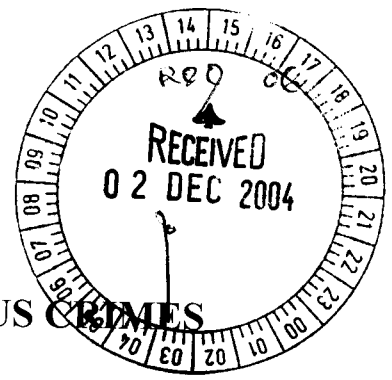


DISTRICT COURT OF DILI



BEFORE THE SPECIAL PANEL FOR SERIOUS CRIMES

Case No: BO-116-99-SC

INDICTMENT

THE DEPUTY GENERAL PROSECUTOR FOR SERIOUS CRIMES

Against

FRANS TALLO

I. INDICTMENT

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

FRANS TALLO

With

CRIMES AGAINST HUMANITY: TORTURE, MURDER

As set forth in this indictment.

II. NAME AND PARTICULARS OF THE ACCUSED

Name:	Frans Talo
Date of Birth/Age:	Approximately 40 years old
Sex:	Male
Nationality:	West Timorese, Indonesian
Address:	Believed to be in West Timor
Occupation at the time:	Sako Loro Monu platoon commander

III. INTRODUCTORY STATEMENT OF FACTS

1. A widespread and systematic attack was committed against the civilian population in East Timor in 1999. The attack occurred during two interconnected periods of intensified violence. The first period followed an 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 and 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 (*Kepolisian 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 operated throughout East Timor. Their goal was to support autonomy with Indonesia. The Integration Fighters Forces, PPI (*Pasukan Perjuangan Integrasi*) under the command of Joao Da Silva Tavares and Eurico Gutteres was the umbrella organization under which these militia groups were organized. With the acquiescence of 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 widespread and systematic attacks, acting and operating with impunity.
4. Militia groups were an armed wing of the United Forum for Democracy and Justice, FPDK (*Front Perdamaian, Demokrasi dan Keadilan*) established at a meeting at Makhota Hotel in Dili on 27 January 1999 by Pro-integration elements in East Timor as a political front for the integrationist cause.
5. The widespread and systematic attack was directed against civilians and 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.
6. As part of the widespread and systematic attack against the civilian population, the militia destroyed property including houses and livestock belonging to the civilian population.
7. The widespread and systematic attack resulted in the internal displacement of thousands of persons. 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.

IV. SPECIFIC STATEMENT OF FACTS

8. Bobonaro District is one of thirteen Districts of East Timor, situated at the northwestern part of the country, along the border with West Timor. In 1999

Bobonaro District consisted of six sub-districts: Atabae, Bobonaro, Cailaco, Lolotoe, Maliana and Balibo.

9. In 1999 the Sako Loro Monu ('SLM') and FIRMI militias operated in and around the sub-district of Balibo.
10. The Joint Commanders of the SLM militia were Ruben Gonsalves and Ruben Tavares. The Commander of the FIRMI militia was Joao Oliveira a.k.a ANO.
11. **Frans Tallo** was a platoon commander in the SLM militia.
12. The Commanders of the SLM and FIRMI militia traveled frequently between the villages of Batugade and Balibo to plan and execute operations. Such operations included the abduction, torture and murder of individuals who supported or were perceived to support independence.

Torture and Murder of Longuinos Pereira a.k.a Longuinos Bere, 16 April 1999

13. In 1999 Longuinos Bere was a member of the clandestine independence movement in Ritabou, Maliana.
14. On or around 16th April 1999 members of Dadurus Merah Putih militia, under the command of Natalino Monteiro Gonsalves, went to Longuinos Bere's home in Ritabou and brought him to the house of Natalino Monteiro Gonsalves. The DMP militia handed over Longuinos Bere to SLM Commander Ruben Gonsalves
15. Ruben Gonsalves then transported Longuinos Bere from Maliana to Rubens post in Batugade.
16. When they arrived a large group of militia had gathered around the compound. The militia tied Longuinos Bere to a papaya tree outside the house of SLM commander Ruben Tavares. Amandio Piedade (now deceased) stabbed Longuinos Bere in the chest with a knife, whilst **Frans Tallo** and many others beat him.
17. Later that evening Longuinos Bere was moved to a small building behind the house of Ruben Tavares. Members of the SLM militia tied Longuinos Bere to an iron frame and tortured him for several hours. During this time Longuinos Bere was severely punched, kicked and beaten by a group of SLM militia, among them **Frans Talo**. A member of the TNI stabbed Longuinos Bere in the chest and shoulder and slashed Longuinos Bere's face and arms with razor blades.
18. At approximately 22:00 hrs Ruben Gonsalves and Ruben Tavares ordered the militia to place Longuinos Bere into the back of a truck.

