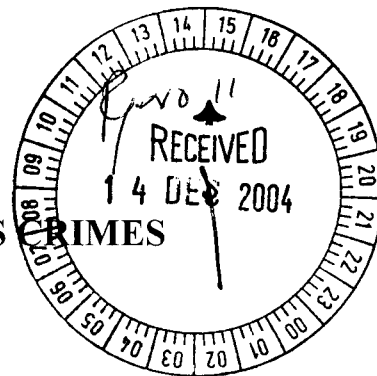


**DISTRICT COURT OF DILI**

**BEFORE THE SPECIAL PANEL FOR SERIOUS CRIMES**



Case No: BO-34-99-SC

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**INDICTMENT**

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**THE DEPUTY GENERAL PROSECUTOR FOR SERIOUS CRIMES**

**Against**

**FRANCISCO PEDRO GEGER**

## **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:

**With**

**CRIMES AGAINST HUMANITY: INHUMANE ACTS, TORTURE,  
MURDER, ATTEMPTED MURDER**

As set forth in this indictment.

## **II. NAME AND PARTICULARS OF THE ACCUSED**

Name:	<b>Francisco Pedro a.k.a Geger</b>
Place of Birth:	East Timor
Date of Birth/Age:	15 <sup>th</sup> December 1969
Sex:	Male
Nationality:	East Timorese
Address:	Leliam, Bulico, Balibo
Occupation at the time:	FIRMI militia member, Balibo

## **III. INTRODUCTORY STATEMENT OF FACTS**

1. A widespread and systematic attack was inflicted upon the civilian population of East Timor in 1999. The attack began following the announcement on 27 January 1999 by the Government of Indonesia that the people of East Timor would be allowed to choose between autonomy with the Republic of Indonesia or independence. It intensified after the announcement on 4 September 1999 of the result of the popular consultation in which 78.5 per cent voted against the autonomy proposal.
2. The widespread and systematic attack was part of an orchestrated campaign 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*) with the acquiescence and active participation of civilian and military authorities. The attack was directed against civilians of all ages, but predominantly against individuals who were believed to be independence supporters. The attack resulted in massive and widespread destruction of property, the internal displacement or forceable transfer outside of East Timor of thousands of persons and the infliction of serious injury or death on thousands of victims.

#### **IV: SPECIFIC STATEMENT OF FACTS**

3. Bobonaro District is one of thirteen Districts of East Timor. There are six sub-districts in Bobonaro district.
  4. The FIRMI and Sako Loro Monu (SLM) militias operated in the sub-district of Balibo. The FIRMI militia was based in and around the village of Balibo, whereas the SLM militia operated in and around the village of Batugade. The Commander of the FIRMI militia was Joao Oliveira a.k.a ANO. The Commanders of the SLM militia were Ruben Tavares and Ruben Gonsalves a.k.a ALU. The two groups worked closely together.
  5. Between April and September 1999 **Francisco Pedro** was a member of the FIRMI militia. During this time the FIRMI and SLM militias abducted, tortured and murdered independence supporters, often in close coordination with other militia groups and the TNI.
- 1. (a) Torture of Francisco Maia, Carlos De Carvalho, Benjamin Lucas, Alexio Paicheco, Patricio Santos Marcal, Cornelius Galojo, Gabriel Dos Santos and Francisco Paicheco between 2<sup>nd</sup> & 6<sup>th</sup> September 1999 at Joao Oliveira's house in Balibo**
6. Francisco Maia, Carlos De Carvalho, Benjamin Lucas, Alexio Paicheco, Patricio Santos Marcal, Cornelius Galojo, Gabriel Dos Santos and Francisco Paicheco were members of a clandestine independence youth group known as Sagrada Familia.
  7. Members of the independence youth movement, including Francisco Maia, Carlos De Carvalho, Benjamin Lucas, Alexio Paicheco, Patricio Santos Marcal, Cornelius Galojo, Gabriel Dos Santos, Francisco Paicheco and Zeca Da Silva, were threatened by the TNI and the militia before the Popular Consultation. The TNI and militia told them that if the people of East Timor voted for independence they would be killed.

