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UNITED NATIONS



NATIONS UNIES

UNMISSET

United Nations Mission of Support in East Timor

DISTRICT COURT OF DILI

BEFORE THE SPECIAL PANEL FOR SERIOUS CRIMES

Case No: OE-32-99-SC

/ 03/2003

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**INDICTMENT**

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**THE DEPUTY GENERAL PROSECUTOR FOR SERIOUS CRIMES**

Against

**QUELO MAUNO (alias Agostinho Atolan)**

## I. INDICTMENT

The Deputy General Prosecutor for Serious Crimes, pursuant to her authority under UNTAET Regulation 2000/16 and 2000/30 as amended by Regulation 2001/25, charges: **QUELO MAUNO (alias Agostinho Atolan)** with CRIMES AGAINST HUMANITY: MURDER

## II. NAME AND PARTICULARS OF THE ACCUSED

Name: **QUELO MAUNO (alias Agostinho Atolan)**  
Age: Approx. 35-40 years old  
Place of Birth: Naetuna, Passabe, Oecussi  
Nationality: East Timorese  
Address: Becora prison  
Occupation at the time: Sakunar Militia commander in Naetuna village

## III. INTRODUCTORY STATEMENT OF FACTS

1. A widespread or systematic attack was directed against the civilian population 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 confinement, assault, forced displacement, 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 Force, POLRI (Polisi Republik Indonesia) with the acquiescence and active participation of civilian and military authorities.
3. In 1999, more than twenty-five militia groups operated throughout East Timor. Their goal was to support autonomy with Indonesia. The Integration Fighting

Force (PPI) (Pasukan Pejuang Integrasi) under the command of Joao Tavares and Eurico Guterres was the umbrella organization under which these militia groups were organized. It had the backing of the TNI and the Civil Administration. PPI Commanders issued, called upon and incited militia groups and their members to intimidate independence supporters and those perceived to support them. The militia groups participated in the widespread or systematic attacks 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 all three.
5. As part of the widespread or systematic attack against the civilian population, the militia destroyed property including livestock belonging to the civilian population.
6. The widespread or systematic attacks 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 the terms of the 5 May 1999 Agreements, between the Republic of 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) (Kommando Strategis Angkatan Darat) and Special Forces Command (KOPASUS) (Kommando 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 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 Dili district.

#### IV. SPECIFIC STATEMENT OF FACTS

10. The district of Oecussi is an enclave of East Timor and is about 43 kms away from the rest of East Timor. It is landlocked on three sides by the Indonesian territory of West Timor. The Selat Ombai Sea is to the north.
11. The district of Oecussi is divided into four Sub- districts, namely Pantemakassar A and B, Nitibe, Oesilo and Passabe.
12. The Sakunar militia operated within the District of Oecussi from approximately April to October 1999. Simao Lopes was the supreme commander of the Sakunar militia. Gabriel Kolo was the chief of Abani village in Passabe Sub-district and also commander of the Sakunar militia in that village.
13. **Quelo Mauno** was Sakunar militia leader in Naetuna village, Passabe Sub-district, Oecussi District. There were the following militia members in his group: Zeus Oki, Alexio Sipa, Agostinho Sufa, Mateus Lao (alias Ena Poto) and Sebastian Tolo.
14. Domingos Kolo and his family lived in the sub- village of Nitas, village of Nibin, Sub-district of Oesilo. Domingos Kolo and the villagers of Nibin were predominantly supporters of independence.
15. In the morning of 8 September 1999, **Quelo Mauno** and other Sakunar militia members had a meeting at Gabriel Kolo's house in the village of Abani. **Quelo Mauno** and other Sakunar militia members were ordered by Gabriel Kolo and other militia leaders to carry out killings of independence supporters in Nibin village.
16. In the afternoon of that day, **Quelo Mauno** led a group of militia members to the village of Nibin and attacked the village.
17. At the time of the attack, Domingos Kolo was hiding with his family in a beetle nut plantation near his house. **Quelo Mauno** and his group located Domingos Kolo and his family and **Quelo Mauno** ordered Domingos Kolo along with his family to come out of hiding and to follow them.
18. At his house, Domingos Kolo was put under arrest. Sakunar militia also slaughtered one of Domingos Kolo's pigs and it was distributed amongst the militia members. Domingos Kolo was then forced to accompany the militia members along with all the cows he owned to Passabe Sub-district. Sakunar militia members were armed with machetes and rakitans
19. On the way to Passabe, militia members kicked Domingos Kolo and dragged him into a beetle nut plantation.

20. **Quelo Mauno** then ordered Aleixo Sipa to kill Domingos Kolo. Aleixo Sipa stabbed Domingos Kolo in the back with a bolo (large knife). **Quelo Mauno** also struck Domingos Kolo with a bolo in the neck. Whilst Domingos Kolo was on the ground, **Quelo Mauno** struck Domingos Kolo with their bolo. Domingos Kolo died from his wounds.
21. That same day, Serafin Kolo (the brother of Domingos Kolo) found Domingos Kolo's dead body in a beetle plantation. Domingos Kolo had stab wounds to the neck and the legs. At that time, Serafino Kolo was not able to bury the body of his brother.
22. In March 2000, Domingos Kolo's wife with the help of Serafino Kolo located the remains of her husband in the same beetle plantation where he had last been seen.

## V. GENERAL ALLEGATIONS

23. 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.

## VI. CRIMINAL RESPONSIBILITY

### Individual Criminal Responsibility

24. The accused **Quelo Mauno** is charged with individual responsibility in this indictment pursuant to Sections 14 of UNTAET Regulation 2000/15. Under Section 14 individual responsibility results 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*

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*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;"*

## VII. THE CHARGE

### **Count 1: Crimes Against Humanity: Murder**

By their acts or omissions in relation to the events described in this indictment, **Quelo Mauno** is responsible for the murder of Domingos Kolo on or about 8 September 1999 near Nitas sub- village, Nibin village, Oesilo sub-district, Oecussi District, which was committed 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.

## VIII. EVIDENCE and VICTIM

The list of evidence, which forms part of this indictment, is attached as Annex 'A'.

The victim of this crime is Domingos Kolo of Nitas sub- village, Nibin village, Oesilo sub-district, and Oecussi district.

## IX. REQUEST FOR TRIAL

The Deputy General Prosecutor for Serious Crimes hereby requests that the Special Panel for Serious Crimes of the Dili District Court tries this case expeditiously.

Dated: 15. February 2003

  
Siri Frigaard

Deputy General Prosecutor for Serious Crimes