19. A group of SLM militia, including **Frans Tallo**, tied and gagged Longuinos Bere and loaded him onto the back of the truck. **Frans Talo** got into the vehicle along with other members of the SLM militia. They drove to Batugade beach. When they arrived at the beach the militia removed Longuinos Bere from the car. **Frans Talo** and other members of the SLM militia beat and stabbed Longuinos Bere to death. The body of Longuinos Bere was tied to sacks filled with sand and dumped out at sea using local fishing boats.

Murder of Bonifacio Barreto on or around May 13 1999

20. Bonifacio Barreto was a clandestine independence activist in Maliana and the nearby village of Ritabou.
21. On or around May 13 1999 TNI members in Maliana arrested Bonifacio Barreto. Two TNI members drove Bonifacio Barreto to Batugade, where they were met by SLM and FIRMI commanders Ruben Gonsalves, Ruben Tavares and Joao Oliveira a.k.a ANO.
22. Ruben Gonsalves and Ruben Tavares announced that they were taking Bonifacio Barreto to the beach. **Frans Tallo** and other members of the Sako Loro Monu militia followed. When they got to the beach Ruben Gonsalves, Ruben Tavares and **Frans Tallo** and dragged Bonifacio Barreto from the car and stabbed him to death. SLM militia members dumped Bonifacio Barreto's body out to sea using local fishing boats.

Murder of Francisco Maia, Carlos De Carvalho, Benjamin Lucas, Alexio Paicheco, Patricio Santos Marcal, Cornelius Galojo, Gabriel Dos Santos and Francisco Paicheco, 6th September 1999

23. In 1999 the independence youth group Sagrada Familia campaigned for independence throughout Bobonaro district. In the lead up to the Popular Consultation the TNI and the militia told members of Sagrada familia that if the people of East Timor voted for independence they would be killed.
24. On 30th August 1999 a group of around fifty Sagrada Familia members fled from Balibo to the mountains outside of Balibo town. \
25. On 2nd September 1999 the FIRMI militia discovered where the group had been hiding.
26. Thirty-eight of the fifty men, among them Francisco Maia, Carlos De Carvalho, Benjamin Lucas, Alexio Paicheco, Patricio Santos Marcal, Cornelius Galojo, Gabriel Dos Santos, Francisco Paicheco, were captured and brought to the house of Joao Oliveira a.k.a ANO.

27. A large number of FIRMI militia, under the command of Joao Oliveira a.k.a ANO, guarded the thirty-eight men. They were detained in a small room at Joao Oliveira a.k.a ANO's house.
28. Between 2nd and 6th September Joao Tavares visited Joao Oliveira a.k.a ANO's house on at least three occasions.
29. On the morning of 6th September 1999 Joao Tavares ordered the release of thirty of the thirty-eight detainees. Joao Tavares ordered that Francisco Maia, Carlos De Carvalho, Benjamin Lucas, Alexio Paicheco, Patricio Santos Marcal, Cornelius Galojo, Gabriel Dos Santos and Francisco Paicheco must be kept behind.
30. On the evening of 6th September 1999 Joao Oliveira a.k.a ANO, and the members of the FIRMI militia under his command, moved Francisco Maia, Carlos De Carvalho, Benjamin Lucas, Alexio Paicheco, Patricio Santos Marcal, Cornelius Galojo, Gabriel Dos Santos and Francisco Paicheco from the house to Balibo Fort. The eight men were held in one of the rooms at the fort.
31. A short time later, members of the Sako Loro Monu (SLM) militia, among them **Frans Tallo**, arrived from the village of Batugade in a yellow truck. Ruben Gonsalves was in command of the SLM militia members on the truck.
32. Ruben Gonsalves and Joao Oliveira a.k.a ANO 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.
33. Members of the FIRMI and SLM militia went into the room and dragged the eight men out of the fort building. A group of FIRMI and Sako Loro Monu militia threw the eight men onto the ground. Ruben Gonsalves and Joao Oliveira a.k.a ANO ordered the SLM and FIRMI militias to beat the eight men continuously. Members of the FIRMI and Sako Loro Monu militia kicked, punched and beat them with sticks for around thirty minutes.
34. Joao Oliveira a.k.a ANO and Ruben Gonsalves then 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 onto 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.
35. Ruben Gonsalves, **Frans Tallo** and around fifteen other SLM militia 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.

