



REPUBLICA DEMOCRATICA DE TIMOR LESTE

PROCURADORIA GERAL DA REPUBLICA

GABINETE DO PROCURADOR GERAL DA REPUBLICA

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Case No. 10/2002

**THE GENERAL PROSECUTOR OF THE  
DEMOCRATIC REPUBLIC OF TIMOR LESTE**

**-against-**

**MAJ. JACOB DJOKO SAROSA  
LT. CAMILO DOS SANTOS**

**I. INDICTMENT**

The General Prosecutor of the Democratic Republic of Timor Leste, pursuant to his authority under UNTAET Regulations 2000/16 and 2000/30 as amended by 2001/25, charges:

**MAJ. JACOB DJOKO SAROSA  
LT. CAMILO DOS SANTOS**

**-with-**

**CRIMES AGAINST HUMANITY:**

**MURDER  
IMPRISONMENT OR SEVERE DEPRIVATION OF PHYSICAL LIBERTY  
and  
OTHER INHUMANE ACTS**

as set forth in this indictment.

## II. NAME AND PARTICULARS OF THE ACCUSED PERSONS

Name:	<b>MAJ. JACOB DJOKO SAROSA</b>
Place of Birth:	Indonesia
Age/Date of Birth:	Unknown
Sex:	Male
Nationality:	Indonesian
Address:	Unknown [believed to be in Indonesia]
Occupation at the time:	Battalion Commander [TNI Battalion 745]

Name:	<b>LT. CAMILO DOS SANTOS</b>
Place of Birth:	Maliana, Bobonaro District
Age/Date of Birth:	Unknown
Sex:	Male
Nationality:	East Timorese or Indonesian
Address:	Unknown [believed to be in Indonesia]
Occupation at the time:	Platoon Commander [TNI Battalion 745]

## 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 January 27, 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 September 4, 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 September 4, 1999 through October 25, 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, murders, rapes, torture and other forms of violence. The widespread or systematic attack included the forcible transfer of the civilian population within East Timor and their deportation to West Timor. The widespread or systematic attack included the destruction of property, including houses and livestock, belonging to the civilian population.
3. The attack was directed against civilians of all ages and groups, but predominantly against individuals who supported or were perceived to support the independence of East Timor.
4. During 1999, the Indonesian Armed Forces (ABRI [*Angkatan Bersenjata Republik Indonesia*]) renamed TNI [*Tentara Nasional Indonesia*] in 1999) in East Timor consisted of both regular and territorial forces and Special Combat Forces, all of which had units, staff officers and soldiers stationed in East Timor.

5. During 1999, the Indonesian Police Force (*POLRI*), the state agency for upholding the law and public order, were present in East Timor. It also included a Mobile Police Brigade (*BRIMOB*), whose units and members were stationed in East Timor.
6. The widespread or systematic attack was carried out by members of TNI, *POLRI* and pro-autonomy militia with the acquiescence and active participation of civilian and military authorities.
7. Under the terms of an agreement on May 5, 1999 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 continued to act with impunity.

#### IV. STATEMENT OF FACTS

8. During 1999, TNI Battalion 745 was stationed at Fuiloro village, Los Palos sub-district, Lautem district. **Maj. Jacob Djoko SAROSA** was the Battalion Commander. Battalion 745 consisted of five companies. Companies A, C and D were based in Fuiloro. **Lt. Camilo Dos SANTOS** was a Platoon Commander in Company D and was also responsible for the East Timorese soldiers of the Battalion.
9. Sometime in July 1999, **Maj. Jacob Djoko SAROSA**, addressed East Timorese soldiers serving with Battalion 745 and told them to attend their respective villages and inform the villagers to support pro-autonomy and not to support the pro-independence cause. He stated that the TNI would never leave Timor and that the East Timorese soldiers would have to face problems if they voted for independence. He further stated that the ones who voted for independence would be killed.
10. At 7.00am on August 30, 1999, the day of the popular consultation, **Maj. Jacob Djoko SAROSA** ordered the East Timorese soldiers to line up. He addressed the soldiers, showing them an Indonesian flag and a CNRT flag he said whoever was going to vote for CNRT would be killed.
11. The result of the popular consultation was announced on September 4, 1999. A few days before the announcement of the result of the popular consultation, **Lt. Camilo Dos SANTOS** addressed soldiers serving with Battalion 745 and stated that if pro-independence won, the Battalion would clear and destroy all livestock, houses, CNRT members and supporters of pro-independence.

