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DISTRICT COURT OF DILI

BEFORE THE SPECIAL PANEL FOR SERIOUS CRIMES

Case No: *31/C.G./03/PD.DIC.*

INDICTMENT

THE DEPUTY GENERAL PROSECUTOR FOR SERIOUS CRIMES

Against

**SAMUEL VAZ
LUIS INFIEN
SERAN BARIAK
LALU MANUS**

I: **INDICTMENT**

The Deputy General Prosecutor for Serious Crimes pursuant to his authority under UNTAET Regulations 2000/16 and 2000/30 as amended by 2001/25 charges **Samuel Vaz, Luis Infien, Serian Bariak** and **Lalu Manus** with MURDER as set forth in this indictment

II: **NAME AND PARTICULARS OF THE ACCUSED**

1. Name: **Samuel Vaz**
 Place of Birth: Umemoah, Cunha, Oecussi, East Timor
 Age/Date of Birth: Approx. 34-36 years old
 Sex: Male
 Nationality: East Timorese
 Address: Believed to be living in West Timor, Indonesia
 Occupation at the time: Sakunar militia member

2. Name: **Luis Infien**
 Place of Birth: Neoninen, Cunha, Oecussi, East Timor
 Age/Date of Birth: Approx 50-55 years old
 Sex: Male
 Nationality: East Timorese
 Address: Believed to be living in West Timor, Indonesia
 Occupation at the time: Sakunar militia member

3. Name: **Seran Bariak**
 Place of Birth: Neoninen, Cunha, Oecussi, East Timor
 Age/Date of Birth: Approx 40 years old
 Sex: Male
 Nationality: East Timorese
 Address: Believed to be living in West Timor, Indonesia
 Occupation at the time: Sakunar militia member

4. Name: **Lalu Manus**
 Place of Birth: Neoninen, Cunha, Oecussi, East Timor
 Age/Date of Birth: Approx 48-50 years old
 Sex: Male
 Nationality: East Timorese
 Address: Believed to be living in West Timor, Indonesia
 Occupation at the time: Sakunar militia member

III: STATEMENT OF FACTS

1. On about 13 September 1999 Amoroso Bobo was outside the home of Laurentino Soares (aka Moko) in Padiæ, Oecussi district. Laurentino Soares was the Deputy Commander of the Sakunar militia in Oecussi.
2. Amoroso Bobo was an active CNRT member and was yelling for Laurentino Soares to come out. Amoroso Bobo was carrying a long knife. A number of Sakunar militia members including **Samuel Vaz, Luis Infien, Seran Bariak** and **Lalu Manus** then began to chase Amoroso Bobo through the rice fields. The militia members chasing him were armed with machetes and rakitan (traditional guns).
3. Upon reaching Batuni village near Tono, the militia members caught up with Amoroso Bobo. **Luis Infien** struck Amoroso Bobo with his machete knocking him to the ground. **Seran Bariak** and **Lalu Manus** then began to hack Amoroso Bobo in the neck and back with their machetes. **Samuel Vaz** shot at Amoroso Bobo twice with his rakitan. Amoroso Bobo died of his injuries.
4. The militia buried the body of Amoroso Bobo close to where he was killed.

V: CRIMINAL RESPONSIBILITY

5. **Samuel Vaz, Luis Infien Seran Bariak** and **Lalu Manus** are individually responsible for the crimes charged in this indictment. Individual responsibility under Section 14 UNTAET Regulation 2000/15 arises if an accused:

“(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 or the intention of the group to commit the crime; and

...
(f) *Attempts to commit such a crime by taking action that commences its execution by means of a substantial step, but the crime does not occur because of circumstances independent of the person's intentions. However, a person who abandons the effort to commit the crime shall not be liable for punishment under the present regulation for the attempt to commit that crime if that person completely and voluntarily gave up the criminal purpose.*

VII: THE CHARGES

Samuel Vaz

Count 1: Murder

By his acts, as described in paragraphs 2-3 of this indictment, **Samuel Vaz** is responsible as an individual for the murder of Amoroso Bobo on or about 13 September 1999 in Padiæ, Pantemacassar sub-district, Oecussi district in violation of Section 8 of UNTAET Regulation 2000/15 and Article 340 of the Indonesian Penal Code.

Luis Infien

Count 2: Murder

By his acts, as described in paragraphs 2-3 of this indictment, **Luis Infien** is responsible as an individual for the murder of Amoroso Bobo on or about 13 September 1999 in Padiæ, Pantemacassar sub-district, Oecussi district in violation of Section 8 of UNTAET Regulation 2000/15 and Article 340 of the Indonesian Penal Code.

Seran Bariak

Count 3: Murder

By his acts, as described in paragraphs 2-3 of this indictment, **Seran Bariak** is responsible as an individual for the murder of Amoroso Bobo on or about 13 September

1999 in Padiae, Pantemacassar sub-district, Oecussi district in violation of Section 8 of UNTAET Regulation 2000/15 and Article 340 of the Indonesian Penal Code.

Lalu Manus

Count 4: Murder

By his acts, as described in paragraphs 2-3 of this indictment, **Lalu Manus** is responsible as an individual for the murder of Amoroso Bobo on or about 13 September 1999 in Padiae, Pantemacassar sub-district, Oecussi district in violation of Section 8 of UNTAET Regulation 2000/15 and Article 340 of the Indonesian Penal Code.

VIII: VICTIMS AND EVIDENCE

The victim of this crime is Amoroso Bobo.

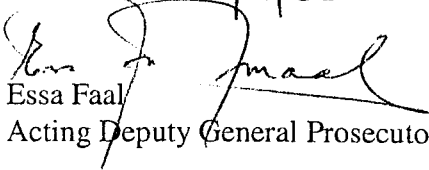
The list of evidence which supports this indictment is attached to the indictment as Annex 'A'.

IX: REQUEST FOR TRIAL

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

Dated:

29/9/05


Essa Faal

Acting Deputy General Prosecutor for Serious Crimes