

DISTRICT COURT OF DILI

BEFORE THE SPECIAL PANEL FOR SERIOUS CRIMES

THE DEPUTY GENERAL PROSECUTOR FOR SERIOUS CRIMES

v

**LIBERATUS MAUNO (1)
ALEXIO SEPA (2)**

Case No: *19/2003*

INDICTMENT

I: INDICTMENT

The Deputy General Prosecutor for Serious Crimes, pursuant to his authority under UNTAET Regulation 2000/16 and 2000/30 as amended by Regulation 2001/25, charges **LIBERATUS MAUNO and ALEIXO SEPA** with **CRIMES AGAINST HUMANITY: MURDER** as set forth in this indictment.

II: NAME AND PARTICULARS OF THE ACCUSED

1. Name: **LIBERATUS MAUNO (aka Latus)**
 Place of Birth: Oecussi, East Timor
 Date of Birth/Age: Over 40 years old
 Sex: Male
 Nationality: East Timorese
 Address: Believed to be in Indonesia
 Occupation at the time: Member of Sakunar militia

2. Name: **ALEIXO SEPA**
 Place of Birth: Usapin, Passabe, Oecussi, East Timor
 Date of Birth/Age: Approximately 25-35 years old
 Sex: Male
 Nationality: East Timorese
 Address: Believed to be in Indonesia
 Occupation at the time: Sakunar militia member

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) 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

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 ie 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. **Liberatus Mauno (aka Latus) (1)** and **Aleixo Sepa (2)** were members of the Sakunar militia.
14. In the morning of 8 September 1999 senior Sakunar militia members held a meeting at Gabriel Kolo's house in the village of Abani, Passabe. Sakunar militia members were ordered by Gabriel Kolo and other militia leaders to carry out killings of perceived independence supporters in the villages of Nibin, Tumin, Nonquikan and Quibiselo.

Murder of Domingos Kolo in Nibin village on or about 8 September 1999

15. 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.
16. In the afternoon of 8 September 1999, **Aleixo Sepa (2)** and other militia members under the leadership of Quelo Mauno, the Sakunar militia leader from Naetuna village, went 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 betel nut plantation near his house. The militia members including **Aleixo Sepa (2)** located Domingos Kolo and his family and ordered them to come out of hiding and 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 betel nut plantation.
20. Quelo Mauno then ordered **Aleixo Sepa (2)** to kill Domingos Kolo. **Alexio Sepa (2)** stabbed Domingos Kolo in the back with a bolo (large knife). Quelo Mauno also struck Domingos Kolo with a bolo in the neck. 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 betel nut plantation. Domingos Kolo had stab wounds to his neck and legs. At that time Serafin Kolo was not able to bury the body of his brother.
22. In March 2000 Domingos Kolo's wife with the help of Serafin Kolo located the remains of her husband in the same betel nut plantation where he had last been seen.

Murder of Yosef Maknaun at Nainaban on or about 9 September 1999

23. Yosef Maknaun and his family lived in Kiobiselo village, Oesilo Sub-district, Oecussi District.
24. Following the attack on the village of Kiobiselo on 8 September 1999 by the Sakunar militia, Yosef Maknaun and his family fled to West Timor to seek refuge on 9 September 1999.
25. On their way, near a dried creek bed on the Oecussi/West Timor border, they came across a large number of armed Sakunar militia including Gabriel Kolo, Andre Ulan, Mateus Lao and **Liberatus Mauno (1)**.
26. The militia members including **Liberatus Mauno (1)** arrested Yosef Maknaun and took him away with them. A militia member escorted his family to West Timor.
27. Some distance away Gabriel Kolo and Andre Ulan ordered the militia members to kill Yosef Maknaun. At that time **Liberatus Mauno (1)** was holding Yosef Maknaun by the arm.
28. Mateus Lao hacked Yosef Maknaun on the back with his bolo. **Liberatus Mauno (1)** stabbed him in the side of his body. Yosef Maknaun died of his injuries.
29. The militia members left the body of Yosef Maknaun where they killed him.
30. Some time in October 1999 the family recovered the remains of Yosef Maknaun.

Murder of Ernesto Lafu and Vincente Quelo and Inhumane Acts on Serafim Tolo in Nakome village on or about 10 or 11 September 1999

31. On or around 9 September 1999, a large number of militia members including **Liberatus Mauno (1)** and **Aleixo Sepa (2)** came down from Passabe to Nakome village. The militia members burnt down the houses with all their belongings. Only one or two houses were not burnt during the attack.

