



DISTRICT COURT OF DILI

BEFORE THE SPECIAL PANEL FOR SERIOUS CRIMES

Case No: 12/c.G/7DD/2003.

INDICTMENT

THE DEPUTY GENERAL PROSECUTOR FOR SERIOUS CRIMES

- *Against* -

DOMINGOS AMATI (1)

& FRANCISCO MATOS (2)

2.7. 196
4

I: INDICTMENT

The Deputy General Prosecutor for Serious Crimes, pursuant to her authority under UNTAET Regulations 2000/16 and 2000/30 as amended by 2001/25 charges: **DOMINGOS AMATI & FRANCISCO MATOS** with **MURDER**, as set forth in this indictment.

II: NAME AND PARTICULARS OF THE ACCUSED

1. Name: **Domingos Amati**
Date of Birth/Age: Not known
Place of Birth: Hera town, Hera sub-district, Dili
Nationality: East Timorese
Address: Hera town, Hera sub-district, Dili
Location: Hera town.
Occupation at the time: Aitarak militia member

2. Name: **Francisco Matos (aka Sico Matos)**
Date of Birth/Age: 1 October 1966
Place of Birth: Hera town, Hera sub-district, Dili
Nationality: East Timorese
Address: Hera town, Hera sub-district, Dili
Location: Hera town.
Occupation at the time: Aitarak militia member

III: STATEMENT OF FACTS

1. During 1999 Antonio Pinto Soares (aka Charles) was a member of the Aitarak militia in Hera, Metinaro sub-district, Dili district. He was also a clandestine supporter of the pro-independence movement.
2. On or about 5 September 1999 in the late afternoon, Antonio Pinto Soares was cycling past the Aitarak militia post in Hera. Militia member **Domingos Amati (1)** was stationed at the militia post at the time.
3. **Domingos Amati (1)** and Antonio Pinto Soares had an argument. **Domingos Amati (1)** then threatened Antonio Pinto Soares with a knife.
4. Antonio Pinto Soares took out his own knife and threw it at **Domingos Amati (1)**, hitting him in the forehead.
5. **Domingos Amati (1)** together with other militia members then began to chase Antonio Pinto Soares towards Hera beach.

- 3/4 1374
6. During the chase, Antonio Pinto Soares was confronted by two Indonesian TNI soldiers who stopped him and handed him over to the militia who were chasing him. One of the militia members hit Antonio Pinto Soares in the head and another stabbed him in the chest with his knife. The militia members then forced Antonio Pinto Soares to walk back to the militia post in Hera, a few hundred metres away.
 7. Once back at the militia post Antonio Pinto Soares was allowed to walk to the beach to clean himself. **Domingos Amati (1)** and **Francisco Matos (2)** followed Antonio Pinto Soares to the beach. They were both armed with machetes.
 8. **Domingos Amati (1)** hit Antonio Pinto Soares on the back of the head with his machete. **Francisco Matos (2)** repeatedly stabbed Antonio Pinto Soares in the back with his machete. Antonio Pinto Soares fell to the ground.
 9. Some time later Antonio Pinto Soares managed to stagger back up to the militia post. He remained at the militia post, seriously injured and bleeding from his wounds, for a number of hours.
 10. In the early morning of 6 September 1999, Hera militia commander Mateus de Carvalho came to the militia post and took Antonio Pinto Soares to the Dili National Hospital in Bidau by car. Antonio Pinto Soares was treated by a doctor at the hospital but died after a few hours from his injuries.
 11. Antonio Pinto Soares' body was returned to Hera for burial the following day.

IV: CRIMINAL RESPONSIBILITY

The accused are charged with individual criminal 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:*

A.J. 1/28/03

(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 or the intention of the group to commit the crime; and*

...

V: THE CHARGES

Count 1: MURDER

By their acts, as described in paragraphs 8 of this indictment, on or about 5 September 1999 in the town of Hera, District of Dili, **Domingos Amati (1)** and **Francisco Matos (2)** are responsible as individuals for the murder of Antonio Pinto Soares (aka Charles) in violation of section 8 of UNTAET Regulation 2000/15 and article 340 of the Indonesian Penal Code.

VI: VICTIMS AND EVIDENCE FOR TRIAL

The victim is **Antonio Pinto Soares (aka Charles)**.

The evidence in support of this indictment is contained in Annex A, which forms part of this Indictment.

VII: REQUEST FOR TRIAL

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

Dated: 28 February 2003

Siri Frigaard

Siri Frigaard
Deputy General Prosecutor for Serious Crimes