

UNTAET

United Nations Transitional Administration in East Timor

Case No. LI-07-99-SC

**The General Prosecutor of the
United Nations Transitional
Administration for East Timor**

against

I. INDICTMENT

The General Prosecutor of the United Nations Transitional Administration for East Timor, pursuant to his authority under UNTAET Regulations 1999/1, 2000/11, 2000/15, 2000/16 and 2000/30 charges:

ARMANDO DOS SANTOS

WITH

**CRIMES AGAINST HUMANITY: MURDER, CRIMES AGAINST HUMANITY:
EXTERMINATION AND CRIMES AGAINST HUMANITY: OTHER
INHUMANE ACTS**

as set forth in this indictment and requests the Serious Crimes Panel of the District Court of Dili to assume jurisdiction in this matter expeditiously.

II. NAME AND PARTICULARS OF THE ACCUSED

Name: Armando Dos Santos

Date of Birth/Age: 32 years old

Place of Birth: Palistela Subvillage, Gugleur Village

Nationality: East Timorese

Location: Presently in detention in Becora Prison

Function: farmer, BMP Platoon Commander

III. STATEMENT OF THE FACTS

A) INTRODUCTORY STATEMENT OF FACTS

1. Widespread or systematic attacks directed against the civilian population were committed in East Timor in 1999. These attacks occurred during two interconnected periods of intensified violence. The first period followed the announcement on 27 January 1999 by the Government of the Indonesia, that the people of East Timor would be allowed to choose between autonomy with Indonesia or Independence until the 4th 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 Unitary State of the Republic of Indonesia. The second period followed the announcement of the result of the popular consultation on the 4th September through the 25th October 1999.

2. These large-scale attacks were 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.

3. Widespread or systematic attacks were also carried out against property and livestock, including mass destruction of houses by fire, stealing of property, killing and stealing of livestock.

4. In 1999 several militia groups existed, the goal of which was to support autonomy with Indonesia. These militia groups were organized under the pro-integration forces (*Pasukan Pejuang Intigrasi or PPI*) and were allowed to act with impunity.

5. Indonesian military forces worked in close cooperation with armed groups, namely BMP militia. Such was the case on the 6th April 1999, where TNI soldiers, members of POLRI (*Polisi Republik Indonesia*), members of BRIMOB (*Brigade Mobile*) and BMP militia surrounded and attacked the Liquica Church and murdered civilians. These people sought refuge at the church the previous days in order to escape the violence to which they were victims.

6. From January to September 1999, the cooperation between the TNI and the Militia included joint operations and attacks in which members of militia unlawfully arrested and abducted civilians who were subsequently taken to and interrogated at TNI barracks.

7. For each count charging Crimes against Humanity, the acts or omissions by the accused were undertaken as part of a widespread or systematic attack directed against the civilian population, with knowledge of the attack.

B) INDIVIDUAL CRIMINAL RESPONSIBILITY

8. The accused is individually criminally responsible for the crimes alleged against him in this indictment pursuant to Section 14 and Section 16 of UNTAET Regulation 2000/15. Under Section 14.2 and 14.3 (a) to (c) individual criminal responsibility results if the individual committed individually or jointly with others, planned, instigated, ordered, solicited, induced, aided, abetted or otherwise assisted in the crimes commission, or attempted commission. Under Section 14.3 (d) individual criminal responsibility results if an individual in any other way contributes to the commission or attempted commission of the crime, if such contribution is intentional and is either (i) made with the aim of furthering the criminal activity or purpose of a group or (ii) is made with the knowledge of the intention of the group to commit the crime.

9. In addition to other grounds of criminal responsibility under the present regulation for serious criminal offences referred to in Sections 4 to 7 of the present regulation, the fact that any of the acts referred to in the said Sections 4 to 7 was committed by a subordinate does not relieve his superior of criminal responsibility 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 to punish the perpetrators thereof.

C) SPECIFIC STATEMENT OF FACTS:

10. In Liquica District, the BMP (*Besih Merah Putih*) militia was created in Maubara around December 1998 and the leaders rapidly recruited militia members throughout the district, including Gugleur Village. The members of the BMP militia carried out a widespread or systematic attack in the Liquica district throughout the period of January to September 1999.

