



Case Status Abilio Soares

Updated 15 August 2002

I. SUMMARY OF CASE:

Indicted on 20 February 2002 with two cumulative charges of crimes against humanity:

- (1) murder as a crime against humanity (Art.9(a));
- (2) assault/persecution as a crime against humanity (Art.9(h)).

Alleged basis of criminal responsibility:

Abilio Soares is charged with civilian command responsibility under Art. 42(2) of Law 26/2000. This provides that:

Both police and civil leaders are held responsible for gross violations of human rights perpetrated by subordinates under their effective command and control resulting from a failure on the part of the leader to properly and effectively control his or her subordinates, namely:

- a. the aforementioned leader is aware of or deliberately ignores information that clearly indicates his or her subordinates are perpetrating, or have recently perpetrated a gross violation of human rights; and
- b. the aforementioned leader fails to act in a proper manner as required by the scope of his or her authority by preventing or terminating such action or delivering the perpetrators of this action to the authorised official for inquiry, investigation, and prosecution.

Abilio Soares is specifically charged with civilian command responsibility for the failings and actions of his subordinates, namely the two Bupatis Leonito Martens in Liquisa and Herman Sedyono in Covalima, and Eurico Guterres as deputy PPI commander, as well as for the actions of organisations or public groupings such as Pamswakarsa. The indictment alleges that Abilio Soares is criminally responsible for the acts of his subordinates because he knew or deliberately ignored information that clearly showed his subordinates were committing or had just committed the identified crimes, he did not command his subordinates correctly and lawfully and did not coordinate with the security/law and order forces to prevent or stop the actions of his subordinates or surrender perpetrators to the legitimate authorities for investigation, prosecution and punishment

The incidents on which the indictment is based are:

- The attack on the Liquisa church on 6 April 1999;
- The attack on Manuel Carrascalao's house in Dili on 17 April 1999;
- The attack on Bishop Belo's house in Dili on 6 September 1999;
- The Suai Church massacre on 6 September 1999.

It is specifically alleged that Abilio Soares is responsible for Pam Swakarsa because he established the movement as a pro-autonomy militia in 1999, following meetings which he held with all the Bupatis. The Bupatis allegedly funded Pam Swakarsa.

II. CURRENT STATUS:

Trial started with reading of the indictment 14 March 2002, and commenced the hearing of prosecution witnesses on 17 April which lasted until 30 May. In all 12 prosecution witnesses were heard by the court, including Adam Damiri, Noer Muis, Herman Sedyono, Tono Suratman and Eurico Guterres. Apart from these, two East Timorese witnesses testified.

Judgment handed down 14 August 2002. Soares was found guilty on all charges and sentenced to 3 years imprisonment.

Defence has expressed that they will appeal the conviction.