

UNITED NATIONS



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United Nations Transitional Administration in East Timor

Case No OE-12-99-SC

**The General Prosecutor of the
United Nations Transitional
Administration in East Timor**

Against

Simao Lopes

Laurentino Soares alias Moko

Gabriel Kolo

Bonifacio Bobo alias Bone

Andre Ulan

Anton Sabraka

Florenco Tacaqui

Tomas Bubun

Elvis Lopes

Domingos Obe

Julio da Costa

I. INDICTMENT

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

**SIMAO LOPES
LAURENTINO SOARES ALIAS MOKO
GABRIEL KOLO
BONIFACIO BOBO ALIAS BONE**

ANDRE ULAN
ANTON SABRAKA
FLORENCO TACAQUI
TOMAS BUBUN
ELVIS LOPES
DOMINGOS OBE
JULIO DA COSTA

WITH

CRIMES AGAINST HUMANITY:

IMPRISONMENT OR OTHER SEVERE DEPRIVATION OF PHYSICAL LIBERTY IN VIOLATION OF FUNDAMENTAL RULES OF INTERNATIONAL LAW, OTHER INHUMANE ACTS OF SIMILAR CHARACTER INTENTIONALLY CAUSING GREAT SUFFERING OR SERIOUS INJURY TO BODY OR MENTAL OR PHYSICAL HEALTH, MURDER, EXTERMINATION, DEPORTATION OR FORCIBLE TRANSFER OF POPULATION AND PERSECUTION

As set forth in this Indictment.

II. NAMES AND PARTICULARS OF THE ACCUSED

- 1. Name: **Simao Lopes**
Age: 49 years
Place of Birth: East Timor
Current Location: ~~West~~ Timor
Occupation: Government Employee, Ministry of Fisheries
Supreme Commander of Sakunar militia

- 2. Name : **Laurentino Soares alias Moko**
Age : Approximately 38 years
Place of Birth : East Timor
Current Location: ~~West~~ Timor
Occupation : Chief of Cunha village
Commander of Sakunar militia

- 3. Name : **Gabriel Kolo**
Age : 50 years
Place of Birth : Passabe
Current Location : ~~West~~ Timor

- Occupation: Police Officer and Chief of Passabe village
Commander of Sakunar Militia in Passabe village
4. Name : **Bonifacio Bobo** alias **Bone**
Age : Approximately 36 years
Place of Birth: Bobometo
Current Location: West Timor
Occupation: Member of Sakunar militia in Bobometo area
5. Name : **Andre Ulan**
Age : -
Place of Birth : East Timor
Current Location : West Timor
Occupation: TNI sergeant in Passabe village
Sakunar militia Trainer
6. Name: **Anton Sabraka**
Age : -
Place of Birth: -
Current Location: Believed to be in Indonesia
Occupation: TNI sergeant and Commander in Passabe Sub –
District.
7. Name : **Florence Tacaqui**
Age: 38 years
Date of Birth: 21st October 1962
Place of Birth: Natuna, Passabe, Oecussi, East Timor
Location: Becora Prison
Occupation: Government Employee; School Teacher
Member of Sakunar militia in Passabe village
8. Name: **Tomas Bubun**
Age: -
Place of Birth: Passabe
Current Location: West Timor
Occupation: Government Employee, School Teacher in Passabe
Member of Sakunar militia in Passabe village
9. Name : **Elvis Lopes**
Age : -
Place of Birth : East Timor
Current Location : West Timor
Occupation : Government Employee
Member of Sakunar militia

10. Name : **Domingos Obe**
 Age : -
 Place of Birth : East Timor
 Current Location : Believed to be in ~~West~~ Timor
 Occupation : Member of Sakunar militia
11. Name : **Julio da Costa**
 Age : -
 Place of Birth : East Timor
 Current Location : Believed to be in ~~West~~ Timor
 Occupation : Member of Sakunar militia