11. In February 1999, Armando Dos Santos joined the BMP militia as a Platoon commander at the Palistela Post. He had 16 militiamen under his direct command.

12. From February to September 1999, by virtue of the orders he gave, his acts and omissions, Armando Dos Santos, as a platoon commander of BMP militia in Palistela, exercised authority over this group. Armando Dos Santos knew or had reason to know that his subordinates would commit crimes and failed to take the necessary measures to prevent such crimes or punish their perpetrators.

Murder of Mau Kuru

13. In March 1999, Armando Dos Santos was informed by militiamen Francisco and Maususar that a person named Mau Kuru had burned an Indonesian flag and destroyed a traditional drum.

14. The same day Armando Dos Santos, Silveri and other militiamen, accompanied by 7 TNI soldiers went to Mau Kuru's house in order to kill him.

15. When they arrived at the house there was already another group of militiamen from Kaikasa present. Mau Kuru had been beaten severely and one of his ears had been cut off. As soon as Armando Dos Santos, Silveri and their group arrived there, Silveri hit Mau Kuru twice on the head with a machete. Then militiamen beat him, stabbed him and shot him with arrows. Finally Silveri stabbed him. After he died the militiamen decapitated him and buried the body.

16. After the killing of Mau Kuru, Armando Dos Santos grabbed Maumeta Agostino and held him while Francisco, another militiamen, stabbed him with an arrow in the forehead. Then Armando Dos Santos continued to hold him while two other militiamen, Domingos and Jorge, beat him severely. On the order of Armando Dos Santos, Maumeta Agostino was released.

Murders at the Liquica Church

17. On 5 April, in Palistela Armando Dos Santos called a meeting of his militiamen and told them that he had received orders from Manuel Souza, Commander of BMP, for them to report to Maubara and to proceed to Liquica where they were planning an attack.

18. When Armando Dos Santos and his subordinates reached Maubara, they joined numerous militiamen from several other villages of Maubara. Transport had been organized by their commanders to bring all the militiamen to Liquica. Armando Dos Santos ordered his subordinates to climb into the trucks and left for Liquica.

19. Since the morning of 5th April 1999, in order to escape the violence to which they were victims and the imminent attack by BMP militia, hundreds of men, women and children had decided to flee their homes and seek protection at the Liquica Church.

20. When they arrived, Armando Dos Santos and his men went directly to the KORAMIL (*Komando Rayon Militer*) Headquarters. From there, Armando Dos Santos and his group went to the market place to meet with Floriano Meta and Manuel Souza. In the evening Armando Dos Santos' subordinates were sent to Lauhata Village to prevent people from Liquica escaping.

21. Armando Dos Santos' men and other militia went to Lauhata Village and stayed there all night. In the morning of the 6 April 1999, the group returned to the market in Liquica.

22. Upon arrival at the market, Floriano Dato Meta directed them to report to Manuel Sousa at the KODIM (*Komando Distrik Militer*) office. When they arrived there they joined about 200 other militiamen.

23. All through the morning elements of the militias, TNI soldiers and BRIMOB arrived in Liquica and joined the ones who were already surrounding the church compound. Around noon the number of assailants increased dramatically, reaching hundreds of TNI soldiers, BRIMOB and militiamen.

24. Around noon, Manuel Sousa, Floriano Dato Meta and Leonito Martins ordered the militiamen gathered at the KODIM office to attack the church. They told them to kill

the people in the compound and those who tried to flee. TNI soldiers entered the compound and shot into the crowd. Tear gas were thrown inside the priest residence forcing many people to go out. Then militiamen and TNI soldiers brutally beat and killed civilians who were in the compound or tried to flee.

25. As soon as the attack was launched, Armando Dos Santos and his subordinates entered the church compound and participated jointly with others in the killing of an undertermined number of civilians. Two of his men were sent to the junction of the road near the Church to stop journalists from accessing the church premises.

26. During the attack Armando Dos Santos killed an unidentified man. When the young man tried to run away from the priest's residence Armando Dos Santos ran after him and stabbed him with his sword. The man died from his injury.

Murders at Manuel Carrascalao's house

27. On the 17 April 1999, on the orders of Floriano Dato Meta and Manuel Sousa, Armando Dos Santos told his militiamen that they had to report to Maubara and then proceed to Dili in order to attend a gathering of pro-integration militia supporters.