[A] ACTS COMMITTED IN LOS PALOS SUB-DISRICT, LAUTEM DISTRICT PRIOR TO THE BATTALION'S WITHDRAWAL

#### MURDER OF ANTONIO DA COSTA – September 8, 1999: Count 1

12. On or about September 8, 1999, **Antonio Da Costa** left the house of his uncle, Manuel Ximenes. A known supporter of Falintil, **Antonio Da Costa** was returning to his home in Assalaino sub-village, Fuiloro village, Los Palos sub-district, Lautem district.

13. As **Antonio Da Costa** and his neighbor, Lourenso Da Costa Napoleao, approached the Bupati's office in Fuiloro village, a platoon of Battalion 745 soldiers who were on guard stopped **Antonio Da Costa** and pointed their guns at him.
14. When Lorensio Da Costa Napoleao tried to intervene, the soldiers asked him whether he wanted to die.
15. **Antonio Da Costa** was then shot and killed by the soldiers from Battalion 745.
16. **Antonio Da Costa's** remains were not found until January 2000, when they were exhumed from a grave close to the Battalion 745 base at Fuiloro by the International Force In East Timor [INTERFET].

#### **MURDER OF AMBROSIO BERNADINO ALVES** – September 9, 1999: Count 2

17. On or about September 9, 1999 **Ambrosio Bernadino Alves**, a known pro-independence supporter, went to the road with the intention of going to Los Palos town to visit his sister.
18. Soldiers from Battalion 745 arrested **Ambrosio Bernadino Alves** at Assalaino sub-village, Fuiloro village, Los Palos sub-district, Lautem district. **Ambrosio Bernadino Alves** was beaten by the soldiers.
19. A truck came from the direction of Lautem and was stopped by the soldiers. **Ambrosio Bernadino Alves** was forced into the truck which then left in the direction of Los Palos town.
20. The truck went to the Battalion 745 post at Payoto where **Ambrosio Bernadino Alves** was interrogated and beaten by the Battalion 745 soldiers. After the interrogation and beating, **Ambrosio Bernadino Alves** was loaded into a truck.
21. In November 1999, the dead body of **Ambrosio Bernadino Alves** was discovered in a grave close to the Battalion 745 base at Fuiloro.

#### **MURDER OF JULIO DE JESUS**-September 9, 1999: Count 3

22. On or about September 8, 1999, **Julio De Jesus** was part of a convoy leaving to go to West Timor from the Battalion 745 base at Fuiloro village. **Julio De Jesus** was traveling on a motorbike as a pillion passenger with his friend Joni.
23. On September 9, 1999, as members of the convoy and **Julio De Jesus** sat at the airport in Baucau waiting to fly to Kupang, trucks arrived containing Battalion 745 soldiers from Los Palos. One of the Battalion 745 soldiers attacked a female member of the convoy and **Julio De Jesus** came to her aid.
24. **Julio De Jesus** was set upon and beaten by several Battalion 745 soldiers and taken to a room at the airport. Later, **Julio De Jesus** was escorted to one of the trucks in which the Battalion 745 soldiers had arrived and was driven away.
25. In November 1999, the dead body of **Julio De Jesus'** was discovered at the back of the Battalion 745 base in Fatumaka village, Baucau district.

**MURDER OF FLORENCIO MONTEIRO AND FLORENTINO MONTEIRO** – September 10, 1999: Count 4

26. On or about September 10, 1999 at Home village, Los Palos sub-district, Lautem district, two soldiers from Battalion 745 arrested **Florencio Monteiro**.
27. The two soldiers forced **Florencio Monteiro** to undress and they tied his hands behind his back.
28. **Florencio Monteiro's** older brother, **Florentino Monteiro**, who had been hiding in a relatives' house, came out because his brother was being beaten by the soldiers. **Florentino Monteiro** was immediately arrested by the two Battalion 745 soldiers and his hands were tied behind his back.
29. The two soldiers forced **Florencio Monteiro** and **Florentino Monteiro** to walk in the direction of the Battalion 745 base and, as they walked, the two brothers were hit with the guns which the soldiers were carrying.
30. **Florencio Monteiro** and **Florentino Monteiro** were taken to an area behind the Battalion 745 base at Fuiloro village and were repeatedly beaten by Battalion 745 soldiers until they died.
31. The bodies of **Florencio Monteiro** and **Florentino Monteiro** have never been found.

