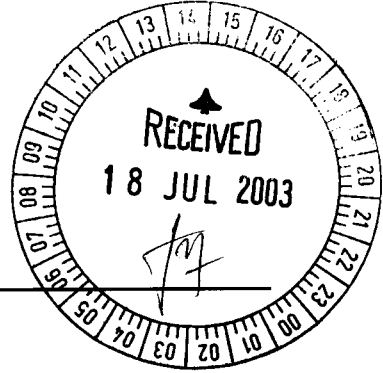




**Office of the
Deputy General Prosecutor
for Serious Crimes**



DISTRICT COURT OF DILI

BEFORE THE SPECIAL PANEL FOR SERIOUS CRIMES

Case No: OE-4-99-SC

AMENDED INDICTMENT

THE DEPUTY GENERAL PROSECUTOR FOR SERIOUS CRIMES

Against

LAURENTINO SOARES aka MOKO

And

BONIFACIO BOBO aka BONE



Office of the
Deputy General Prosecutor
for Serious Crimes

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**THE DEPUTY GENERAL PROSECUTOR
FOR SERIOUS CRIMES**

AGAINST

**LAURENTINO SOARES aka MOKO
BONIFACIO BOBO aka BONE**

I. AMENDED INDICTMENT

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

**LAURENTINO SOARES aka MOKO
BONIFACIO BOBO aka BONE**

WITH

CRIMES AGAINST HUMANITY:

**MURDER and DEPORTATION
or FORCIBLE TRANSFER OF POPULATION**

As set forth in this Indictment:

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II. NAMES AND PARTICULARS OF THE ACCUSED

1. Name: **Laurentino Soares aka Moko**
Age: Approximately 38 years
Place of Birth: East Timor
Current Location: West Timor
Occupation at the time: Chief of Cunha village
Commander of Sakunar militia
Address: Believed to be in Indonesia

2. Name: **Bonifacio Bobo aka Bone**
Age: Approximately 36 years
Place of Birth: Bobometo, East Timor
Current Location: West Timor
Occupation at the time: Commander of Sakunar militia in Bobometo area
Address: Believed to be in Indonesia

III. INTRODUCTORY STATEMENT OF FACTS

1. A widespread or systematic attack directed against the civilian population was committed in East Timor in 1999. The attack occurred during two interconnected periods of intensified violence. The first period followed the announcement on 27th 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 4th 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 4th September through 25th 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 confinements, assaults, forced displacements, 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*) with the acquiescence and active participation of civilian and military authorities.

3. In 1999, numerous militia groups operated throughout East Timor. Their goal was to support autonomy within Indonesia. The militia groups participated in the widespread or systematic attack and acted and operated with impunity.

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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 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 attack 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 terms of the 5th May 1999 Agreement, between Indonesia, Portugal and the United Nations on the popular consultation, the Indonesian security authorities 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) and Special Combat Forces, i.e. the Strategic Reserve Command (KOSTRAD), (*Komando Strategis Angkatan Darat*) and Special Forces Command (KOPASUS), (*Komando 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 the law and public order, were also present in East Timor. It included a Mobile Police Brigade (BRIMOB), whose units and members were stationed in East Timor, including in Oecussi District.

IV. SPECIFIC STATEMENT OF FACTS

10. The district of Oecussi is an enclave of East Timor and is about 43 km away from the rest of East Timor. It is landlocked on three sides by Indonesian territory of West Timor. The Selat Ombai Sea is to the north.
11. The district of Oecussi is divided into four (4) Sub districts, namely Pantemakassar A and B, Nitibe, Oessilo and Passabe.
12. Makelab is situated in the sub-district of Pantemakassar B on the north coast of Oecussi, 12 kilometers from the town of Oecussi. It is a market town and was a pro independence stronghold prior to the popular consultation.
13. The Sakunar militia operated within the district of Oecussi from approximately April 1999.

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14. Simao Lopes was the supreme commander of Sakunar militia and **Laurentino Soares** was the *de facto* deputy commander of the Sakunar militia throughout Oecussi. **Bonifacio Bobo** was commander of the Sakunar militia group operating in Bobometo Sub-district.
15. After the announcement of the result of the popular consultation on 4th September 1999, the situation in Makelab became tense and the residents of the village including Justilio da Costa, Paulus Kusi, Paulus Kelo, Joao Talias, Mateus Tone, Francisco Taek, Domingos Kelo and Domingos Fone and their families fled to the Betunes Mountains above the village and lived there until 20th October 1999. Justilio da Costa, Paulus Kusi, Paulus Kelo, Joao Talias, Mateus Tone, Francisco Taek, Domingos Kelo and Domingos Fone were supporters of Independence
16. On 19th October 1999, **Laurentino Soares** summoned a large number of militia members from the refugees' camps in Kefa in West Timor for a briefing. During that briefing, the militia members were ordered to be ready for an operation the next day in Makelab.
17. During the early hours of the morning of 20th October 1999, a large number of Sakunar militia members led by **Laurentino Soares** and **Bonifacio Bobo** attacked the civilian population hiding in the Betunes Mountains. **Laurentino Soares** and **Bonifacio Bobo** were armed with rifles while the militia members were armed with rakitans, machetes and swords. A number of TNI soldiers were part of the expedition.
18. The militia members captured a large number of the civilian population including Justilio da Costa, Paulus Kusi, Paulus Kelo, Joao Talias, Mateus Tone and Francisco Taek and forced them to walk to the market place at Makelab.
19. Upon their arrival at the market, the captured civilian population were detained, compelled to sit on the floor and surrounded by militia members and TNI soldiers. At the market place there were some vehicles, including trucks, waiting.
20. Soon after, Justilio da Costa and Paulus Kusi were segregated and taken by **Bonifacio Bobo** to a location at the rear of the market where they were killed.
21. Some time after Justilio da Costa and Paulus Kusi were killed, **Laurentino Soares** ordered Paulus Kelo, Joao Talias, Mateus Tone and Francisco Taek to stand up. **Laurentino Soares**, who was some 10 meters away from them in the middle of the market area, ordered each victim to walk towards him within a few meters; then he shot each one once and they fell to the ground. They were later stabbed and their bodies mutilated by other militia members.
22. After the killings, **Laurentino Soares** ordered the Sakunar Militia members to dig graves in the market, but it was suggested and finally decided to dispose of the bodies in a well near the school building. One of the trucks was loaded with the four victims who **Laurentino Soares** had murdered. The bodies were then driven to the well located adjacent to the village school a little under a kilometer from the