28. The same day, militiamen throughout the subdistrict of Maubara, including Armando Dos Santos and his subordinates, gathered in Maubara. They left Maubara in a convoy of four trucks and proceeded to Dili via Liquica. On their way to Dili, Floriano Dato Meta and Manuel Sousa the militia that if they were ordered to kill the would have to follow the orders. Armando Dos Santos transmitted these instructions to his men. When they arrived in Dili they joined thousands of militiamen who came from all over the districts.

29. After their arrival, Eurico Guterres among other speakers addressed the crowd of militiamen and told them, among other things, that they had to look for and arrest anti integration supporters and if they resisted they should kill them. After the speeches, they organized a rally through the streets of Dili.

30. When they reached the house of Manuel Carrascalao, pursuant the orders of their commanders, including Eurico Guterres, Manuel Sousa and Floriano Dato Meta, the Aitarak and BMP militias and TNI soldiers attacked Manuel Carrascalao's residence. Then militiamen and TNI soldiers attacked the compound and brutally killed civilians who were seeking refuge inside or tried to flee. Armando Dos Santos and his men participated in the attack.

31. During the attack, Armando Dos Santos went inside Manuel Carrascalao's compound with Floriano Dato Meta and proceeded to the back side of the house. There Armando Dos Santos killed a person that was identified to him by Floriano Dato Meta as Antonino. Floriano Dato Meta had already stabbed Antonino once and Antonino had fell on the ground. When Armando arrived at the back of the house he stabbed Antonino several times until he died. During the stabbing, the blade of Armando Dos Santos' knife was damaged and he took the time to straighten the blade before stabbing Antonino again.

Pursuant to the above the Prosecutor

IV. CHARGES:

THE ACCUSED: ARMANDO DOS SANTOS

COUNT 1: CRIMES AGAINST HUMANITY: MURDER

By his acts or omissions related in the present indictment in relation to events described in paragraphs 13 to 15, **Armando Dos Santos** is responsible jointly with others, for the murder of Mau Kuru committed around mid March 1999, in Gugleur Village, Sub district of Maubara, District of Liquica, 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 stipulated 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 in reference to Section 10 of UNTAET Regulation 2000/15.

COUNT 2: CRIMES AGAINST HUMANITY: OTHER INHUMANE ACTS

By his acts or omissions related in the present indictment in relation to events described in paragraph 16, **Armando Dos Santos** is responsible jointly with others, for other inhuman acts against Maumeta Augusto committed in March 1999, in Gugleur Village, Sub district of Maubara, District of Liquica, as part of a widespread or systematic attack against a civilian population, with knowledge of this attack and thereby committed a **CRIME AGAINST HUMANITY**, other inhumane acts, a crime stipulated in Section 5.1 (k) of UNTAET Regulation 2000/15 and for which he is individually responsible pursuant to Section 14 and which is punishable in reference to Section 10 of UNTAET Regulation 2000/15

COUNT 3: CRIMES AGAINST HUMANITY: MURDER

By his acts or omissions related in the present indictment in relation to events described in paragraphs 11 and 12 and 17 to 26, **Armando Dos Santos** is responsible jointly with

others, for the murders of one unidentified person and an undetermined number of civilians committed on 6th April 1999, in Liquica town, District of Liquica, 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 stipulated in Section 5.1 (a) of UNTAET Regulation 2000/15 and for which he is individually responsible pursuant to Section 14 and 16 and which is punishable in reference to Section 10 of UNTAET Regulation 2000/15.

COUNT 4: CRIMES AGAINST HUMANITY: MURDER

By his acts or omissions related in the present indictment in relation to events described in paragraphs 11 and 12 and 27 to 31, **Armando Dos Santos** is responsible jointly with others, for the murders of a person identify to him as Antonino and other civilians committed on 17 April 1999, in the District of Dili, 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 stipulated in Section 5.1 (a) of UNTAET Regulation 2000/15 and for which he is individually responsible pursuant to Section 14 and 16, and which is punishable in reference to Section 10 of UNTAET Regulation 2000/15.

V. Pursuant to UNTAET Regulation 2000/30 Section 24.2, the list of witnesses and evidence that supports this INDICTMENT is contained in Annex, A which forms an integral part of this Indictment.

Dili, 5 June 2001

Mohamed C. Othman

General Prosecutor