III. STATEMENT OF THE FACTS

A) 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 within the Republic of Indonesia or independence. This period ended on 4 September 1999, the date of the announcement of the result of the popular consultation in which 78.5 per cent voted against the autonomy proposal. The second period followed the announcement of the result of the popular consultation on 4 September through 25 October 1999.
2. The widespread or systematic attack was part of an orchestrated campaign of violence, that included among other things incitement, threats to life, intimidation, unlawful confinements, assaults, forced displacements, arsons, murders, rapes, torture and other forms of violence carried out by members of the pro-autonomy militia, members of the Indonesian Armed Forces, ABRI (*Angkatan Bersenjata Republik Indonesia*) renamed TNI (*Tentara Nasional Indonesia*) in 1999, and members of the Indonesian Police Forces (*POLRI*) with the acquiescence and active participation of civilian and military authorities.
3. In 1999, numerous militia groups operated throughout East Timor. Their goal was to support autonomy within Indonesia. The militia groups participated in the widespread or systematic attack and acted and operated with impunity.

4. This 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 (IDPs). Additionally, the forcible transfer of the civilian population within East Timor and deportation to West Timor, Indonesia, was an essential feature of the orchestrated campaign of violence.
7. Under terms of the 5 May 1999 Agreement, 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 and during the popular consultation. The TNI and POLRI failed to meet these obligations and made no attempt to disarm or neutralize the militia groups. They were allowed to act with impunity.
8. The Indonesian Military in East Timor consisted of both regular territorial forces (BTT) and Special Combat Forces, i.e. the Strategic Reserve Command (KOSTRAD), (*Komando Strategis Angkatan Darat*) and Special Forces Command (KOPASUS), (*Komando Pasukan Khusus*), all of which had units, staff officers and soldiers stationed in East Timor.
9. From February 1999 to October 1999, the Indonesian Police Force (POLRI), the state agency for upholding the law and public order were also present in East Timor. It included a Mobile Police Brigade (BRIMOB), whose Units and members were stationed in East Timor, including in Oecussi District.

B) SPECIFIC STATEMENT OF FACTS

10. The district of Oecussi is an enclave of East Timor and is about 43 km away from the rest of East Timor. It is landlocked on three sides by Indonesian territory of West Timor. The Selat Ombai sea is to the north.
11. The district of Oecussi is divided into four (4) Sub districts, namely Pantemakassar A and B , Nitibe , Oessilo and Passabe.

12. The Sakunar militia operated within the district of Oecussi.
13. **Simao Lopes** was the supreme commander of Sakunar militia and **Laurentino Soares** alias **Moko** was the de facto deputy commander of the Sakunar militiaman throughout Oecussi.
14. In each village in Oecussi there was a Sakunar commander who reported to **Simao Lopes**. In Passabe village **Gabriel Kolo** was the Sakunar militia commander, and **Andre Ulan** (TNI Sergeant) was responsible for the training of the Sakunar militia members. Some TNI soldiers, including **Anton Sabraka** were also members of the Sakunar militia.
15. **Florenco Tacaqui** was one of the members of the Sakunar militia in Passabe. Other members of the militia included **Bonifacio Bobo** alias **Bone**, **Tomas Bubun**, **Elvis Lopes**, **Domingos Obe** and **Julio da Costa**.
16. On 17th April 1999, a rally was held in Dili at which many supporters of autonomy gathered. Members of pro-autonomy militia were present at the rally, including members of Sakunar militia from the district of Oecussi.
17. On 1st May 1999, there was a ceremony for the official inauguration of the Sakunar militia in the district of Oecussi. The ceremony was attended by Abilio Soares (Governor of East Timor), Domingos Soares (the Bupati of Dili), Filomeno Misquito da Costa (the Bupati of Oecussi District), Kamiso Mira (the District Military Commander), Wilmar Marpaung (the Chief of Police in Oecussi), Joao Tavares (leader of the PPI, the pro-integration militia umbrella group) and his deputy Eurico Gutteres. **Simao Lopes**, the Commander of Sakunar militia, was the master of ceremonies. The Bupati of Oecussi opened the ceremony. Eurico Gutteres and Joao Tavares spoke at the ceremony.
18. At the ceremony all the Sakunar militia platoons were inspected. During the ceremony, members of the National Council of Timorese Resistance (CNRT) were publicly beaten by **Anton Sabraka**. The CNRT members were threatened to end their pro-independence activities.