**IMPRISONMENT OR SEVERE DEPRIVATION OF PHYSICAL LIBERTY** – September 10, 1999: Count 5

32. On or about September 10, 1999, six soldiers from Battalion 745 were walking along the road from their base, towards the village of Fuiloro, Los Palos sub-district, Lautem district.
33. The soldiers went from house to house along the road searching the houses. The soldiers arrested **Serpa Pinto** at his house and two of the six soldiers took him in the direction of the Battalion 745 base at Fuiloro.
34. The remaining four soldiers went into the middle of a crowd of villagers and started to call out the names of twenty-six persons from a list. **Marito Soares'** name was called out and villagers summoned him from his house. When he acknowledged he was **Marito Soares**, the soldiers immediately arrested him.
35. The soldiers then marched with **Marito Soares** towards the house of **Jaime Christovao**. Two soldiers secured the back of the house whilst two others walked into the house through the front door and arrested **Jaime Christovao**. **Marito Soares** and **Jaime Christovao** were then marched in the direction of the Battalion 745 base at Fuiloro.
36. **Serpa Pinto**, **Marito Soares** and **Jaime Christovao** were known pro-independence supporters. They were all arrested without lawful cause.
37. **Serpa Pinto**, **Marito Soares** and **Jaime Christovao** have never been seen again by their families.

**MURDER OF ALEXIO OLIVEIRA** – September 11, 1999: Count 6

38. On or around September 11, 1999, **Alexio Oliveira** was forced by Team Alfa militia onto a minibus near his home at Sawarica village, Los Palos sub-district, Lautem district. The militia members took him to the Battalion 745 base at Fuiloro.
39. Battalion 745 soldiers and members of the militia took **Alexio Oliveira** to an area behind the Battalion 745 base. There, **Alexio Oliveira** was stabbed with a sword by a Battalion 745 soldier and he died.
40. The body of Alexio Oliveira was dumped in a well in the area to the rear of the Battalion 745 base at Fuiloro.

**MURDER OF MARTINHO BRANCO, MARCELIO BRANCO, JULIAO DE ASSIS AND ELDER DE ASSIS** – September 13, 1999: Count 7

41. On September 13, 1999, sixteen people were hiding in the rice field behind the house of **Juliao De Assis**, in Motolori sub village, Fuiloro village, Los Palos sub district, Lautem District. They had been hiding in the long grass for about two days because there had been gunfire coming from the direction of the Battalion 745 base, Los Palos town and the KODIM.
42. Among the sixteen were **Martinho Branco, Marcelio Branco, Juliao De Assis** and **Elder De Assis**. All four men were clandestine supporters of Falintil.
43. Six soldiers from Battalion 745 approached the house of **Juliao De Assis**. Two soldiers remained on the road while four approached the rice field where the sixteen people were hiding. The soldiers demanded that everybody come out of the long grass or they would kill all of them. The soldiers then shot at the sixteen people hiding in the grass.
44. **Martinho Branco, Marcelio Branco, Juliao De Assis** and **Elder De Assis** were arrested by the soldiers and were led away by the soldiers in the direction of the sub-village of Horo, Fuiloro village.
45. On September 15, 1999, refugees staying at the primary school in the sub-village of Horo, found the dead bodies of **Martinho Branco, Marcelio Branco, Juliao De Assis** and **Elder De Assis** and informed the relatives.
46. As the situation in Los Palos sub-district was still dangerous, the relatives of **Martinho Branco, Marcelio Branco, Juliao De Assis** and **Elder De Assis** did not go to where the bodies lay until September 17, 1999. **Elder De Assis's** body was found inside a well and the bodies of **Martinho Branco, Marcelio Branco** and **Juliao De Assis** were found on the ground about 35 meters from the well.

[B] ACTS COMMITTED DURING THE BATTALION 745 WITHDRAWAL

*LAUTEM DISTRICT*

47. On September 17, 1999, Battalion 745 was mobilised to move from their base at Fuiloro, to go to West Timor. The Battalion stayed at Lautem village until September 20, 1999 when they began to move down the road towards Dili.

The Battalion passed in a convoy through the districts of Lautem, Baucau, Manatuto and Dili. The Battalion arrived in Dili on September 21, 1999.

