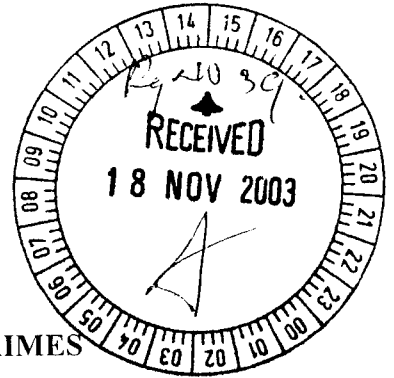


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DISTRICT COURT OF DILI



BEFORE THE SPECIAL PANEL FOR SERIOUS CRIMES

Case No: 35/2003

INDICTMENT

THE DEPUTY GENERAL PROSECUTOR FOR SERIOUS CRIMES

Against

ADOLFO AMARAL

I. INDICTMENT

The Deputy General Prosecutor for Serious Crimes pursuant to his authority under UNTAET Regulation 2000/16 and 2000/30 (as amended by 2001/25) charges:

Adolfo Amaral

WITH

**CRIMES AGAINST HUMANITY: MURDER and
CRIMES AGAINST HUMANITY: ATTEMPTED MURDER**

as set forth in this indictment.

II. NAME AND PARTICULARS OF THE ACCUSED

| | |
|--|--|
| Name: | ADOLFO AMARAL |
| Sex: | Male |
| Date of birth/age: | Not known |
| Place of birth: | East Timor (a resident of Bessilau Village, Aileu district) |
| Present location: | Believed to be in Indonesia |
| Function at the time of the events: | TNI soldier (official rank not known), working at the TNI office in Kotalau Village, Sub district of Laulara, District of Aileu. |

III. INTRODUCTORY STATEMENT OF FACTS

1. In 1999 a widespread or systematic attack directed against the civilian population was committed in East Timor. This attack occurred during two interconnected periods of intensified violence. The first period followed the announcement on 27 January 1999 by the Government of the Republic Indonesia, that the people of East Timor would be allowed to choose between autonomy with the Republic of Indonesia or Independence until 4 September 1999, the date of the announcement of the result of the popular consultation in which 78.5 per cent voted against the proposed special autonomy within the Republic of Indonesia. The second period followed the announcement of the result of the popular consultation on 4 September through 25 October 1999.

2. The attack against the civilian population of East Timor was part of an orchestrated campaign of violence, that included, among other things, incitement, intimidation, threats to life, murders, assaults, rapes, kidnappings and other forms of violence, carried out by pro-autonomy militia, members of the Indonesian Armed Forces, ABRI (Angkatan Bersenjata Republik Indonesia), renamed TNI (Tentara Nasional Indonesia in 1999), and of the Indonesian Police Force POLRI (Polisi 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 existed and operated in East Timor. Their goal was to terrorize the population of East Timor to support autonomy within Indonesia. These militia groups were organized under the pro-integration forces (Pasukan Pejuang Intigrasi or PPI) and were allowed to act with impunity.
4. The large-scale attack was directed against civilians of all age groups, predominantly against individuals who supported or who 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, attacks were also carried out against property and livestock, including mass destruction of houses by fire, stealing of property and the killing and stealing of livestock.
6. The widespread or systematic attack resulted in the internal displacement of thousands of persons (IDPs). Additionally, the forcible transfer and deportation of the civilian population within East Timor and to West Timor, Indonesia was an essential feature of the orchestrated campaign of violence.
7. The Indonesian military in East Timor consisted of both regular territorial forces and special combat forces i.e. the Strategic Reserve Command (KOSTRAD), (*Komando Strategis Angkatan Darat*) and Special Force Command (KOPASSUS)(*Komando Pasukan Khusus*) all of which had units, staff officers and soldiers stationed in East Timor.
8. From February 1999 to October 1999, POLRI, the state agency for upholding law and public order, was also present in East Timor. It included a Mobile Police Brigade (Brigade Mobil also known as BRIMOB) whose units and members were stationed in East Timor.
9. Under the terms of the 5 May 1999 Agreement, between Indonesia, Portugal and the United Nations on the Popular Consultation, the Indonesian security authorities had the responsibility to ensure peace and security and to create a safe environment devoid of violence or other forms of intimidation as well as to ensure general maintenance of law and order before, during and immediately after the popular consultation in East Timor.

10. The Indonesian security authorities failed to take the necessary measures to meet their obligations and made no attempt to disarm or neutralize the militia groups.
11. For each count charging a Crime against Humanity, the acts or omissions by the accused person were undertaken as part of a widespread or systematic attack directed against the civilian population, with knowledge of the attack.

IV. SPECIFIC STATEMENT OF FACTS

12. The District of Aileu is divided into four sub-districts: Aileu, Lequidoe, Remxio and Laulara.
13. During 1999 the AHI Aileu Hidup Dengan Indonesia/Intergrasi)(*Aileu Lives with Indonesia*) militia in Aileu operated in close cooperation with the TNI in Aileu district and carried out widespread and systemic attacks against the civilian population. A major aspect of the widespread or systemic attack was to identify and target individuals believed to be supporters of independence. The members of AHI militia were looking for CNRT and Falintil supporters. If found, they were arrested, detained, tortured and, in some cases, killed.
14. After the result of popular consultation was announced, the violence against the population in Aileu district intensified. TNI actively participated in attacks sometimes in conjunction with AHI militia members.