17th April 1999

19. **Mateus Mesac** lived in Nuncolo village, Passabe sub-district. He was a CNRT member and a supporter of independence for East Timor.

- 20. In the night of 17th April 1999, **Florenco Tacaqui** and three other men went to the house of **Mateus Mesac**.
- 21. **Florenco Tacaqui** and his men ordered **Mateus Mesac** out of his house and they took him to **Gabriel Kolo**'s house, where some CNRT members, namely **Fernando Quelo**, **Antonio Lafu** and **Vicente Kefi** were being held.
- 22. At **Kolo**'s house these pro-independence supporters were questioned on their CNRT membership and beaten by **Sakunar** militiamen including **Gabriel Kolo**, **Anton Sabraka**, **Andre Ulan**, **Florenco Tacaqui**, **Tomas Bubun** and **Julio da Costa**. They were held at **Kolo**'s house all the night.
- 23. The following morning, **Mateus Mesac** was ordered to return home to collect his CNRT membership card. **Mesac** collected his card and returned to the house of **Gabriel Kolo**. On his return, he was forced to hand over his CNRT membership card.
- 24. After he had handed over his card **Mateus Mesac** was allowed to leave the house. As he left, he was struck in the mouth by **Tomas Bubun**. The blow broke two of his teeth.

18th April 1999

- 25. On 18th April 1999 a group of **Sakunar** militia, including **Florenco Tacaqui** and **Tomas Bubun**, went to the village of **Usapin** in **Passabe**. The group was accompanied by five members of **TNI**, including **Andre Ulan** and **Anton Sabraka**, and fourteen members of the Indonesian Police Force.
- 26. At **Usapin**, forty-three individuals were arrested by the personnel from **TNI** and **POLRI**. Those forty-three people were all members of **CNRT** and/or pro-independence supporters.
- 27. **Florenco Tacaqui** and other members of the **Sakunar** militia beat the forty-three individuals including **Fernando Quelo** who was hit several times on the head. Other people who the militia suspected of being pro-independence supporters were also beaten.
- 28. The forty-three **CNRT** members were then forcibly taken and detained at the police station in **Passabe**. Whilst in custody they were again beaten by **Sakunar** militia members including **Florenco Tacaqui**, **Tomas Bubun**, **Julio da Costa** and personnel from **TNI**.
- 29. On 22nd April 1999, while they were still detained in the police station, around 200 **Sakunar** militiamen marched in front of the **Koramil** office and around the main road shouting " Long live Red and White, Long Live

Sakunar, Long live Indonesia". Koramil office was situated near the police station.

30. On 24th April 1999, **Simao Lopes**, the Supreme Commander of Sakunar militia, **Laurentino Soares** alias **Moko** and **Elvis Soares** arrived in Passabe. The forty-three members of CNRT, who were still held in custody, were taken to the football field in Passabe. There, they were made to ask **Simao Lopes** publicly for forgiveness. **Simao Lopes** threatened to kill anyone who joined the CNRT. The forty-three people were released from the police station on 25th April 1999.