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market and they were thrown into the well. The bodies of Justilio da Costa and Paulus Kusi, the two victims killed by **Bonifacio Bobo**, were buried where they had been murdered at the rear of the market place.

23. On the same day around noon, Domingos Kelo and his wife Francisca Ena and he daughter were heading to Maquelab when Sakunar militia members and TNI members who were a part of the same group that had carried out the attack captured them.
24. Domingos Kelo was shot to death by a TNI member. The body of Domingos Kelo was left where he was murdered.
25. After the killing of Domingos Kelo, Francisca Ena and her daughter were escorted to the market place where all the villagers previously captured were detained.
26. In another location, but during the afternoon of the same day, Domingos Fone and his wife Fatima Abi were still hiding in the Betunes Mountains when Sakunar militia members who were a part of the same group that had carried out the attack captured them.
27. Domingos Fone was shot and stabbed by a member of the Sakunar militia and died of his injuries. The body of Domingos Fone was left where he was murdered.
28. After the killing of Domingos Fone, Fatima Abi was escorted to the market place where all the villagers previously captured were detained.
29. At the market place all the villagers were ordered to board on to the vehicles that were waiting at the market place and were forcibly deported to West Timor.

V. GENERAL ALLEGATIONS

30. The acts or omissions by the Accused, described in the Indictment, were undertaken as part of a widespread or systematic attack against a 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

31. The accused **Laurentino Soares and Bonifacio Bobo** are charged with individual responsibility in this indictment pursuant to Sections 14 of UNTAET Regulation 2000/15. Under Section 14 individual responsibility results if the individual:

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“(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;”

Superior Criminal Responsibility

32. The accused **Laurentino Soares** is charged with superior criminal responsibility in this indictment pursuant to Section 16 of UNTAET Regulation 2000/15 for the acts of his subordinates.

Under Section 16 the superior is responsible for the acts of his subordinate if he:

“knew or had reason to know that the subordinate was about to commit such acts or had done so and the superior failed to take the necessary and reasonable measures to prevent such acts or punish the perpetrators thereof”

VII. THE CHARGES

PURSUANT TO THE ABOVE THE GENERAL PROSECUTOR CHARGES:

The accused Laurentino Soares aka Moko and Bonifacio Bobo aka Bone:

COUNT 1: CRIMES AGAINST HUMANITY: MURDER

By their acts or omissions in relation to the events described in paragraphs 16 to 27, **Laurentino Soares aka Moko and Bonifacio Bobo aka Bone** are responsible together with others for the murder of Justilio da Costa, Paulus Kusi, Paulus Kelo,

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Joao Talias, Mateus Tone, Francisco Taek, Domingos Kelo and Domingos Fone from the village of Makelab, Pante Makassar B sub district, Oecussi district, on or around 20th October 1999, 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(b) of UNTAET Regulation 2000/15.

COUNT 2: CRIMES AGAINST HUMANITY: DEPORTATION OR FORCIBLE TRANSFER OF POPULATION

By their acts or omissions in relation to the events described in paragraph 29, **Laurentino Soares aka Moko and Bonifacio Bobo aka Bone** are responsible with others for the deportation or forcible transfer of the population of the village of Makelab, Pante Makassar B sub district, Oecussi district, on or around 20th October 1999 to West Timor as part of a widespread or systematic attack against a civilian population with knowledge of the attack and thereby committed a **CRIME AGAINST HUMANITY, DEPORTATION OR FORCIBLE TRANSFER OF POPULATION**, a crime stipulated under Section 5.1(d) of UNTAET Regulation 2000/15.

VIII. WITNESSES AND EVIDENCE

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

IX. LIST OF VICTIMS

The list of victims, which forms an integral part of the Indictment, is attached as Annex B.

X. 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.

Dated, 17. April 2003


Siri Frigaard

Deputy General Prosecutor for Serious Crimes

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DEMOCRATIC REPUBLIC OF EST TIMOR

DISTRICT COURT OF DILI

SPECIAL PANELS FOR SERIOUS CRIMES

Case: 13 / 2002

The Prosecutor v. Laurentino SOARES & Bonifacio BOBO

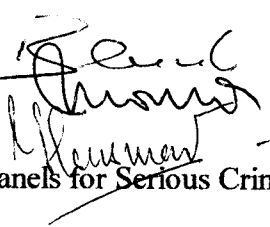
11 August 2003

**DECISION ON THE APPLICATION FOR LEAVE
TO AMEND THE INDICTMENT**

The Court

**pursuant to Sec. 32.1 UNTAET Reg 2000/30 (as amended by Reg. 2001/25) and
Sec. 165 Timorese Constitution grants leave to the prosecution to amend the
indictment dated 4 Dec 2002 in such a way that it now takes the form of the
amended indictment dated 17 April 2003 and filed on 18 July 2003.**

Siegfried Blunk
Sylver Ntukamazina
Maria Pereira,
Judges of the Special Panels for Serious Crimes



cc: Prosecution only