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United Nations Transitional Administration in East Timor

Case No: BO-92-99-SC

The General Prosecutor of the United Nations Transitional  
Administration in East Timor

Against

Lino de Carvalho

AMENDED INDICTMENT 1

**I. Indictment**

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

**LINO DE CARVALHO**

**with**

**CRIMES AGAINST HUMANITY (MURDER)**

**and**

**CRIMES AGAINST HUMANITY (OTHER INHUMANE ACTS)**

As set forth in this indictment.

## ***II. Name and Particulars of the Accused Person***

Name: Lino de Carvalho

Date of Birth: 1964

Place of Birth: Bobonaro

Nationality: East Timorese

Location: Becora Prison

## ***III. Statement of Facts***

1. A widespread and systematic attack was directed against the civilian population throughout East Timor in 1999. This attack occurred during two interconnected periods of intensified violence:
  - a. From January 27, 1999 through September 4, 1999 - which was the time period following the January 27, 1999 announcement by the Government of Indonesia that the people of East Timor would be allowed to choose between autonomy within Indonesia or independence; and
  - b. From September 4, 1999 through September 25, 1999 - which was the time period following the September 4, 1999 announcement of the result of the popular consultation in which 78.5 percent of the population voted for independence.
1. In 1999, more than twenty-four militia groups operated in East Timor, whose main goal was to support autonomy with Indonesia. The Pasukan Pejuang Intigrasi or PPI was an umbrella organisation under which the militia groups in East Timor were organised. These militia groups participated in the widespread and systematic attack and acted with impunity.
2. In 1999, the following militia groups, among others, operated in the Bobonaro District:

The DADURUS MERAH PUTIH operated in the sub-district of Maliana, the HALILINTAR MERAH PUTIH and/or the ARMUI Merah Putih operated in the Subdistrict of Atabai, the HAMETIN MERAH PUTIH operated in the Sudistrict of Bobonaro, the FIRME MERAH PUTIH and the SAKO LOROMONU militias operated in the Subdistrict of Balibo, the GUNTUR MERAH PUTIH militia operated in the Subdistrict of Kailako and the KMMP militia operated in the Subdistrict of Lolotoe.
3. The militia groups operated in close connection with the Indonesian Military Forces and carried out a widespread and systematic attack against the civilian population in the District of Bobonaro.

4. From April to September 1999 Ruben Monteiro Goncalves alias 'Alu' was the Commander of the Saka Loromonu Militia in the District of Bobonaro, Subdistrict of Balibo, Village of Batugade.
5. From April to September 1999 Ruben Pereira Tavares was the Deputy Commander of the Saka Loromonu Militia in the District of Bobonaro, Subdistrict of Balibo, Village of Batugade. During that time, the Saka Loromonu headquarters was located in the village of Batugade at the house of the Ruben Pereira Tavares and the house was used as a base for militia activities.
6. From April to September 1999, the accused **Lino de Carvalho** was in charge of the Saka Loromonu Militia operating in the subvillage of Maudeko, village of Lotom, Subdistrict of Batugade.
7. From approximately April through September 1999, members of the Saka Loromonu Militia worked closely with members of the TNI and other militia groups and carried out a widespread and systematic attack in the District of Bobonaro, Subdistrict of Balibo, Village of Batugade, against members of the civilian population who were perceived to be pro-independence or to support Falintil.

***The abduction and beating of Aquino Lopes, Marito Soares Pinto, and other pro-independence supporters on or about April 14, 1999.***

8. As part of that widespread and systematic attack, on or about April 14, 1999, members of the TNI abducted Aquino Lopes from his home and took him to the Saka Loromonu Militia headquarters which was located at the house of Ruben Pereira Tavares in Batugade.
9. On that same day, April 14, 1999, members of the Saka Loromonu Militia abducted Marito Soares Pinto and two others from a public bus in Batugade and took them to the Saka Loromonu Militia headquarters which was located at the house of Ruben Pereira Tavares in Batugade.
10. Members of the TNI and members of the Saka Loromonu Militia, including the accused **Lino de Carvalho**, beat Aquino Lopes, Marito Soares Pinto, and others with wooden sticks.
11. Aquino Lopes, Marito Soares Pinto, and the others were abducted and beaten because they were perceived to support independence and the Falintil.

***The abduction and disappearance of Longinus Tavares Bere on 16 April 1999***

12. As part of that widespread and systematic attack, on or about April 16, 1999, Longinus Tavares Bere was abducted by Dadurus Merah Putih militia members from the village of Ritabou, Subdistrict of Maliana, District of Bobonaro.
13. Longinus Tavares Bere was then transported to Batugade and taken to the Saka Loromonu Militia headquarters which was located at the house of Ruben Pereira Tavares.
14. There Longinus Tavares Bere was beaten by Saka Loromonu Militia members under the direction of Ruben Pereira Tavares. During the beating, Saka Loromonu Militia members stabbed Longinus Tavares Bere.
15. Later that evening, members of the Saka Loromonu Militia took Longinus Tavares Bere away and he has never been seen since.
16. Longinus Bere Mali was abducted and assaulted because he was pro-independence.