48. About one week before the convoy departed from Fuiloro, **Lt. Camilo Dos SANTOS** addressed the soldiers in Battalion 745 and told them that all young people were to be killed and houses burnt, if the East Timorese people had voted for independence.
49. At Lautem village, **Maj. Jacob Djoko SAROSA** told the soldiers in the Battalion 745 convoy to pay good attention and to shoot immediately if actions were taken by Falintil. As the convoy moved, **Maj. Jacob Djoko SAROSA** gave orders by radio to burn all houses. During the journey there was repeated gun fire from different parts of the convoy.
50. The Battalion 745 convoy consisted of about one hundred and twenty soldiers and their families. The convoy was comprised of about sixty trucks and sedans and about forty motorbikes. The motorbikes were normally at the head of the convoy and some had a pillion passenger who was armed. There were both civilian motorbikes and military motorbikes. Many of the men on the motorbikes had red and white bandanas around their heads. Some of the motorbikes and other vehicles had Indonesian flags fastened to them.
51. **Maj. Jacob Djoko SAROSA** was the commander and the highest-ranking officer of Battalion 745 during the movement of troops out of Lautem district. **Maj. Jacob Djoko SAROSA** was in a vehicle in the convoy.
52. **Lt. Camilo Dos SANTOS** was on a motorbike and was commanding the soldiers on motorbikes at the head of the convoy.
53. On the route, soldiers of the Battalion committed various criminal acts against the civilian population.

#### **MURDER OF AMILCAR BARROS, JOAO GOMES AND AGUSTO VENACIO SOARES** – September 20, 1999: Count 8

54. On or about September 20, 1999, in Lautem village, Lautem district, **Amilcar Barros, Joao Gomes** and **Agusto Venacio Soares** were detained by TNI soldiers including members of Battalion 745.
55. One by one, the three youths were severely beaten and then shot by the soldiers. As a result of their injuries, **Amilcar Barros, Joao Gomes** and **Agusto Venacio Soares** died.
56. The bodies of the three men were thrown on a pyre with old tyres, mattresses and other materials. It was doused with petrol and set ablaze.
57. With the fire still burning, their bodies were covered with corrugated iron sheeting. Their charred remains were later buried by their families where they had been cremated.
58. Later that day, the Battalion 745 convoy began its westward journey towards Baucau District.
59. At about 18:00hrs on September 20, 1999, at the KORAMIL in Laga village, Baucau district the soldiers on the convoy were shouting 'burn, burn'.

60. On the night of September 20, 1999, members of the convoy stayed near Laga village. The next day they continued their journey towards Baucau.
61. The convoy stopped at the bridge to the east of Laleia village, Baucau district. **Maj. Jacob Djoko SAROSA** gave orders for the area around Laleia to be attacked with heavy guns and mortars. He then ordered a ground attack by the soldiers, before the convoy continued towards Baucau town.

*BAUCAU DISTRICT*

**MURDER OF ABREU DA COSTA AND EGAS DA SILVA – September 21, 1999: Count 9**

62. On or about September 20, 1999, two brothers, **Abreu Da Costa** and **Egas Da Silva**, left their home village of Buile, Laga sub-district, Baucau district. They went to the village of Buruma to tell the villagers not to go near the main road to Dili because soldiers from TNI were killing people.
63. On or about September 21, 1999, **Abreu Da Costa** and **Egas Da Silva** started their journey back to the village of Buile on a motorbike. Not far from Buile, **Abreu Da Costa** and **Egas Da Silva** encountered the Battalion 745 convoy heading in the opposite direction, westwards towards Dili.
64. **Abreu Da Costa** and **Egas Da Silva** jumped off the motorbike and attempted to run into an adjacent rice field. Soldiers from Battalion 745 fired shots from their motorbikes at **Abreu Da Costa** and **Egas Da Silva**.
65. **Abreu Da Costa** was shot in the right leg and through his right eye. **Egas Da Silva** was shot in the stomach, chest and neck.
66. As a result of their injuries, **Abreu Da Costa** and **Egas Da Silva** died. **Abreu Da Costa** and **Egas Da Silva** were buried at the family burial ground in the sub village of Buile.
67. The Battalion 745 convoy proceeded on its westward journey in the direction of Baucau town.

