



UNTAET

United Nations Transitional Administration in East Timor

Case No. LI-34-99-SC

**THE GENERAL PROSECUTOR OF THE
UNITED NATIONS TRANSITIONAL
ADMINISTRATION FOR EAST TIMOR**

AGAINST

ABILIO MENDEZ CORREIA

case : 19/2001

I. INDICTMENT

The General Prosecutor of the United Nations Transitional Administration for East Timor, pursuant to his authority under UNTAET Regulations 2000/16 and 2000/30 charges:

ABILIO MENDEZ CORREIA

WITH

**CRIMES AGAINST HUMANITY: MURDER AND CRIMES AGAINST HUMANITY:
INHUMANE ACTS**

as set forth in this indictment.

II. NAME AND PARTICULARS OF THE ACCUSED

Name: Abilio Mendez Correia
Date of Birth/Age: 33 years old
Place of Birth: Pukelara Village, Dato, Liquica District
Location: Presently in detention in Becora Prison
Occupation: farmer

III. INTRODUCTORY STATEMENT OF FACTS

1. A widespread or systematic attack directed against the civilian population was committed in East Timor in 1999. This attack occurred during two interconnected periods of intensified violence. The first period followed the announcement on 27 January 1999 by the Government of the Indonesia, that the people of East Timor would be allowed to choose between autonomy with Indonesia or Independence until the 4 September 1999, the date of the announcement of the result of the popular consultation in which 78.5 per cent voted against the proposed special autonomy within the Unitary State of the Republic of Indonesia. The second period followed the announcement of the result of the popular consultation on the 4 September to the 25 October 1999.

2. The attack was part of an orchestrated campaign of violence, that included, among other things, incitement, intimidation, threats to life, murders, assaults, rapes, kidnappings and other forms of violence, carried out by pro-autonomy militia, members of the Indonesian Armed Forces, ABRI (*Angkatan Bersenjata Republik Indonesia*), renamed TNI (*Tentara Nasional Indonesia in 1999*), and of the Indonesian Police Force (POLRI) with the acquiescence and active participation of Civilian and Military Authorities.

3. 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.

4. Widespread or systematic attacks were also carried out against property and livestock, including mass destruction of houses by fire, stealing of property, killing and stealing of livestock.

5. This widespread or systematic attack resulted in the internal displacement of thousands of persons (IDPs). Additionally, the forcible transfer and deportation of the civilian population within East Timor and to West Timor, Indonesia was an essential feature of that orchestrated campaign of violence.

6. Under the 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. The TNI and POLRI failed to take the necessary measures to meet their obligations and made no attempt to disarm or neutralize the militia groups.

7. In 1999 several militia groups operated in East Timor, their goal was to support autonomy with Indonesia. These militia groups were organized under the pro-integration forces (*Pasukan Pejuang Intigrasi or PPI*) and were allowed to act with impunity. In Liquica one of these group was the BMP (*Besi Merah Putih*) militia. The members of the BMP militia carried out a widespread or systematic attack in Liquica district throughout the period between January to September 1999.

8. Indonesian military forces worked in close cooperation with armed groups, namely BMP (*Besi Merah Putih*) militia. Such was the case on the 6th April 1999, where the said militia, TNI soldiers, members of POLRI and members of BRIMOB surrounded and attacked the Liquica Church and murdered civilians. These people sought refuge at the church the previous day in order to escape the violence to which they were victims.

9. As part of this cooperation, Militia and the TNI conducted joint operations and attacks in which members of BMP (*Besi Merah Putih*) militia unlawfully arrested and abducted civilians who were subsequently taken to TNI barracks and interrogated.

10. 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, with knowledge of the attack.

IV) SPECIFIC STATEMENT OF FACTS:

11. Abilio Mendez Correia joined the BMP (*Besi Merah Putih*) militia on or around 5 April 1999. He was an active member of the group. This group carried out widespread or systematic attack in the Liquica district throughout the period of April to September 1999.

Murder of Tobias Alves Correia and Elias Ataidi on or about 27 April 1999

12. On 27 April 1999, on the orders of Tome Diogo and Rozedine Brek, Tobias Alves Correia, Elias Ataidi and Martinho Da Conceicao were abducted and brought to Tutuge, Loidahar, Liquica. The names of Tobias Alves and Elias Ataidi were on a list drawn by, among others, Tome Diogo, a SGI officer, and militia members from Pukelara.

13. On or about 27 April 1999, Antoninho Galucho, a leader of the *Ulmar Metan* militia and an official in the Indonesian Government, went to the militia post in Liquica and gave the militiamen present, including **Abilio Mendez Correia**, a piece of paper with the name of Tobias Alves Correia and Elias Ataidi. The orders received were, to find and to kill Tobias Alves Correia, Elias Ataidi and Martinho Da Conceicao.

14. Tobias Alves Correia, Elias Ataidi and Martinho Da Conceicao were found by TNI soldiers and militiamen near Rumaufu sub-village, Kabulumu, Data Foho. After being arrested, the militiamen and the TNI tied their hands behind their backs and start beating them. Then they were forcibly brought to Tutuge road.

15. Once they arrived at Tutuge road, a TNI in the group radio contacted other TNI in Liquica. A short while after a group of 20 militiamen, including **Abilio Mendez Correia**, and TNI soldiers arrived and took Tobias Alves Correia, Elias Ataidi and Martinho Da Conceicao and forced them to walk towards Liquica. The group of militiamen that day was lead by Onas Lobato and Francisco, a Polri member.

