



# DISTRICT COURT OF DILI

BEFORE THE SPECIAL PANEL FOR SERIOUS CRIMES

Case No: 10/CG/TDD/2003

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INDICTMENT

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THE DEPUTY GENERAL PROSECUTOR FOR SERIOUS CRIMES

*Against*

**MATEUS LAO** (aka Ena Poto)

## I. INDICTMENT

The Deputy General Prosecutor for Serious Crimes, pursuant to her authority under UNTAET Regulation 2000/16 and 2000/30 as amended by Regulation 2001/25, charges **MATEUS LAO (aka Ena Poto)** with CRIMES AGAINST HUMANITY: MURDER

## II: NAME AND PARTICULARS OF THE ACCUSED

Name:	<b>MATEUS LAO (aka Ena Poto)</b>
Place of Birth:	Naetuna, Passabe Sub-district, Oecussi District
Age:	Approx. 35-40 years old
Sex:	Male
Nationality:	East Timorese
Address:	Naetuna, Passabe Sub-district, Oecussi District
	Released on conditions on 21 January 2003
Occupation at the time:	Member of Sakunar militia

## III. INTRODUCTORY STATEMENT OF FACTS

1. A widespread or systematic attack was directed against the civilian population in East Timor in 1999. The attack occurred during two interconnected periods of intensified violence. The first period followed the 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 or systematic attack was part of an orchestrated campaign of violence, that included among other things, incitement, threats to life, intimidation, unlawful confinement, assault, forced displacement, 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 Force (Kepolisian Republik Indonesia), POLRI, with the acquiescence and active participation of civilian and military authorities.
3. In 1999, more than twenty-five militia groups operated throughout East Timor. Their goal was to support autonomy with Indonesia. The Integration Fighting Force (PPI) (Pasukan Pejuang Integrasi) under the command of Joao Tavares and Eurico Guterres was the umbrella organisation under which these militia groups

were organized. It had the backing of the 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 the widespread or systematic attacks and acted and operated with impunity.

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 all three.
5. As part of the widespread or systematic attack against the civilian population, the militia destroyed property including livestock belonging to the civilian population.
6. The widespread or systematic attacks 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 the terms of the 5 May 1999 Agreements, between the Republic of Indonesia, Portugal and the United Nations on the popular consultation, the Indonesian security authorities (TNI and POLRI) 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 ie the Strategic Reserve Command (KOSTRAD) (Kommando Strategis Angkatan Darat) and Special Forces Command (KOPASUS) (Kommando 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 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. It is about 43 kms away from the rest of East Timor. It is landlocked on three sides by the Indonesian territory of West Timor. The Selat Ombai Sea is to the north.
11. The District of Oecussi is divided into four Sub districts, namely Pantemakassar A and B, Nitibe, Oesilo and Passabe.
12. The Sakunar militia operated within the District of Oecussi from approximately April to October 1999. Simao Lopes was the supreme commander of the Sakunar militia. Gabriel Kolo was the chief of Abani village in Passabe Sub-district and also commander of the Sakunar militia in that village.
13. **Mateus Lao aka Ena Poto** was a member of the Sakunar militia member in Naetuna village, Passabe Sub-district, Oecussi District.
14. Yosef Maknaun and his family lived in Kiobiselo village, Nitibe Sub- district, Oecussi District.
15. Following the attack on the village of Kiobiselo on 8 September 1999 by the Sakunar militia, Yosef Maknaun and his family fled to West Timor to seek refuge on 9 September 1999.
16. On their way, near a dried creek bed on the Oecussi/West Timor border, they came across a large number of Sakunar militia members including Gabriel Kolo, Andre Ulan, Liberatus Mauno and **Mateus Lao**. **Mateus Lao** was armed with a large knife (bolo).
17. The militia members including **Mateus Lao** arrested Yosef Maknaun and took him away with them. His family was escorted by a militia member to West Timor.
18. Some distance away Gabriel Kolo and Andre Ulan ordered the militia members to kill Yosef Maknaun. At the time Liberatus Mauno was holding Yosef Maknaun by the arm.
19. **Mateus Lao** hacked Yosef Maknaun on the back with his bolo. Liberatus Mauno stabbed him in the side of his body. Yosef Maknaun died of his injuries.
19. The militia members left the body of Yosef Maknaun where they killed him.
21. Some time in October 1999, family members recovered the remains of him.

## V. GENERAL ALLEGATIONS

22. The acts or omissions of the accused, described in this indictment, were undertaken as part of a widespread or systematic attack directed against 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

23. The accused **Mateus Lao** is charged with individual responsibility in this indictment pursuant to Section 14 of UNTAET Regulation 2000/15. Under Section 14 individual responsibility results if the individual:

*“(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;”*

## VII. THE CHARGE

### **Count 1: Crime Against Humanity: Murder**

By his acts or omissions in relation to the events described in paragraphs 16 to 20 of this indictment, **Mateus Lao (aka Ena Poto)** is responsible as an individual for

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the murder of Yosef Maknaun on or about 9 September 1999 on the border of Oecussi and West Timor close to Nainaban in West Timor, which was committed 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. (a) UNTAET Regulation 2000/15.

#### VIII. VICTIMS

The victim of this crime is Yosef Maknaun of Kiobiselo village, Oesilo sub-district, Oecussi.

The list of evidence, which forms part of this indictment, is attached as Annex A.

#### IX. REQUEST FOR TRIAL

The Deputy General Prosecutor hereby requests that the Special Panel for Serious Crimes of the Dili District Court tries this case expeditiously.

Dated: 26. February 2003

  
Siri Frigaard

Deputy General Prosecutor for Serious Crimes