is responsible as an individual for the rape of Victim D between 16 September 1999 and 15 December 1999 near Wemasa Village, 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, RAPE a crime stipulated under Section 5.1(g) of AGAINST Regulation 2000/15.

Count 50. Crime Against Deportation

By thier acts or omissions in relation to the events described in paragraphs 382 to 387 Egidio Manek, Maternus Bere, Pedro Teles, Cosmas Amara!, Henrikus Mali, Alipio Gusmao aka Alipio Mau, Baltazar Da Costa Nunes, Domingos Mali aka Bete Alooi, Joaoquim Berek aka Berek Bot, Olivio Tadoo Bau, Amerio Mali, Zito Da Silva aka *Zito* Saek, Illidio Gusmao, 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 51. Crime Against Humanity: Persecution

By their acts or omissions in relation to the events described in paragraphs 24, 31, 60,73,97,98,108,113,119,189,195 to 198, 234 to 235,388 to 389 Egidio Manek, Maternus Bere, Pedro Teles, Cosmas Amaral, Henrikus Mali, Alipio Gusmao aka Alipio Mau, Baltazar Da Costa Nunes, Domingos Mali aka Bete Aloï, Joaquim Berek aka Berek Bot, Olivia Tatoon Bau, Amel'io Mali, Zito Da Silva aka Zito Saek, and Illidio Gusnao, 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.

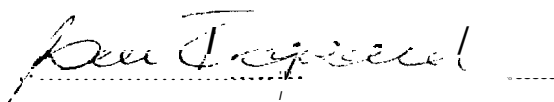
VIII. LIST OF VICTIMS

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 28th day of February 2003



Siri Frigaard
Deputy General Prosecutor For Serious Crimes