36. When the truck arrived in Batugade the SLM 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. **Frans Talo** stabbed the six men to death with a samurai sword. SLM militia members loaded the bodies of all eight men onto fishing boats. The bodies were tied to rice sacks filled with sand. The militia dumped the bodies out at sea.

Murder of Sabino Pereira September 1999

37. Sabino Pereira was a member of a clandestine independence movement based in Maliana.

38. Sometime in September 1999, members of the SLM militia abducted Sabino Pereira from West Timor, and transported him across the border to Rubens post in Batugade, East Timor. When they arrived at Rubens post Sabino Pereira was interrogated by Ruben Gonsalves and Ruben Tavares. During the interrogation, a member of the SLM militia stabbed Sabino Pereira in the head. In spite of the stabbing, Sabino Pereira was still alive at this time. A large number of SLM were present, including **Frans Tallo**.

39. Eventually, Ruben Gonsalves ordered the militia to take Sabino Pereira to the beach at Palaka and kill him. When they reached Palaka beach a group of the SLM militia, among them **Frans Tallo** stabbed Sabino Pereira to death. The militia cut off Sabino Pereira's head, and brought it back to SLM militia commander Ruben Gonsalves. The headless body was left lying on the ground. The following morning local villagers discovered the headless body next to the main road to Batugade.

V. GENERAL ALLEGATIONS

40. The acts or omissions 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

41. For each accused charged with individual responsibility under this indictment, 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*
 - (iii) be made in the knowledge of the intention of the*
- group to commit the crime;”*

VII. THE CHARGES

Pursuant to the above, the Deputy General Prosecutor charges:

Count 1 Crimes Against Humanity: Torture of Longuinos Pereira

By his acts in relation to the events described in paragraph 16 to 20 of this indictment, and with knowledge that the crime occurred in the context of a widespread and systematic attack against a civilian population, **Frans Tallo** is responsible as an individual pursuant to Article 14.3 (a)-(d) Regulation 2000/15 for the torture of Longuinos Pereira in the village of Batugade on 16 April 1999, and thereby committed a CRIME AGAINST HUMANITY: TORTURE, a crime stipulated under Section 5.1(f) UNTAET Regulation 2000/15.

Count 2 Crimes Against Humanity: Murder of Longuinos Pereira

By his acts in relation to the events described in paragraph 21 to 22 of this indictment, and with knowledge that the crime occurred in the context of a widespread and systematic attack against a civilian population, **Frans Tallo** is responsible as an individual pursuant to Article 14.3 (a)-(d) Regulation 2000/15 for the torture of Longuinos Pereira in the village of Batugade on 16 April 1999, and thereby committed a

CRIME AGAINST HUMANITY: MURDER, a crime stipulated under Section 5.1(a) UNTAET Regulation 2000/15.

Count 3 Crimes Against Humanity: Murder of Bonifacio Barreto

By his acts in relation to the events described in paragraph 23 to 25 of this indictment, and with knowledge that the crime occurred in the context of a widespread and systematic attack against a civilian population, **Frans Tallo** is responsible as an individual pursuant to Article 14.3 (a)-(d) Regulation 2000/15 for the murder of Bonifacio Barreto in the village of Batugade on 13 May 1999, 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 of Francisco Maia, Carlos De Carvalho, Benjamin Lucas, Alexio Paicheco, Patricio Dos Santos Marcal, Cornelius Galojo, Gabriel Dos Santos and Francisco Paicheco

By his acts in relation to the events described in paragraph 36 to 39 of this indictment, and with knowledge that the crime occurred in the context of a widespread and systematic attack against a civilian population, **Frans Tallo** is responsible as an individual pursuant to Article 14.3 (a) –(d) Regulation 2000/15 for the murder of Francisco Maia, Carlos De Carvalho, Benjamin Lucas, Alexio Paicheco, Patricio Santos Marcal, Cornelius Galojo, Gabriel Dos Santos and Francisco Paicheco on the evening of 6 September 1999 in Batugade village, 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: Murder of Sabino Pereira

By his acts in relation to the events described in paragraph 40 to 42 of this indictment, and with knowledge that the crime occurred in the context of a widespread and systematic attack against a civilian population, **Frans Tallo** is responsible as an individual pursuant to Article 14.3 (a)-(d) Regulation 2000/15 for the murder of Sabino Pereira in the village of Batugade in September 1999, 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.

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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, 2 December 2004



Nicholas Koumjian

Deputy General Prosecutor for Serious Crimes