**MURDER OF LUCINDA DA SILVA – September 21, 1999: Count 10**

68. On or about September 21, 1999, as the convoy approached the village of Buruma, near Baucau town, Battalion 745 soldiers on the convoy fired their guns into surrounding woodland. Villagers in Buruma fled into the woodland to escape the gunfire.
69. Running away from the soldiers were **Lucinda Da Silva**, her niece and her niece's daughter. As they ran, a bullet struck **Lucinda Da Silva** in the back. As a result of this injury, **Lucinda Da Silva** died.
70. **Lucinda Da Silva** was buried at Buruma village cemetery on the same day.
71. The Battalion 745 convoy continued its westward journey towards Baucau town.

**MURDER OF ELIZETE DA SILVA – September 21, 1999: Count 11**

72. A short distance up the road, **Elizete Da Silva** ran from her father's house with her daughter and tried to hide in a small depression.

73. Soldiers from Battalion 745 shot at **Elizete Da Silva** and her daughter. **Elizete Da Silva** was shot in both legs and died as a result of her injuries.
74. Later on September 21, 1999, **Elizete Da Silva** was buried at Buruma village cemetery.
75. **Elizete Da Silva's** daughter, suffered injuries from gun shots fired by soldiers from Battalion 745.
76. The Battalion 745 convoy continued its westward journey towards Baucau town.

**MURDER OF CARLOS DA COSTA REBERIO – September 21, 1999: Count 12**

77. On or about September 21, 1999, **Carlos Da Costa Reberio** was near his home in the village of Caibada, near Baucau town. **Carlos Da Costa Reberio** had refused to take refuge in the forest with the rest of his family.
78. As the convoy passed along the road outside **Carlos Da Costa Reberio's** house, soldiers from the Battalion 745 convoy shot **Carlos Da Costa Reberio** in the head and chest. As a result of these injuries, **Carlos Da Costa Reberio** died.
79. **Carlos Da Costa Reberio** was buried at Caibada village cemetery on the same day.
80. The Battalion 745 convoy continued along the road towards Baucau town.

**MURDER OF VICTOR BELO – September 21, 1999: Count 13**

81. A short distance from **Carlos Da Costa Reberio's** house was the house of **Victor Belo**.
82. **Victor Belo** had taken refuge in the forest with his family, following the announcement of the result of the popular consultation, for fear of disturbances.
83. On or about September 21, 1999, **Victor Belo** returned to his house in Caibada village to feed his animals.
84. As the Battalion 745 convoy passed along the road near **Victor Belo's** house, soldiers from the Battalion shot **Victor Belo** and he suffered injuries to his right leg and chest. As a result of these injuries, **Victor Belo** died.
85. **Victor Belo** was buried at the village cemetery at Macalaca the following day.
86. The Battalion 745 convoy continued its westward journey in the direction of Baucau town and then Dili.

**OTHER INHUMANE ACTS and IMPRISONMENT OR SEVERE DEPRIVATION OF PHYSICAL LIBERTY** – September 21, 1999: Count 14 and 15

87. On or about September 21, 1999, the convoy approached the outskirts of the village of Becora, Dili district. Battalion 745 soldiers, traveling with the convoy, encountered a blue taxi driven by **Sanchos Ramos Daressuricao**. Also in the taxi were a British journalist, an American cameraman and an interpreter **Anacleto Benito Da Silva**. The Battalion 745 soldiers stopped the taxi and a large number of soldiers surrounded the vehicle.
88. The soldiers began attacking the taxi and its occupants. The rear window of the taxi was smashed with a metal pole. **Sanchos Ramos Daressuricao** was struck in his right eye with the butt of a gun, causing his right eye to come out from its socket. As a result of this attack, **Sanchos Ramos Daressuricao** lost the sight in his right eye.
89. The journalist, cameraman and interpreter were ordered out of the taxi. The journalist and cameraman were threatened and the interpreter was beaten. The interpreter, **Anacleto Benito Da Silva**, was taken away without lawful cause by Battalion 745 soldiers and has not been seen again by his family.
90. The soldiers then ordered **Sanchos Ramos Daressuricao** to follow them in his taxi towards Dili, and he did so, together with the journalist and the cameraman. About 400 metres further down the road, Battalion 745 soldiers forced the taxi to stop again. Soldiers, including **Maj. Jacob Djoko SAROSA** and **Lt. Camilo Dos SANTOS**, surrounded the taxi.
91. Soldiers fired bullets at the tyres of the taxi and at its radiator. The three occupants got out of the taxi. Soldiers, including **Lt. Camilo Dos SANTOS**, stole property from the journalist and the cameraman. The three civilians fled into the surrounding bushes as the soldiers continued to fire their guns in their direction.
92. The Battalion 745 convoy then continued its journey into Dili