9th August 1999 –Inhumane Acts against Jose Bubun

31. Jose Bubun lived in Pope sub-village, Abani village, Passabe sub-district.
32. Some time in July 1999, at the football field in Passabe village, **Florenco Tacaqui** spoke to Jose Bubun. **Florenco Tacaqui** was with **Gabriel Kolo**, **Andre Ulan** and **Tomas Bubun**. **Florenco Tacaqui** said to Jose Bubun that people from Pope village should join the militia activity.
33. In the night of 9th August 1999, **Florenco Tacaqui** and **Domingos Obe** went with a group of Sakunar militiamen to the house of Zakarias Elu. At that time a CNRT meeting was in progress in Zakarias Elu's house.
34. **Florenco Tacaqui** and the other militiamen kicked the door of the house and shouted that they were going to kill the people inside. The people inside ran out of the back of the house. Jose Bubun was one of those who ran away by the back of the house.
35. The militiamen gave chase to the people who were fleeing and **Florenco Tacaqui** and **Domingos Obe** caught Jose Bubun.
36. **Florenco Tacaqui** struck Jose Bubun with a machete cutting off the big toe of his left foot.
37. As Jose Bubun tried to run, he was struck again by **Florenco Tacaqui** with his machete twice to his back and once to his right shoulder. **Domingos Obe** stabbed Jose Bubun under his right arm and to his lower back. He was also struck on the head. Jose Bubun managed to reach the jungle where he met a relative who had also fled the attackers.

29th August 1999: Attack on Malelat village .

38. On 29th August 1999, a large group of Sakunar militia went to the village of Malelat, Passabe sub-district. The group was led by **Gabriel Kolo**. **Florenco Tacaqui**, **Andre Ulan** and **Tomas Bubun** were part of the group.
39. At Malelat village, **Florenco Tacaqui** set fire to five houses belonging to Marco Cab, Angelo Laku, Agustino Timo, Domingo Nino and Carlos Nino, who were all CNRT members and/or pro-independence supporters. While the houses were being burnt, other militiamen shouted "Long live Indonesia. Long live Autonomy. "
40. At the Malelat village, Saturlino Mino and Tomas Mino, both members of CNRT, were beaten and abducted from the village by force by the militia group. **Florenco Tacaqui**, **Tomas Bubun** and **Andre Ulan** participated in the beating and abduction of Saturlino Mino and Tomas Mino.
41. Saturlino Mino and Tomas Mino were never seen again.

8th and 9th September 1999: Murder of Eighteen men from the villages of Tumin, Nibin and Kiobiselo; Inhumane Acts and Forcible Transfer of the Population.

42. Within the district of Oecussi, in the sub-district of Nitibe are the villages of Nibin, Kiobiselo and Tumin. All those villages are situated on the main road through the enclave. Passabe lies to the south of the enclave some 45 kilometers from the main town of Oecussi on the north coast. Kiobiselo is approximately 10 kilometers north of Passabe and Tumin a further 7 kilometers north from Kiobiselo.
43. The people in the villages of Nibin, Kiobiselo and Tumin were predominantly supporters of independence.
44. On 7th September 1999 there was a meeting of Sakunar militia at the TNI District Military Command at Padimaw. About thirty people attended the meeting. The meeting was addressed by **Simao Lopes**, the Supreme Commander of Sakunar militia. A plan was discussed and orders given to attack the villages around Passabe and Oesilo. **Simao Lopes** was to lead one group and **Laurentino Soares** alias **Moko** was to lead another group. **Simao Lopes'** group was to attack the villages around Passabe and **Laurentino Soares** alias **Moko's** group was to attack the villages around Oesilo. The two groups were to meet at the village of Kiobiselo.
45. On 8th September 1999, a large group of members of Sakunar militia gathered at the house of **Gabriel Kolo** in Passabe village. The group was addressed by **Simao Lopes** and **Gabriel Kolo**. The villages of Nibin,

Kiobiselo and Tumin were identified as being targets for militia attack. **Simao Lopes** ordered that the houses were to be burnt and to beat and kill anyone who resisted. **Gabriel Kolo** also addressed the group and ordered that animals were to be stolen and the houses burnt. There were four TNI soldiers with the group.