***The attack on the village of Railuli and the abduction and beating of independence supporters on or about May 7, 1999.***

17. As part of that widespread and systematic attack, on or about May 7, 1999 members of the TNI, members of the Saka Loromonu Militia, including the accused **Lino de Carvalho**, and others attacked the village of Railuli, burned houses in the village, abducted approximately 13 people considered to be pro-independence and took them to the militia headquarters located at the house of Ruben Pereira Taveres.
18. On or about May 7, 1999 members of the TNI, members of the Saka Loromonu Militia, including the accused **Lino de Carvalho**, abducted four teachers, Francisco dos Santos, Eduardo da Cruz, Americo dos Santos and Herminio Maia, at the militia headquarters located at the house of Ruben Pereira Taveres.
19. On or about May 7, 1999, in the district of Bobonaro, Subdistrict of Batugade, the accused **Lino de Carvalho** and members of the TNI, interrogated and beat Francisco dos Santos, Eduardo da Cruz, Americo dos Santos, Herminio Maia and the other independence supporters.
20. The victims were beaten because they supported independence.

***The abduction and murder of Sabino Pereira in September 1999.***

21. As part of that widespread and systematic attack, in September 1999, members of the Saka Loromonu Militia abducted Sabino Pereira and delivered him to the militia headquarters which was located at the house of Ruben Pereira Taveres.
22. The militia members severely beat Sabino Pereira in the presence of, among others, Ruben Pereira Taveres and Ruben Monteiro Goncalves alias 'Alu'.
23. Ruben Monteiro Goncalves alias 'Alu', then ordered the accused **Lino de Carvalho** and others to kill Sabino Pereira. On arrival at Palaka Beach, the accused **Lino de Carvalho** stabbed Sabino Pereira with a knife. The other militia members with the accused **Lino de Carvalho** also stabbed Sabino Pereira several times with knives.
24. As a result of the multiple stab wounds Sabino Pereira died.

***IV Pursuant to the above the Prosecutor charges:***

Criminal responsibility - General allegations

29. ***Individual criminal responsibility***

The accused is criminally responsible for the crimes alleged against him in this indictment pursuant to Section 14 of UNTAET Regulation 2000/15. Under Section 14.2 and 14.3 (a) to (c) individual criminal responsibility results if the individual committed the crime individually or jointly with another or through another or if an

individual planned, instigated, ordered, solicited, induced, aided, abetted or otherwise assisted in the commission or attempted commission of a crime. Finally, under Section 14.2(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.

## **COUNTS**

### ***Count 1: CRIME AGAINST HUMANITY: OTHER INHUMANE ACTS***

By his acts described in the paragraphs 12 - 15 above, the accused **Lino de Carvalho** is responsible for the inhumane acts which were committed against Aquino Lopes, Marito Soares Pinto, and others on or about 14 April 1999, in the District of Bobonaro, Subdistrict of Balibo, Village of Batugade, as part of a widespread or systematic attack against a civilian population, with knowledge of the attack, and is thereby responsible for Crimes against Humanity (Other Inhumane Acts) pursuant to Sections 14 and 5.1(k) of UNTAET Regulation 2000/15.

### ***Count 2: CRIME AGAINST HUMANITY: OTHER INHUMANE ACTS***

By his acts described in paragraphs 21 - 24, the accused **Lino de Carvalho** is responsible for inhumane acts committed against Eduardo da Cruz, Francisco dos Santos, Americo dos Santos and Herminio Maia on or about 7 May 1999, in the District of Bobonaro, Subdistrict of Balibo, Village of Batugade, as part of a widespread or systematic attack against a civilian population with knowledge of this attack, and is thereby responsible for Crimes against Humanity (Other Inhumane Acts) pursuant to Sections 14 and 5.1(k) of UNTAET Regulation 2000/15.

### ***Count 3: CRIME AGAINST HUMANITY: MURDER***

By his acts described in paragraphs 25 - 28, the accused **Lino de Carvalho** is responsible for the murder of Sabino Pereira in September 1999, in the District of Bobonaro, Subdistrict of Bobonaro, Village of Batugade, which was committed as part of a widespread or systematic attack against a civilian population with knowledge of the attack, and is thereby responsible for Crimes against Humanity (Murder) pursuant to Section 14 and Section 5.1 (a) of UNTAET Regulation 2000/15.

- V. The List of witnesses and evidence that supports this indictment is contained in Annex A which forms an integral part of this indictment.
  
- VI. The Prosecutor requests that the Special Panel for Serious Crimes of the District Court of Dili takes jurisdiction of this matter and tries the case expeditiously.

Dili, May 18, 2001

Mohamed Othman

**General Prosecutor**