**MURDER OF MANUEL ANDREAS** – September 21, 1999: Count 16

93. **Manuel Andreas** and two other men had taken refuge in the mountains around Becora village, Dili district. On or about September 21, 1999, they came down from the mountains to Becora in search of food for their families.
94. In the afternoon of September 21, 1999, the three men were walking along the main road in Becora towards the bridge and river. The men were walking in single file with **Manuel Andreas** at the back.
95. There was a burst of gunfire from the Battalion 745 soldiers on the convoy. One of the men was shot in the arm and **Manuel Andreas** was shot in the chest. Manuel Andreas fell to the ground and the other two men fled into the surrounding bush. Further shots were fired at the men by soldiers on the convoy.
96. As a result of the injuries he sustained, **Manuel Andreas** died. **Manuel Andreas** was buried by his family at Becora cemetery the following day.

97. The Battalion 745 convoy continued its journey towards Dili town.

#### **MURDER OF SANDER ROBERT THOENES** – September 21, 1999: Count 17

98. On or about September 21, 1999, **Sander Robert Thoenes** was the pillion passenger on a motorbike on the main road in Becora village. The Battalion 745 convoy was heading in the opposite direction, towards Dili town.
99. When **Sander Robert Thoenes**' driver saw the motorbikes at the front of the convoy, he made a 'U' turn in an effort to get away. Soldiers on motorbikes chased after and shot at **Sander Robert Thoenes** and his driver. The driver of the motorbike lost control and as a result he and **Sander Robert Thoenes** fell to the ground.
100. The driver fled into surrounding bushes. Soldiers chased the driver on foot, firing shots at him and shouting 'catch him, kill him'. The driver managed to escape.
101. Battalion 745 soldiers from the convoy carried Sander Robert Thoenes to the side of the road. Two soldiers including **Lt. Camilo Dos SANTOS** pointed their guns at **Sander Robert Thoenes** as he lay on the ground. **Sander Robert Thoenes** was then shot once in the chest and as a result of that gunshot, he died.
102. Soldiers from Battalion 745 carried the body of **Sander Robert Thoenes** from the road. The dead body was found the following day, in woodland near to the place where he was shot.
103. The Battalion 745 convoy continued on the road into Dili. Once in Dili, **Maj. Jacob Djoko SAROSA** ordered there to be no more shooting from the soldiers of Battalion 745 because INTERFET was already in Dili. There was no more shooting from the convoy that day.
104. The Battalion 745 convoy went to the sub-area command [Korem] 164, where the soldiers were instructed by Col. Nur Muis to refuel their vehicles, eat and depart for Kupang as soon as possible. Col. Nur Muis also instructed soldiers from Battalion 745 not to tell anyone about what they had done on their way to Dili, he said 'don't even tell your wives.'
105. On the evening of September 21, 1999, Battalion 745 left Dili heading west towards the border with West Timor and eventually to Kupang.

#### **V. GENERAL ALLEGATIONS**

##### **Crimes Against Humanity**

106. For each count charging Crimes Against Humanity under Section 5 UNTAET Regulation 2000/15, the acts or omissions by the accused, described in this indictment, were undertaken as part of a widespread or systematic attack directed against the civilian population, with knowledge of the attack and especially targeting those who were believed to be linked to or sympathetic with the independence cause in East Timor.

## Individual Criminal Responsibility

107. **Maj. Jacob Djoko SAROSA** and **Lt. Camilo Dos SANTOS** are charged with individual responsibility in this indictment. Each 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

108. **Maj. Jacob Djoko SAROSA** is charged with superior responsibility in this indictment. He is responsible under Section 16 of UNTAET Regulation 2000/15 for the acts of his subordinates if he:

*“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 and reasonable measures to prevent such acts or to punish the perpetrator thereof.”*

## VI. THE CHARGES

**Pursuant to the above, the General Prosecutor of the Democratic Republic of Timor Leste charges:**

**Maj. Jacob Djoko SAROSA with the following counts 1 to 17**

**and**

**Lt. Camilo Dos SANTOS with the following counts 8 to 17**

**Count 1: Crimes Against Humanity - Murder** [Antonio Da Costa]

By his acts or omissions in relation to the events described in paragraphs 12 to 16 of this indictment, **Maj. Jacob Djoko SAROSA** is responsible as an individual or as a superior for the murder of **Antonino Da Costa** on or about September 8, 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 – MURDER, a crime stipulated under Section 5.1[a] UNTAET Regulation 2000/15.