46. The group led by **Simao Lopes** walked to the village of Nibin. Many inhabitants of the village fled into the surrounding area. The militia set fire to and destroyed the houses in the village and killed livestock belonging to the villagers.
47. Armando Sani was the chief of Nibin village and was a pro-independence supporter. Armando Sani was in Nibin village at the time of the militia attack. During the attack Armando Sani was killed by the militia.
48. From Nibin village the Sakunar militia group walked on to the village of Kiobiselo. Many inhabitants of the village fled into the surrounding area. At Kiobiselo the militia set fire to and destroyed the houses in the village and killed livestock belonging to the villagers.
49. Victor Puneuf, Yacobus Sici, Jose Noni Maknaun, Augustino Ulan, Zacharias Ena, Mikhael Sasi, Yacobus Oki, Jose Sici were all inhabitants of Kiobeselo village and were killed during the militia attack.
50. Mateus Sufa and Josefino Bose were inhabitants of Kiobeselo village. They escaped from being killed by the same militiamen but were severely injured during the militia attack.
51. From Kiobiselo the group walked on to the village of Tumin. Meanwhile, the group led by **Laurentino Soares**, alias **Moko**, has attacked Tumin Village. Many inhabitants of the village fled into the surrounding area. During the attack the militia set fire to and destroyed the houses in the village and killed livestock belonging to the villagers.
52. Marcos Sufa Afoan, Filippus Tualaka, Laurentino Ulan Cono, Augustino Neno, Naub Lape, Alberto Afoan, Nenu Catu, Ciprianus Anin and Francisco Elu were all inhabitants of Tumin Village and were killed during the militia attack.
53. Laurencio Leo Mali was an inhabitant of Tumin village. He escaped from being killed by the same militiamen but was severely injured during the militia attack.
54. A total of eighteen people were killed during the attacks in the villages of Nibin, Kiobiselo and Tumin by Sakunar militia. **Andre Ulan, Anton**

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Sabraka, Florenco Tacaqui, Tomas Bubun, Julio da Costa, Elvis Lopes and **Bonifacio Bobo alias Bone** participated in the attacks and the killing of Armando Sani, Victor Punef, Yacobus Sici, Jose Noni Maknaun, Augustino Ulan, Zacharias Ena, Mikhael Sasi, Yacobus Oki, Jose Sici Marcos Sufa Afoan, Filippus Tualaka, Laurentino Ulan Cono, Augustino Neno, Naub Lape, Alberto Afoan, Nenu Catu, Ciprianus Anin and Francisco Elu.

55. On 9th September 1999, a group Sakunar militia members including **Florenco Tacaqui, Tomas Bubun, Bonifacio Bobo, alias Bone** returned to the villages of Nibin, Kiobiselo and Tumin. The group was led by **Gabriel Kolo, Andre Ulan** and **Anton Sabraka**. The people from the villages were forcibly taken to Imbate in West Timor by the militia.

10th September 1999 – MURDER OF FOURTY SEVEN MEN FROM THE VILLAGES OF TUMIN AND KIOBISELO

56. At Imbate, many people including the villagers from Nibin, Kiobeselo and Tumin and members of the Sakunar militia had gathered. The villagers were forced to register at the sub-district office by the militia men led by **Gabriel Kolo, Andre Ulan** and **Anton Sabraka**. The villagers were segregated into groups according to age and education.
57. About fifty-five young men including Marcus Baquen, Josefino Ulan, Pedro Cono, Crispiano Bobo, Sebastiano Sunef (Ulan Sufa), Augustino Ase (Afoan Ase) and Mateus Kusi were separated from the other people. The men were all from the villages of Tumin and Kiobiselo. The young men were put into pairs and tied together using bindings.
58. At or around midnight, the men were forced to leave Imbate on foot. A large group of militia escorted the men. The militia group including **Florenco Tacaqui, Tomas Bubun, Bonifacio Bobo alias Bone** was led by **Gabriel Kolo, Andre Ulan, Anton Sabraka**. The men were taken back from Imbate in West Timor towards Passabe in East Timor.
59. At or around 3am on 10th September 1999, the group reached the border between East Timor and West Timor at Tionlasi. Here the group crossed the Noel Passabe river into East Timor.
60. Once the group had crossed the river, at a place called Nifu Panef, the militia commenced the killing of the young men who were still tied together by bindings. The victims were either shot or hacked with machetes or swords. In total, more than forty seven men were killed. **Gabriel Kolo, Andre Ulan, Anton Sabraka, Florenco Tacaqui, Tomas Bubun, Bonifacio Bobo alias Bone** took part in the killing of the young men.