16. On their way to Liquica the group stopped and two militiamen were told to kill Tobias Alves Correia and Elias Ataidi. They were killed because they were identified as pro independent. Augusto Botak killed Tobias by striking him on the neck with a machete. Eduardo from Pukelara killed Elias Ataidi by stabbing him in the back. Marthinho Da Conceicao was released because he was identified by the militia as pro autonomy. **Abilio Mendez Correia** released Marthinho Da Conceicao. Then the militiamen buried the two bodies.

17. When Tobias Alves Correia and Elias Ataidi were being killed, **Abilio Mendez Correia** was present. On that day **Abilio Mendez Correia** was acting as a security guard within the group and was armed.

Inhumane acts and torture against Mariano Da Costa

18. On 9 August 1999, a group of militiamen, including **Abilio Mendez Correia** went to Tutuge, Loidahar, Liquica. Part of this group, including **Abilio Mendez Correia**, went to a house of a villager. **Abilio Mendez Correia** asked him whether he had seen Falintil around or any people hiding. The militiamen also stole metal pipes that belonged to the villagers and burnt down

houses.

19. Some time later, while the militiamen were still in the village, a truck came down the road and was stopped by the militia. Aboard this truck was, among others, Mariano Da Costa. When the occupants of the truck saw the militia, one of them jumped out and ran away. Some militia members ran after him. Mariano Da Costa stayed in the truck. When the vehicle stopped the militiamen grabbed Mariano Da Costa and dragged him down.

20. After being dragged down from the truck, Mariano Da Costa was asked by Americo Martins, a militiaman to confirm his identity and to tell them if he was the leader of the CNRT. When Mariano Da Costa denied, he was beaten by several militiamen including **Abilio Mendez Correia**. Some of the militia, including **Abilio Mendez Correia**, were encouraging the others to kill Mariano Da Costa. Then Francisco, a polri member, stopped the beating and told the militiamen to bring Mariano Da Costa to the militia post to be interrogate before being killed.

21. Following this, the militiamen, including **Abilio Mendez Correia**, brought Mariano Da Costa to the militia post in Pukalara. There, Mariano Da Costa was beaten again by militiamen and one of them, Julio Dos Santos, took a knife and cut Mariano Da Costa's left ear.

22. Afterwards Mariano Da Costa was taken to the house of Romaldo Martins, one of the militia leaders. There, the miliamen tied Mariano Da Costa's hands to a tree and one of them stricked him in the face with a rakitan. From there he was forcibly brought by the militia, including **Abilio Mendez Correia**, to the militia post in Maumeta to be presented to Tome Diogo and Zacharias Alves. Tome Diogo and Zacharia Alves took the decision to bring Mariano Da Costa to West Timor to be killed.

23. Mariano Da Costa was then put into a truck and driven in the direction of Liquica by the militia. When the militia came back late in the evening, Francisco, the polri member, Abilio dos Santos and Americo Martins told the other members of the militia that they had killed Mariano Da Costa . They said they had stabbed him to death. Mariano Da Costa was never seen again.

V) INDIVIDUAL CRIMINAL RESPONSIBILITY

24. The accused is individual responsibility for the crimes alleged against him in this indictment pursuant Section 14 UNTAET Regulation 2000/15. Under Section 14 individual responsibility result if the individual:

- “(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*

Pursuant to the above the Prosecutor

VI. CHARGES:

THE ACCUSED: ABILIO MENDEZ CORREIA

COUNT 1: CRIMES AGAINST HUMANITY: MURDER

By his acts or omissions in the present indictment in relation to events described in paragraphs 12 to 17, **Abilio Mendez Correia** is responsible jointly with others, for the murders of **Gobias Alves Correia** and **Elias Ataidi** committed on or about 27 April 1999, in Tutge, Loidahar Village, District of Liquica, as part of a widespread or systematic attack against a civilian population, with knowledge of this attack and thereby committed a **CRIME AGAINST HUMANITY**, murder, a crime stipulated in Section 5.1 (a) of UNTAET Regulation 2000/15 and for which he is individually responsible pursuant to Section 14 of UNTAET Regulation 2000/15.

COUNT 2: CRIMES AGAINST HUMANITY: INHUMAN ACTS

By his acts or omissions in the present indictment in relation to events described in paragraphs 18 to 23, **Abilio Mendez Correia** is responsible jointly with others, for inhumane acts against **Mariano Da Costa** committed on or around 9 August 1999, in Tutuge, Loidahar, Liquica, as part of a widespread or systematic attack against a civilian population, with knowledge of this attack and thereby committed a **CRIME AGAINST HUMANITY**, inhumane acts, a crime stipulated in Section 5.1 (k) of UNTAET Regulation 2000/15 and for which he is individually responsible pursuant to Section 14 of UNTAET Regulation 2000/15

COUNT 3: CRIMES AGAINST HUMANITY: TORTURE

By his acts or omissions in the present indictment in relation to events described in paragraphs 18 to 23, **Abilio Mendez Correia** is responsible jointly with others, for the torture of **Mariano Da Costa** committed on or around 9 August 1999, in Tutuge, Loidahar, Liquica, as part of a widespread or systematic attack against a civilian population, with knowledge of this attack and thereby committed a **CRIME AGAINST HUMANITY**, torture, a crime stipulated in Section 5.1 (f) of UNTAET Regulation 2000/15 and for which he is individually responsible pursuant to Section 14 of UNTAET Regulation 2000/15

VII. Pursuant to UNTAET Regulation 2000/30 Section 24.2, the list of witnesses and evidence that supports this INDICTMENT is contained in Annex, A which forms an integral part of this Indictment.

VIII. The General Prosecutor hereby request the Special Panel for Serious Crimes of the District Court of Dili to assume jurisdiction and to try the case expeditiously.

Dated: 21 September 2001

~~Jean Louis Gilissen~~
Deputy General Prosecutor for Serious Crimes