8. On 30<sup>th</sup> August 1999 a group of around fifty independence supporters fled to the mountains. Francisco Maia, Carlos De Carvalho, Benjamin Lucas, Alexio Paicheco, Patricio Santos Marcal, Cornelius Galojo, Gabriel Dos Santos and Francisco Paicheco were part of this group.
9. On 2<sup>nd</sup> September 1999 the FIRMI militia discovered where the group had been hiding. Thirty eight men, including Francisco Maia, Carlos De Carvalho, Benjamin Lucas, Alexio Paicheco, Patricio Santos Marcal, Cornelius Galojo, Gabriel Dos Santos and Francisco Paicheco, were captured, taken to the house of FIRMI militia commander Joao Oliveira a.k.a ANO and kept there till 6<sup>th</sup> September 1999. **Francisco Pedro** and other militia were guarding the thirty eight men.
10. Between 2<sup>nd</sup> and 6<sup>th</sup> September 1999 **Francisco Pedro** participated in the beating of Francisco Maia, Carlos De Carvalho, Benjamin Lucas, Alexio Paicheco, Patricio Santos Marcal, Cornelius Galojo, Gabriel Dos Santos and Francisco Paicheco at ANO's house. The eight men were punched, kicked and beaten with sticks and rifle butts. In addition to beating the eight men, **Francisco Pedro Geger** guarded the house, preventing them from escaping.

**1. (b) Torture of Francisco Maia, Carlos De Carvalho, Benjamin Lucas, Alexio Paicheco, Patricio Santos Marcal, Cornelius Galojo, Gabriel Dos Santos and Francisco Paicheco on or around 6<sup>th</sup> September 1999 at Balibo fort**

11. On the morning of 6<sup>th</sup> September 1999 thirty detainees were released from Joao Oliveira's house. Francisco Maia, Carlos De Carvalho, Benjamin Lucas, Alexio Paicheco, Patricio Santos Marcal, Cornelius Galojo, Gabriel Dos Santos and Francisco Paicheco were kept behind.
12. On the evening of 6<sup>th</sup> September 1999 Joao Oliveira and the FIRMI militia moved Francisco Maia, Carlos De Carvalho, Benjamin Lucas, Alexio Paicheco, Patricio Santos Marcal, Cornelius Galojo, Gabriel Dos Santos and Francisco Paicheco to Balibo Fort. The eight men were held in one of the rooms at the fort.
13. A short time later, members of the SLM militia lead by Ruben Goncalves arrived from the village of Batugade in a yellow truck.
14. Joao Oliveira and Ruben Goncalves ordered militia members to bring Francisco Maia, Carlos De Carvalho, Benjamin Lucas, Alexio Paicheco, Patricio Santos Marcal, Cornelius Galojo, Gabriel Dos Santos and Francisco Paicheco outside.
15. On the evening of 6 September **Francisco Pedro** and others went into the room and dragged the eight men out of the Balibo fort building. A group of militia, including **Francisco Pedro**, threw the eight men onto the ground.

**Francisco Pedro** and other members of the FIRMI militia kicked, punched and beat the eight men with sticks for around thirty minutes.

**1. (c) Murder of Francisco Maia, Carlos De Carvalho, Benjamin Lucas, Alexio Paicheco, Patricio Santos Marcal, Cornelius Galojo, Gabriel Dos Santos and Francisco Paicheco on or around 6<sup>th</sup> September 1999 at Batugade beach**

16. The FIRMI and SLM commanders ordered militia members to place Francisco Maia, Carlos De Carvalho, Benjamin Lucas, Alexio Paicheco, Patricio Santos Marcal, Cornelius Galojo, Gabriel Dos Santos and Francisco Paicheco into the back of the yellow truck. Before the truck drove off a member of the FIRMI militia stabbed two of the men in the stomach with a samurai sword.
17. Ruben Goncalves and the SLM militia under his command then got into the truck and drove to Batugade. By the time the truck reached Batugade two of the men who had been beaten and stabbed had died from their injuries.
18. When the truck arrived in Batugade the militia threw Francisco Maia, Carlos De Carvalho, Benjamin Lucas, Alexio Paicheco, Patricio Santos Marcal, Cornelius Galojo, Gabriel Dos Santos and Francisco Paicheco out of the truck and onto the beach. The six surviving men were dragged to the seashore. A member of the SLM militia stabbed all six men to death with a samurai sword. SLM militia members loaded the bodies of all eight men onto fishing boats and dumped them in the sea.