Murder of Francisco Alexio aka Carvalho and Attempted murder of Domingos Alexio, Luis Alexio and Domingos Da Silva

15. **Adolfo Amaral**, who was a TNI soldier, working at the TNI office in Kotalau Village, Sub district of Laulara, District of Aileu.
16. In the afternoon of 6 of September 99, Francisco Alexio aka Carvalho, Domingos Alexio, Luis Alexio who were working at the farm of Francisco Alexio in Lebucoco, Talitu village left the farm in the afternoon to go to Kotalau village. They walked towards Dili-Aileu main road.
17. Francisco Alexio, Domingos Alexio and Luis Alexio met Domingos Da Silva on the way.
18. Francisco Alexio, Domingos Alexio, Luis Alexio and Domingos Da Silva saw two vehicles coming from Aileu direction when they arrived at Dili-Aileu road junction near Kotolau village, Laulara sub district, district of Aileu. The first vehicle stopped

just passed the junction. In the first vehicle there were several soldiers; all wore Indonesian camouflage uniform.

19. The second vehicle was a pick up truck, which stopped at the junction. There were about 6 armed men in the back of the truck. All were East Timorese wearing TNI uniform and among them was **Adolfo Amaral**.
20. When the vehicles had stopped **Adolfo Amaral** pointed his rifle in the direction where Francisco Alexio, Domingos Alexio, Luis Alexio and Domingos Da Silva were standing. **Adolfo Amaral** together with other soldiers in the back of the truck fired many shots at Francisco Alexio, Domingos Alexio, Luis Alexio and Domingos Da Silva.
21. As the soldiers started to shoot, Francisco Alexio, Domingos Alexio, Luis Alexio and Domingos Da Silva ran into the nearby forest.
22. **Adolfo Amaral** shot at Francisco Alexio from close distance. Francisco Alexio was hit by a bullet to the right side of his body and fell to the ground. **Adolfo Amaral** then fired at Domingos Alexio, striking him in the left forearm and near his left elbow. Luis Alexio and Domingos Da Silva were not hit by any of the rounds.
23. As Domingos Alexio, Luis Alexio and Domingos Da Silva continued running into the forest they could still hear the sound of gunshots fired by the soldiers.
24. After about a month Domingos Alexio showed family members of the deceased Francisco Alexio the place where he was killed. The body of Francisco Alexio was found in decomposed condition at the place where the incident had occurred at a place near Dili-Aileu road junction of Kotolau village, Laulara sub district, district of Aileu.
25. The skeletal remains of Francisco Alexio were buried near the place where he was killed in the presence of his wife.

V. CRIMINAL RESPONSIBILITY

INDIVIDUAL CRIMINAL RESPONSIBILITY

The accused **Adolfo Amaral** is individually responsible for the crimes charged against him in this indictment pursuant to Section 14 of UNTAET Regulation 2000/15. Under the Section 14 individual responsibility results if an 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 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 ; and..."*

Pursuant to the above the Deputy General Prosecutor for Serious Crimes

VI. CHARGES:

Adolfo Amaral with

COUNT 1: CRIMES AGAINST HUMANITY: MURDER

By his act or omission in relation to event described in paragraphs 19 to 24, **Adolfo Amaral** is responsible with others for the murder of Francisco Alexio aka Carvalho on 6 September 1999, near Dili-Aileu road junction of Kotolau village, Laulara sub district, district of Aileu. as part of a widespread or systematic attack against a civilian population, with knowledge of this attack and thereby committed a CRIME AGAINST HUMANITY, MURDER, a crime set out in Section 5.1 (a) of UNTAET Regulation 2000/15 and for which he is individually responsible pursuant to Section 14 and which is punishable under Section 10.1 of UNTAET Regulation 2000/15.

COUNT 2: CRIMES AGAINST HUMANITY: ATTEMPTED MURDER

By their acts or omissions in relation to event described in paragraphs 19 to 22, **Adolfo Amaral** is responsible with others for the attempted murder of Domingos Alexio, Luis Alexio and Domingos Da Silva committed on 6 September 1999, near Dili-Aileu road junction of Kotolau village, Laulara sub district, district of Aileu, as part of a widespread or systematic attack against a civilian population, with knowledge of this attack and thereby committed a CRIME AGAINST HUMANITY, attempted murder, a crime stipulated in Section 5.1 (a) of UNTAET Regulation 2000/15 and Section 14.3(f) of

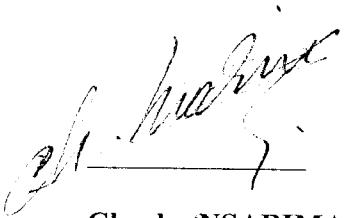
UNTAET Regulation 2000/15 for which he is individually responsible pursuant to Section 14 and which is punishable under Section 10.1 of UNTAET Regulation 2000/15.

VII. WITNESS AND EVIDENCE

Pursuant to UNTAET Regulation 2000/30 Section 24.2 (as amended by UNTAET Regulation 2001/25), the list of witness and evidence that support this indictment is contained in Annex A, which forms an integral part of this indictment.

VIII. REQUEST FOR TRIAL

The General Prosecutor hereby requests the Special Panel for Serious Crimes of the District Court of Dili to try this case expeditiously.



Charles NSABIMANA
For the Deputy General Prosecutor for Serious Crimes
Date: 14 November 2003