32. One or two days later the same group of militia members led by **Liberatus Mauno (1)** came back down from Passabe to Nakome village. They were carrying machetes, swords, spears, clubs and sticks.
33. Upon the arrival of the militia members, the villagers of Nakome were gathered in front of one of the houses that had not been burnt in the first attack.
34. The militia members secured the area, surrounded the villagers to make sure that nobody could escape from their attack and started stoning them.
35. Whilst the stoning was continuing a number of militia members including **Liberatus Mauno (1)** and **Aleixo Sepa (2)** targeted three villagers namely Ernesto Lafu, Vincente Quelo aka Mala Quelo and Serafim Tolo who were perceived as being CNRT members and/or supporters of independence for East Timor.
36. **Liberatus Mauno (1)** **Aleixo Sepa (2)** and other militia members including Umbertus Ena aka Mala Cloe and Carlos Ena aka Tolo Cloe struck Ernesto Lafu, Vincente Quelo aka Mala Quelo and Serafim Tolo repeatedly using their machetes.
37. Ernesto Lafu and Vincente Quelo aka Mala Quelo died directly from their injuries and the militia members believed that Serafim Tolo was also dead. The three victims were left on the spot.
38. After the attack a large number of cattle belonging to the villagers was stolen and taken to Passabe.

V: GENERAL ALLEGATIONS

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

The accused are individually responsible for the crimes charged in this indictment. Individual responsibility under Section 14.3 UNTAET Regulation 2000/15 arises if an accused:

“(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 or the intention of the group to commit the crime; and...*
- ...
- (f) *Attempts to commit such a crime by taking action that commences its execution by means of a substantial step, but the crime does not occur because of circumstances independent of the person's intentions. However, a person who abandons the effort to commit the crime shall not be liable for punishment under the present regulation for the attempt to commit that crime if that person completely and voluntarily gave up the criminal purpose.*

VII: THE CHARGES

Count 1: Crime Against Humanity: Murder

By his acts or omissions in relation to the events described in paragraphs 16 to 20 of this indictment, **Aleixo Sepa** is responsible with others as an individual for the murder of Domingos Kolo on or about 8 September 1999 near Nitas 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.

Count 2: Crime Against Humanity: Murder

By his acts or omissions in relation to the events described in paragraphs 25 to 29 of this indictment, **Liberatus Mauno** is responsible with others as an individual for the murder of Yosef Maknaun on or about 9 September 1999 on the border of Oecussi and West Timor close to Nainaban in West Timor 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.

Count 3: Crime Against Humanity: Murder

By their acts or omissions in relation to the events described in paragraph 33 to 37 of this indictment, **Liberatus Mauno and Aleixo Sepa** are responsible with others as individuals for the murder of Ernesto Lafu and Vincente Quelo aka Mala Quelo in Nakome village, Passabe 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.

Count 4: Crime Against Humanity: Inhumane Acts 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 paragraph 33 to 37 of this indictment, **Liberatus Mauno and Aleixo Sepa** are responsible with others as individuals for the inhumane acts intentionally causing great suffering or serious injury to body or mental or physical health committed against Serafim Tolo in Nakome village, Passabe 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:INHUMANE ACTS INTENTIONALLY CAUSING GREAT SUFFERING OR SERIOUS INJURY TO BODY OR MENTAL OR PHYSICAL HEALTH, a crime stipulated under Section 5.1.(k) UNTAET Regulation 2000/15.

VIII: VICTIMS

The victims are:

- 1.Domingos Kolo from Nitas village, Oesilo Sub-district, Oecussi District
- 2.Yosef Maknaun from Kiobiselo village, Oesilo Sub-district, Oecussi District.
- 3.Ernesto Lafu from Nakome village, Passabe Sub-district, Oecussi District
- 4.Vincente Quelo aka Mala Quelo from Nakome village, Passabe Sub-district, Oecussi District
- 5.Serafim Tolo from Nakome village, Passabe Sub-district, Oecussi District

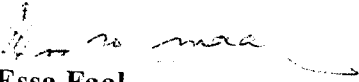
IX. EVIDENCE

The list of the evidence, which support the indictment is attached as Annex 'A'

X: 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: 09 July 2003


Essa Faal

Acting Deputy General Prosecutor for Serious Crimes