**2. Murder of Elias Pires and Jorge Mau Loe and attempted murder of Carlito Mau Loe, on or around 15<sup>th</sup> September 1999**

19. On or about 10 September 1999 members of the Firmi militia abducted Carlito Mau Loe, Jorge Mau Leo and Elias Pires from their homes in the village of Leo Lima, Balibo sub-district, Bobonaro.
20. On the evening of 15th September 1999 members of the Firmi militia, including **Francisco Pedro**, placed Carlito Mau Loe, Jorge Mau Loe and Elias Pires into a blue taxi. FIRMI militia members, including **Francisco Pedro**, drove together with the detainees in the vehicle. Others followed the taxi on motorcycles. The convoy drove to Batugade, stopping at the militia checkpoint on the main road. The convoy was joined by another vehicle containing members of the Sako Loro Monu militia from Batugade. Militia members blindfolded Carlito Mau Loe, Jorge Mau Leo and Elias Pires at the Batugade checkpoint.
21. The convoy proceeded towards Maubesi and onwards to Atambua. It turned off the road into a clearing. There, Elias Pires and Jorge Mau Loe were removed from the taxi. **Francisco Pedro** stabbed Elias Pires to death.

Members of the FIRMI militia, including **Francisco Pedro**, stabbed Jorge Mau Loe to death.

22. Carlito Mau Loe got out of the taxi and ran into the bush surrounding the clearing. The militia were unable to find him.

## V. GENERAL ALLEGATIONS

23. The acts by the accused, described in this indictment, were undertaken as part of a widespread and 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. The 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*
    - (ii) 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; ....”*

- (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 or otherwise prevents the completion of 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**

**Pursuant to the above, the Deputy General Prosecutor charges:**

### **Count 1: Crimes Against Humanity: Other Inhumane Acts**

By his acts in relation to the events described in paragraphs 7 to 8 of this indictment, **Francisco Pedro** is responsible as an individual pursuant to Article 14.3(a), (c) & (d) of UNTAET regulation 2000/15 for the beating of Francisco Maia, Carlos De Carvalho, Benjamin Lucas, Alexio Paicheco, Patricio Santos Marcal, Cornelius Galojo, Gabriel Dos Santos, Francisco Paicheco, between 2 and 6 September 1999 at FIRMI militia Commander ANO's house in Balibo, which was committed as part of a widespread and systematic attack against a civilian population with knowledge of the attack, and thereby committed a CRIME AGAINST HUMANITY: TORTURE, a crime stipulated under Section 5.1(k) UNTAET Regulation 2000/15.

### **Count 2: Crimes Against Humanity: Torture**

By his acts in relation to the events described in paragraph 13 of this indictment, **Francisco Pedro** is responsible as an individual pursuant to Article 14.3(a), (c) & (d) of UNTAET regulation 2000/15 for the torture of Francisco Maia, Carlos De Carvalho, Benjamin Lucas, Alexio Paicheco, Patricio Santos Marcal, Cornelius Galojo, Gabriel Dos Santos, Francisco Paicheco on 6 September 1999 at Balibo fort, which was committed as part of a widespread and systematic attack against a civilian population with knowledge of the attack, and thereby committed a CRIME AGAINST HUMANITY: TORTURE, a crime stipulated under Section 5.1(f) UNTAET Regulation 2000/15.

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

By his acts in relation to the events described in paragraphs 14 to 16 of this indictment, **Francisco Pedro** is responsible as an individual pursuant to Article 14.3 (c) & (d) of UNTAET regulation 2000/15 for the murder of Francisco Maia, Carlos De Carvalho, Benjamin Lucas, Alexio Paicheco, Patricio Santos Marcal, Cornelius Galojo, Gabriel Dos Santos, Francisco Paicheco on 6 September 1999, which was committed as part of a

widespread and 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: Murder**

By his acts in relation to the events described in paragraphs 17 to 19 of this indictment, **Francisco Pedro** is responsible as an individual pursuant to Article 14.3(a), (c) & (d) of UNTAET regulation 2000/15 for the murder of Elias Pires and Jorge Mau Loe on 15<sup>th</sup> September 1999 in Batugade, which was committed as part of a widespread and 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 5: Crimes Against Humanity: Attempted Murder**

By his acts in relation to the events described in paragraphs 17 to 20 of this indictment, **Francisco Pedro** is responsible as an individual pursuant to Article 14.3 (f) of UNTAET regulation 2000/15 for the attempted murder of Carlito Mau Loe on or around 15<sup>th</sup> September 1999 in Batugade, which was committed as part of a widespread and 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.

## **VIII. VICTIMS AND EVIDENCE FOR TRIAL**

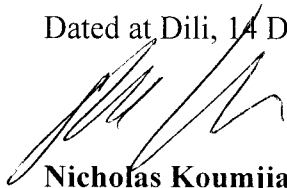
A list of the victims is contained in Annex A to this indictment.

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

## **IX. REQUEST FOR TRIAL**

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

Dated at Dili, 14 December 2004



**Nicholas Koumjian**

Deputy General Prosecutor for Serious Crimes