**Count 2: Crimes Against Humanity - Murder** [Ambrosio Bernadino Alves]

By his acts or omissions in relation to the events described in paragraphs 17 to 21 of this indictment, **Maj. Jacob Djoko SAROSA** is responsible as an individual or as a superior for the murder of **Ambrosio Bernadino Alves** on or about September 9, 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 – MURDER, a crime stipulated under Section 5.1[a] UNTAET Regulation 2000/15.

**Count 3: Crimes Against Humanity - Murder** [Julio De Jesus]

By his acts or omissions in relation to the events described in paragraphs 22 to 25 of this indictment, **Maj. Jacob Djoko SAROSA** is responsible as an individual or as a superior for the murder of **Julio De Jesus** on or about September 9, 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 – MURDER, a crime stipulated under Section 5.1[a] UNTAET Regulation 2000/15.

**Count 4: Crimes Against Humanity - Murder** [Florencio Monteiro & Florentino Monteiro]

By his acts or omissions in relation to the events described in paragraphs 26 to 31 of this indictment, **Maj. Jacob Djoko SAROSA** is responsible as an individual or as a superior for the murder of **Florencio Monteiro and Florentino Monteiro** on or about September 10, 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 – MURDER, a crime stipulated under Section 5.1[a] UNTAET Regulation 2000/15.

**Count 5: Crimes Against Humanity - Imprisonment or Severe Deprivation of Physical Liberty** [Serpa Pinto, Marito Soares & Jaime Christovao]

By his acts or omissions in relation to the events described in paragraphs 32 to 37 of this indictment, **Maj. Jacob Djoko SAROSA** is responsible as an individual or as a superior for the imprisonment or severe deprivation of physical liberty of **Serpa Pinto, Marito Soares and Jaime Christovao** on or about September 10, 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 SEVERE DEPRIVATION OF PHYSICAL LIBERTY, a crime stipulated under Section 5.1[e] UNTAET Regulation 2000/15.

**Count 6: Crimes Against Humanity - Murder** [Alexio Oliveira]

By his acts or omissions in relation to the events described in paragraphs 38 to 40 of this indictment, **Maj. Jacob Djoko SAROSA** is responsible as an individual or as a superior for the murder of **Alexio Oliveira** on or about September 11, 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 – MURDER, a crime stipulated under Section 5.1[a] UNTAET Regulation 2000/15.

**Count 7: Crimes Against Humanity - Murder** [Martinho Branco, Marcelio Branco, Juliao De Assis and Elder De Assis]

By his acts or omissions in relation to the events described in paragraphs 41 to 46 of this indictment, **Maj. Jacob Djoko SAROSA** is responsible as an individual or as a superior for the murder of **Martinho Branco, Marcelio Branco, Juliao De Assis and Elder De Assis** on or about September 10, 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 – MURDER, a crime stipulated under Section 5.1[a] UNTAET Regulation 2000/15.

**Count 8: Crimes Against Humanity - Murder** [Amilcar Barros, Joao Gomes & Augusto Venacio Soares]

By their acts or omissions in relation to the events described in paragraphs 54 to 61 of this indictment, **Maj. Jacob Djoko SAROSA** and **Lt. Camilo Dos SANTOS** are responsible as individuals or as a superior for the murder of **Amilcar Barros, Joao Gomes and Augusto Venacio Soares** on or about September 20, 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 – MURDER, a crime stipulated under Section 5.1[a] UNTAET Regulation 2000/15.

**Count 9: Crimes Against Humanity - Murder** [Abreu Da Costa & Egas Da Silva]

By their acts or omissions in relation to the events described in paragraphs 62 to 67 of this indictment, **Maj. Jacob Djoko SAROSA** and **Lt. Camilo Dos SANTOS** are responsible as individuals or as a superior for the murder of **Abreu Da Costa and Egas Da Silva** on or about September 21, 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 – MURDER, a crime stipulated under Section 5.1[a] UNTAET Regulation 2000/15.

