



**Office of the  
Deputy General Prosecutor  
for Serious Crimes  
Timor Leste**

**SERIOUS CRIMES UNIT UPDATE [Excerpt]**

30 April 2004

**SCU: INVESTIGATION AND PROSECUTION**

**The Serious Crimes Unit was established in 2000 by the United Nations Transitional Authority in East Timor (UNTAET) following UN Security Council Resolution 1272 (1999). As mandated by the United Nations Security Council, the Serious Crimes Unit (SCU) is responsible for conducting investigations and preparing indictments to bring to justice those responsible for Crimes against Humanity and other serious crimes committed in East Timor in 1999.**

**TRIALS AT THE SPECIAL PANELS FOR SERIOUS CRIMES**

In 2000, UNTAET set up Special Panels of Judges at Dili District Court to hear cases of Crimes against Humanity and serious crimes from the 1999 period. The two Special Panels for Serious Crimes in Timor Leste are comprised of two International Judges and one East Timorese Judge.

Since trials began at the Special Panels in 2001, a total of **50 defendants have been convicted with 2 defendants having now been acquitted** of all charges. Those convicted in trials include East Timorese TNI soldiers, East Timorese militia members and an East Timorese Falintil resistance fighter. Of the 50 defendants convicted by the SPSC more than 50% (27 defendants) have received sentences of under 10 years imprisonment from the Special Panels with 13 of those 27 defendants receiving sentences of 5 years or under.

**The Conviction of former Besi Merah Putih militia member from Liquica**

On 9 March 2004, Judges at the Special Panels for Serious Crimes convicted Abilio Mendes Correia of inhumane acts as a Crime against Humanity. The former Besi Merah Putih (BMP) militia member had pleaded guilty to inhumane acts against Mariano da Costa in Liquica district on 9 August 1999. Taking into account his plea of guilt, the panel of three judges at the Special Panels for Serious Crimes sentenced Abilio Mendes Correia to 3 years imprisonment.

On 8 March 2004, Abilio Mendes Correia had publicly expressed his regret for his actions before judges at the Special Panel for Serious Crimes. A plea agreement between the SCU Prosecution and the accused and his Defence Counsel was submitted to the Special Panels. Due to the defendant's admission of guilt to the charge of inhumane acts as a Crime against Humanity, the SCU Prosecution withdrew one count of murder as a Crime against Humanity for the murders of Tobias Alves Correia and Elias Ataidi on 27 April 1999 and one count of torture as a Crime against Humanity for the torture of Mariano da Costa on 9 August 1999. The original SCU indictment alleges that Mariano Da Costa was severely beaten and tortured by militia members before Indonesian military (TNI)

Intelligence Officer Tome Diogo and BMP commander Zacharia Alves ordered that the victim be taken to West Timor to be killed.

The SCU Prosecutor in the case, Mr Per Halsbog, explained that the SCU Prosecution decided to withdraw the charge of the murder of Tobias Alves Correia and Elias Ataidi based upon an evaluation of the available evidence to prove that charge. Abilio Mendez Correia was not a direct perpetrator but had been present with the perpetrators at the time of the murders. From the evidence available, it was not possible to prove any action on the part of the defendant at the time of the murders, and the prosecution concluded it would be unlikely that the judges of the Special Panel could be convinced beyond a reasonable doubt that the mere presence of Corriera had contributed to the murder.

The original SCU indictment against Correia alleges that TNI Intelligence Officer Tome Diogo and TNI member Rozedine Brek ordered the arrest of three men including Tobias Alves Correia and Elias Ataidi by TNI soldiers and BMP militia members. The indictment alleged that two BMP militia members were ordered to kill Tobias Alves Correia and Elias Ataidi on 27 April 1999. The withdrawal of the charges of murder and torture against Correia in the plea agreement does not in any way alter the charges against the 9 other persons who remain indicted in the Liquica indictment for these specific crimes in addition to other crimes committed across Liquica district between April and September 1999.

In the Liquica indictment issued on 22 November 2001, 9 individuals were specifically charged with individual and superior criminal responsibility for Crimes against Humanity in relation to the murder of Tobias Alves Correia and Elias Ataidi 27 April 1999 and the enforced disappearance and inhumane acts against Mariano Da Costa on 9 August 1999. The 9 accused persons include Liquica TNI Commander Lt. Colonel Asep Kuswani and the Liquica Police Chief Lt. Colonel Adios Salova, Liquica District Administrator Leoneto Martins and TNI intelligence officer Tome Diogo who are charged with these specific crimes.

The Liquica indictment charges a total 21 individuals with Crimes against Humanity including extermination and persecution for crimes committed across Liquica district between April and September 1999. The crimes include the attack on Liquica church compound by TNI soldiers, Police and BMP militia on the on 6 April 1999. Of the 21 accused in the Liquica indictment, 9 accused individuals were members of the Indonesian security including Lt. Colonel Asep Kuswani, Lt. Colonel Adios Salova and Liquica Deputy TNI Commander Captain Purwanto. All of the accused persons in the Liquica indictment are believed to be resident in Indonesia and INTERPOL Arrest Warrants have been issued for the 21 accused persons.