61. Marcus Baquen, Josefino Ulan, Pedro Cono, Crispiano Bobo, Sebastiano Sunef (Ulan Sufa), Augustino Ase (Afoan Ase) and Mateus Kusi managed to escape from being killed by the same militia men but suffered serious injuries.
62. At or around 6am the same morning of the 10th September 1999, the same militiamen, led by **Gabriel Kolo, Andre Ulan** and **Anton Sabraka**, ordered about one hundred inhabitants of Passabe village to collect tools such as hoes and shovels to go to the area where the killings had taken place. The villagers were initially informed that they were going to open a road. The villagers were forced to bury in single and multiple graves the bodies of the men who had been killed.
63. After burying the bodies of the men who had been killed by the militia, the villagers were threatened to keep secret what they had done or they would be killed. Carlos Tacaqui, a member of Sakunar militia, believed to have special powers ordered all those villagers to perform a ritual ceremony on the bank of the river: they had to step over his machete that was wedged in between rocks on the ground with blade facing upwards; as each person stepped over the machete Carlos Tacaqui splashed water over them with a leaf from a tree. The intention of that ceremony was to free each person with the burden of what had occurred and also a sound of warning that to tell anyone what had taken place would result in death from the machete.

IV. CRIMINAL RESPONSIBILITY

Individual Criminal Responsibility

1. 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 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

2. **Simao Lopes , Laurentino Soares alias Moko, Gabriel Kolo, Andre Ulan** and **Anton Sabraka** 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 necessary steps or reasonable measures to prevent such acts or to punish the perpetrators thereof.

V. PURSUANT TO THE ABOVE THE GENERAL PROSECUTOR CHARGES:

The accused Simao Lopes, Laurentino Soares, alias Moko, Gabriel Kolo, Florenco Tacaqui, Andre Ulan, Anton Sabraka, Bonifacio Bobo, alias Bone, Tomas Bubun, Elvis Lopes, Domingos Obe and Julio da Costa :

Counts 1 - 8

COUNT 1: CRIME AGAINST HUMANITY: IMPRISONMENT OR OTHER SEVERE DEPRIVATION OF PHYSICAL LIBERTY IN VIOLATION OF FUNDAMENTAL RULES OF INTERNATIONAL LAW

By their acts or omissions in relation to events described in paragraphs 25 and 30 (inclusive), **Simao Lopes, Laurentino Soares, alias Moko, Gabriel Kolo, Florenco Tacaqui, Tomas Bubun, Elvis Soares** and **Julio Da Costa** are responsible for the imprisonment or other severe deprivation of physical liberty

in violation of fundamental rules of international law, of forty three CNRT members and/or pro-independence supporters at the Police Station in Passabe Sub-District, Oecussi District from 18 April 1999 to 24 April 1999 as part of a widespread or systematic attack against a civilian population with knowledge of the attack, and thereby committed a **CRIME AGAINST HUMANITY, IMPRISONMENT OR OTHER SEVERE DEPRIVATION OF PHYSICAL LIBERTY IN VIOLATION OF FUNDAMENTAL RULES OF INTERNATIONAL LAW**, a crime stipulated under Section 5.1(e) UNTAET Regulation 2000/15 and for which he is individually responsible under Sections 14 and/ or 16 of UNTAET Regulation 2000/15.

