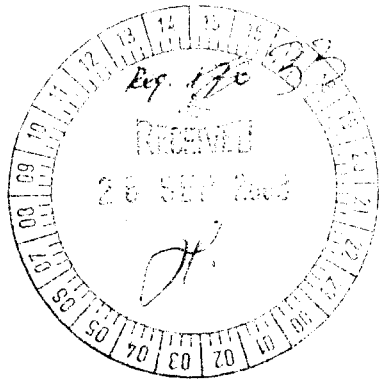

DISTRICT COURT OF DILI

BEFORE THE SPECIAL PANEL FOR SERIOUS CRIMES

Case No: 29/C.G/8-003/PD-DIL

INDICTMENT

THE DEPUTY GENERAL PROSECUTOR FOR SERIOUS CRIMES

- Against -

FLORINDO MORREIRA

I: INDICTMENT

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

II: NAME AND PARTICULARS OF THE ACCUSED:

1.	Name:	**Florindo Morreira**
	Place of Birth:	East Timor
	Date of Birth/Age:	Not known
	Sex:	Male
	Nationality:	East Timorese
	Address:	Believed to be in Atsabe sub-district, Ermera, East Timor
	Occupation at the time:	Aitarak militia member

III: INTRODUCTORY STATEMENT OF FACTS

1. A widespread or systematic attack was committed 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 chose 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 Forces POLRI

(Kepolisan Republik Indonesia) with the acquiescence and active participation of civilian and military authorities.

3. With the backing of the TNI and the Civil Administration, more than twenty five militia groups operated throughout East Timor. Their goal was to support autonomy with Indonesia. The Integration Fighting Forces, PPI *(Pasukan Pejuang Indonesia)* under the command of Joao Tavares and Eurico Guterres was the umbrella organization under which these militia groups were organized. With the acquiescence of TNI and the Civil Administration, PPI commanders issued and called upon and incited militia groups and their members to intimidate independence supporters and those perceived to support them. The militia groups participated widespread or systematic attacks, acting and operating with impunity.

4. The widespread or systematic attack was directed against civilians and 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 attacks resulted in the internal displacement of thousands of persons. 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 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.

8. The Indonesian Military in East Timor consisted of both regular territorial forces 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, *(Brigade Mobil)* whose units and members were stationed in East Timor, including in Dili district.

IV: SPECIFIC STATEMENT OF FACTS

10. Between April and September 1999 the Aitarak militia and the TNI in Hera worked closely together and engaged in a campaign of violence including intimidation, assault, destruction, murder and deportation.

11. The militia in Hera operated from a number of militia posts including from the home of Mateus de Carvalho in Akanunu. They also manned a number of roadblocks at which they stopped persons traveling between Dili and Baucau and arrested, assaulted and killed persons they suspected of being pro-independence supporters.

12. The Aitarak militia in Dili were divided into four companies, A, B, C and D. Mateus de Carvalho was the Commander of Aitarak Company D which covered Hera.

13. **Florindo Morreira** was a member of the Aitarak militia in Hera.

14. Mantus de Araujo was an active member of CNRT (*Concelho Nacional da Resistencia)* in Same whilst Martinho Vidal was a member of KONTRAS (Organisation for Disappeared Persons and Victims of Violence) *(Komisi Untuk Orang Hilang Dan Korban Tindak Kekerasan).*

15. On 31 August 1999 Aitarak militia members stopped Mantus de Araujo and Martinho Vidal at a militia roadblock in Akanunu whilst they were traveling towards Dili on a motorbike. The militia searched Mantus de Araujo and Martinho Vidal and found documentation on them confirming their membership of CNRT and KONTRAS.

16. The two men were forced by the militia to the house of Mateus da Carvalho where they were beaten with metal pipes and wooden sticks by militia members including **Florindo Morreira**. Following their beating, Mateus de Carvalho told his men 'go and do your job'.

17. Mantus de Araujo and Martinho Vidal were then taken into the Aitarak militia post across the road where they were beaten and stabbed by militia members including **Florindo Morreira**. **Florindo Morreira** used a samurai sword to stab Martinho Vidal. Mantus de Araujo and Martinho Vidal died of their injuries.

18. Militia members then put the bodies of the two men into rice sacks and buried the bodies on the beach in Hera.

V: GENERAL ALLEGATIONS

19. 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

(a) Individual Criminal Responsibility

20. The accused **Florindo Morreira** is charged with individual criminal responsibility in this indictment. An 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 or the intention of the group to commit the crime; and

. . .

VII: THE CHARGES

Pursuant to the above the Deputy General Prosecutor for Serious Crimes charges:

Count 1: Crimes Against Humanity: Murder

By his acts or omissions in relation to the events described in paragraph 17 of this indictment, **Florindo Morreia** is responsible as an individual for the murder of Mantus de Araujo and Martinho Vidal on 31 August 1999 in Akanunu in Dili 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: Crimes Against Humanity: Torture

By his acts or omissions in relation to the events described in paragraphs 16 of this indictment, **Florindo Morreira** is responsible as an individual for the torture of Mantus de Araujo and Martinho Vidal on 31 August 1999 in Akanunu, Dili District with knowledge of the attack and thereby committed a CRIME AGAINST HUMANITY: TORTURE, a crime stipulated under Section 5.1(f) and 5.2(d) of UNTAET Regulation 2000/15.

VIII: VICTIMS AND EVIDENCE FOR TRIAL

The victims of the crimes charged in this indictment are Mantus de Araujo and Martinho Vidal.

A list of the evidence supporting this indictment is contained in Annex A to this indictment.

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 25/9/03

Acting Deputy General Prosecutor for Serious Crimes
Essa Faal