

# DISTRICT COURT OF DILI

BEFORE THE SPECIAL PANEL FOR SERIOUS CRIMES

Case No: 32/C.G/03/PD DIL.

---

## INDICTMENT

---

THE DEPUTY GENERAL PROSECUTOR FOR SERIOUS CRIMES

Against

JORGE ULAN  
JOAO GOMEZ  
BLASUS MANEK

## 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: **Jorge Ulan, Joao Gomez** and **Blasus Manek** with **CRIMES AGAINST HUMANITY: MURDER and ATTEMPTED MURDER** as set forth in this indictment.

## II: NAME AND PARTICULARS OF THE ACCUSED

1. Name: **Jorge Ulan**  
 Place of Birth: Not known  
 Age/Date of Birth: Not known  
 Sex: Male  
 Nationality: East Timorese  
 Address: Believed to be living in West Timor, Indonesia  
 Occupation at the time: TNI soldier
  
2. Name: **Joao Gomez**  
 Place of Birth: Not known  
 Age/Date of Birth: Not known  
 Sex: Male  
 Nationality: East Timorese  
 Address: Believed to be living in Manufui, West Timor, Indonesia  
 Occupation at the time: TNI soldier
  
3. Name: **Blasus Manek**  
 Place of Birth: Not known  
 Age/Date of Birth: Not known  
 Sex: Male  
 Nationality: East Timorese  
 Address: Believed to be living in Kefamenanu, West Timor, Indonesia  
 Occupation at the time: TNI soldier

## 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) (*Kepolisian 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 organisation 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) (*Battalion Tentara Territorial*) and Special Combat Forces ie the Strategic Reserve Command (KOSTRAD) (*Kommando Strategis Angkatan Darat*) and Special Forces Command (KOPASSUS) (*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. 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 Pantemacassar A and B, Nitibe, Oesilo and Passabe.
12. The Sakunar militia, led by Militia Commander Simao Lopes, operated together with the TNI in the district of Oecussi from approximately April to October 1999.
13. **Jorge Ulan, Joao Gomez and Blasus Manek** were all TNI soldiers in Oecussi district during 1999.
14. In September and October 1999 the militia and TNI attacked and killed pro-independence supporters, burnt and destroyed villages and forcibly deported the civilian population into West Timor.
15. Paulo Sequeira was a member of CNRT (*Concelho Nacional da Resistencia Timor Leste*) and the village chief of Pune village in Oecussi. Stanislaw Bala was also a supporter of CNRT and a neighbour of Paulo Sequeira.
16. During the night of 11 September 1999, a number of TNI including **Jorge Ulan, Joao Gomez and Blasus Manek**, attacked the house where Paulo Sequeira, Stanislaw Bala, Augusto Sequeira, Armando Correa dos Santos and Ermelindo da Conceicao and others were staying in Numbei, Oecussi town. **Jorge Ulan** led the attack.
17. The TNI and militia called for Paulo Sequeira and the other persons inside to come out of the house or they would burn it down.

18. As they came outside, the TNI and militia assaulted them. **Blasus Manek** and other TNI and militia kicked and beat Armando Correa dos Santos until he was almost unconscious and left him inside the house.
19. **Jorge Ulan** shot at Paulo Sequeira with his assault rifle. He then beat Paulo Sequeira in the head with a piece of wood. **Joao Gomez** stabbed Paulo Sequeira with his machete. Paulo Sequeira died of his injuries.
20. **Blasus Manek** then caught and stabbed Stanislaw Bala to death.
21. As Augusto Sequeira attempted to leave the house, **Jorge Ulan** caught him and assaulted him in the face and chest with his rifle. Augusto Sequeira fell to the ground unconscious.
22. The TNI and militia including **Jorge Ulan, Joao Gomez** and **Blasus Manek** then set the house on fire whilst Augusto Sequeira and Armando Correa dos Santos were still inside. Both were able to escape but Augusto Sequeira suffered severe burns to his body.
23. The bodies of Paulo Sequeira and Stanislaw Bala were left inside the house. They were later found and buried by family members.

#### 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

##### Individual Criminal Responsibility

24. **Jorge Ulan, Joao Gomez** and **Blasus Manek** are individually responsible for the crimes charged in this indictment. Individual responsibility under Section 14 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

### Jorge Ulan

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

By his acts or omissions in relation to the events described in paragraphs 16-20 of this indictment, **Jorge Ulan** is responsible as an individual for the murder of Paulo Sequeira and Stanislau Bala on or about 11 September 1999 in Numbei, Pante Macassar 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: Crimes Against Humanity: Attempted Murder**

By his acts or omissions in relation to the events described in paragraphs 16-18 & 21-22 of this indictment, **Jorge Ulan** is responsible as an individual for the attempted murder of Augusto Sequeira and Armando Correa dos Santos on or about 11 September 1999 in Numbei, Pante Macassar 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 and Section 14.3(f) of UNTAET Regulation 2000/15.

**Joao Gomez**

**Count 3: Crimes Against Humanity: Murder**

By his acts or omissions in relation to the events described in paragraphs 16-20 of this indictment, **Joao Gomez** is responsible as an individual for the murder of Paulo Sequeira and Stanislau Bala on or about 11 September 1999 in Numbei, Pante Macassar 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: Crimes Against Humanity: Attempted Murder**

By his acts or omissions in relation to the events described in paragraphs 16-18 & 21-22 of this indictment, **Joao Gomez** is responsible as an individual for the attempted murder of Augusto Sequeira and Armando Correa dos Santos on or about 11 September 1999 in Numbei, Pante Macassar 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 and Section 14.3(f) of UNTAET Regulation 2000/15.

**Blasus Manek**

**Count 5: Crimes Against Humanity: Murder**

By his acts or omissions in relation to the events described in paragraphs 16-20 of this indictment, **Blasus Manek** is responsible as an individual for the murder of Paulo Sequeira and Stanislau Bala on or about 11 September 1999 in Numbei, Pante Macassar 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 6: Crimes Against Humanity: Attempted Murder**

By his acts or omissions in relation to the events described in paragraphs 16-18 & 21-22 of this indictment, **Blasus Manek** is responsible as an individual for the attempted murder of Augusto Sequeira and Armando Correa dos Santos on or about 11 September 1999 in Numbei, Pante Macassar 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 and Section 14.3(f) of UNTAET Regulation 2000/15.

### VIII: VICTIMS

The victims of this crime are Paulo Sequeira, Stanislau Bala, Armando Correa dos Santos and Augusto Sequeira.

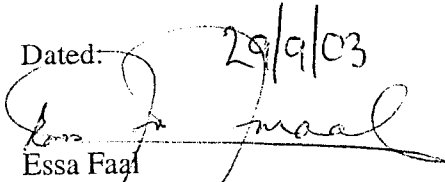
The list of evidence in support of this indictment is attached to the indictment as Annex 'A'.

### IX: REQUEST FOR TRIAL

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

Dated:

29/9/03

  
Essa Faal

Acting Deputy General Prosecutor for Serious Crimes