COUNT 2: CRIME AGAINST HUMANITY: OTHER INHUMANE ACTS OF SIMILAR CHARACTER INTENTIONALLY CAUSING GREAT SUFFERING OR SERIOUS INJURY TO BODY OR MENTAL OR PHYSICAL HEALTH

By their acts and omissions in relation to the events described in paragraphs 31 to 37 (inclusive), **Simao Lopes, Laurentino Soares alias Moko, Gabriel Kolo, Florenco Tacaqui and Domingos Obe** are responsible for intentionally causing great suffering or serious injury to body or mental or physical health of Jose Bubun on 9th August 1999, in Pope sub-village, Abani village, Passabe sub-district, Oecussi district, as a part of a widespread or systematic attack against a civilian population with knowledge of the attack and thereby committed a **CRIME AGAINST HUMANITY, INTENTIONALLY CAUSING GREAT SUFFERING OR SERIOUS INJURY TO BODY OR MENTAL OR PHYSICAL HEALTH**, a crime stipulated under Section 5.1(k) of UNTAET Regulation 2000/15 and for which he is individually responsible under Section 14 of UNTAET Regulation 2000/15.

COUNT 3: CRIME AGAINST HUMANITY: MURDER

By their acts or omissions in relation to the events described in paragraphs 42 to 47, 49, 52 and 54 (inclusive), **Simao Lopes, Laurentino Soares alias Moko, Gabriel Kolo, Florenco Tacaqui, Andre Ulan, Anton Sabraka, Tomas Bubun, Elvis Lopes, Julio da Costa and Bonifacio Bobo alias Bone** are responsible for the murders of Armando Sani from Nibin village, Nitibe sub district, Oecussi district, Marcos Sufa Afoan, Filipus Tualaka, Laurentino Ulan Cono, Augustino Neno, Naub Lape, Alberto Afoan, Nenu Catu, Ciprianus Anin and Francisco Elu, from the village of Tumin, sub district of Nitibe, district of Oecussi, Victor Punef, Yacobus Sici, Jose Noni, Augustino Ulan, Zacharias Ena, Mikhael Sasi, Yacobus Oki and Jose Sici, from Kiobiselo village, Nitibe sub district, Oecussi district, on 8th September 1999, as a 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 and for which they are individually responsible under Section 14 and /or 16 of UNTAET Regulation 2000/15.

COUNT 4: CRIME AGAINST HUMANITY: OTHER INHUMANE ACTS OF SIMILAR CHARACTER INTENTIONALLY CAUSING GREAT SUFFERING OR SERIOUS INJURY TO BODY OR MENTAL OR PHYSICAL HEALTH

By their acts or omissions in relation to the events described in paragraphs 50 to 53(inclusive), **Simao Lopes, Laurentino Soares alias Moko, Gabriel Kolo, Florenco Tacaqui, Andre Ulan, Anton Sabraka, Tomas Bubun, Elvis Lopes and Bonifacio Bobo alias Bone** are responsible for intentionally causing great suffering or serious injury to body or mental or physical health of Laurencio Leo Mali in Tumin village, Nitibe sub district, Oecussi district, and on Mateus Sufa and Josefino Bose, in Kiobiselo village, Nitibe sub district, Oecussi district, on 8th September 1999 as a part of a widespread or systematic attack against a civilian population with knowledge of the attack and thereby committed a **CRIME AGAINST HUMANITY, INTENTIONALLY CAUSING GREAT SUFFERING OR SERIOUS INJURY TO BODY OR MENTAL OR PHYSICAL HEALTH**, a crime stipulated under Section 5.1(k) of UNTAET Regulation 2000/15 and for which he is individually responsible under Section 14 and /or 16 of UNTAET Regulation 2000/15.