**Count 10: Crimes Against Humanity - Murder** [Lucinda Da Silva]

By their acts or omissions in relation to the events described in paragraphs 68 to 71 of this indictment, **Maj. Jacob Djoko SAROSA** and **Lt. Camilo Dos SANTOS** are responsible as individuals or as a superior for the murder of **Lucinda Da Silva** on or about September 21, 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 – MURDER, a crime stipulated under Section 5.1[a] UNTAET Regulation 2000/15.

**Count 11: Crimes Against Humanity - Murder** [Elizete Da Silva]

By their acts or omissions in relation to the events described in paragraphs 72 to 76 of this indictment, **Maj. Jacob Djoko SAROSA** and **Lt. Camilo Dos SANTOS** are responsible as individuals or as a superior for the murder of **Elizete Da Silva** on or about September 21, 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 – MURDER, a crime stipulated under Section 5.1[a] UNTAET Regulation 2000/15.

**Count 12: Crimes Against Humanity - Murder** [Carlos Da Costa Reberio]

By their acts or omissions in relation to the events described in paragraphs 77 to 80 of this indictment, **Maj. Jacob Djoko SAROSA** and **Lt. Camilo Dos SANTOS** are responsible as individuals or as a superior for the murder of **Carlos Da Costa Reberio** on or about September 21, 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 – MURDER, a crime stipulated under Section 5.1[a] UNTAET Regulation 2000/15.

**Count 13: Crimes Against Humanity - Murder** [Victor Belo]

By their acts or omissions in relation to the events described in paragraphs 81 to 86 of this indictment, **Maj. Jacob Djoko SAROSA** and **Lt. Camilo Dos SANTOS** are responsible as individuals or as a superior for the murder of **Victor Belo** on or about September 21, 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 – MURDER, a crime stipulated under Section 5.1[a] UNTAET Regulation 2000/15.

**Count 14: Crimes Against Humanity - Other Inhumane Acts** [Sanchos Ramos Daressuricao]

By their acts or omissions in relation to the events described in paragraphs 87 to 92 of this indictment, **Maj. Jacob Djoko SAROSA** and **Lt. Camilo Dos SANTOS** are responsible as individuals or as a superior for the serious injury caused to **Sanchos Ramos Daressuricao** on or about September 21, 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 - OTHER INHUMANE ACTS, a crime stipulated under Section 5.1[k] UNTAET Regulation 2000/15.

**Count 15: Crimes Against Humanity - Imprisonment or Severe Deprivation of Physical Liberty** [Anacleto Benito Da Silva]

By their acts or omissions in relation to the events described in paragraphs 87 to 92 of this indictment, **Maj. Jacob Djoko SAROSA** and **Lt. Camilo Dos SANTOS** are responsible as individuals or as a superior for the imprisonment or severely deprivation of physical liberty of **Anacleto Benito Da Silva** on or about September 21, 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 SEVERE DEPRIVATION OF PHYSICAL LIBERTY, a crime stipulated under Section 5.1 [e] UNTAET Regulation 2000/15.

### **Count 16: Crimes Against Humanity - Murder [Manuel Andreas]**

By their acts or omissions in relation to the events described in paragraphs 93 to 97 of this indictment, **Maj. Jacob Djoko SAROSA** and **Lt. Camilo Dos SANTOS** are responsible as individuals or as a superior for the murder of **Manuel Andreas** on or about September 21, 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 – MURDER, a crime stipulated under Section 5.1[a] UNTAET Regulation 2000/15.

### **Count 17: Crimes Against Humanity - Murder [Sander Robert Thoenes]**

By their acts or omissions in relation to the events described in paragraphs 98 to 103 of this indictment, **Maj. Jacob Djoko SAROSA** and **Lt. Camilo Dos SANTOS** are responsible as individuals or as a superior for the murder of **Sander Robert Thoenes** on or about September 21, 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 – MURDER, a crime stipulated under Section 5.1[a] UNTAET Regulation 2000/15.

## **VII. LIST OF VICTIMS**

The list of victims, which forms part of this indictment is attached and marked "ANNEX A"

## **VIII. REQUEST FOR TRIAL**

The General Prosecutor of the Democratic Republic of Timor Leste hereby requests the Special Panel for Serious Crimes of the Dili District Court to assume jurisdiction and to try this case expeditiously.

DATED at DILI, this 6<sup>th</sup> day of November 2002



**Siri Frigaard**

Deputy General Prosecutor for Serious Crimes