COUNT 5: CRIME AGAINST HUMANITY: DEPORTATION OR FORCIBLE TRANSFER OF POPULATION

By their acts or omissions in relation to the events described in paragraph 55, **Simao Lopes, Laurentino Soares alias Moko, Gabriel Kolo, Florenco Tacaqui, Andre Ulan, Anton Sabraka, Tomas Bubun, Julio da Costa, Elvis Lopes and Bonifacio Bobo alias Bone** are responsible for the deportation or forcible transfer of population from the villages of Nibin, Tumin and Kiobiselo, Nitibe sub district, Oecussi district, to Imbate in West Timor on 9th September 1999 as a part of a widespread or systematic attack against a civilian population with knowledge the attack and thereby committed a **CRIME AGAINST HUMANITY, DEPORTATION OR FORCIBLE TRANSFER OF POPULATION**, a crime stipulated under Section 5.1(d) of UNTAET Regulation 2000/15 and for which they are individually responsible under Section 14 and /or 16 of UNTAET Regulation 2000/15.

COUNT 6 : CRIME AGAINST HUMANITY : EXTERMINATION

By their acts or omissions in relation to the events described in paragraphs 56 to 63, **Simao Lopes, Laurentino Soares alias Moko, Gabriel Kolo, Florenco Tacaqui, Andre Ulan, Anton Sabraka, Tomas Bubun, , Julio da Costa and Bonifacio Bobo alias Bone** are responsible for the extermination of forty-seven men from the villages of Tumin and Kiobiselo , Nitibe sub district, Oecussi district, on 10th September 1999 , as a part of a widespread or systematic attack against a civilian population with knowledge of the attack and thereby committed a **CRIME AGAINST HUMANITY, EXTERMINATION**, a crime stipulated under Section 5.1(b) of UNTAET Regulation 2000/15 and for which they are individually responsible under Section 14 and /or 16 of UNTAET Regulation 2000/15.

COUNT 7: CRIME AGAINST HUMANITY: OTHER INHUMANE ACTS OF SIMILAR CHARACTER INTENTIONALLY CAUSING GREAT SUFFERING OR SERIOUS INJURY TO BODY OR MENTAL OR PHYSICAL HEALTH

By their acts or omissions in relation to the events described in paragraphs 56 to 63(inclusive), **Simao Lopes, Laurentino Soares alias Moko, Gabriel Kolo, Florenco Tacaqui, Andre Ulan, Anton Sabraka, Tomas Bubun, Elvis Lopes and Bonifacio Bobo alias Bone** are responsible for intentionally causing great suffering or serious injury to body or mental or physical health of Marcus Baquen, Josefino Ulan, Pedro Cono, Crispiano Bobo, Sebastiano Sunef (Ulan Sufa), Augustino Ase (Afoan Ase) and Mateus Kusi on 10th September 1999 at Nifu Panef, near Passabe village, Oecussi district, as a part of a widespread or systematic attack against a civilian population with knowledge of the attack and thereby committed a **CRIME AGAINST HUMANITY, INTENTIONALLY CAUSING GREAT SUFFERING OR SERIOUS INJURY TO BODY OR MENTAL OR PHYSICAL HEALTH**, a crime stipulated under Section 5.1(k) of UNTAET Regulation 2000/15 and for which he is individually responsible under Section 14 and /or 16 of UNTAET Regulation 2000/15.

COUNT 8: CRIME AGAINST HUMANITY: PERSECUTION

By their acts and omissions in relation to the events described in paragraphs 18 to 63 (inclusive) **Simao Lopes, Laurentino Soares, alias Moko, Gabriel Kolo, Florenco Tacaqui, Andre Ulan, Anton Sabraka, Bonifacio Bobo, alias Bone, Tomas Bubun, Elvis Lopes, Domingos Obe and Julio da Costa**

are responsible for the persecution of members of CNRT and/or supporters of independence of East Timor in Oecussi district, as a part of a widespread or systematic attack against a civilian population with the 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 and for which they are individually responsible under Section 14 and /or 16 of UNTAET Regulation 2000/15 .

VI. WITNESSES AND EVIDENCE

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.

VII. REQUEST FOR TRIAL

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

Dated, this 27 day of September 2001

Jean Louis GILISSEN
Deputy Prosecutor General For Serious Crimes

