

Dili Court convicts 10 of crimes against humanity

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The Special Panel of the Dili District Court today convicted ten men of crimes against humanity charges in the Los Palos case. The case is the first involving crimes against humanity to reach trial, and is one of the ten priority cases of the Serious Crimes Unit. The ten accused were found guilty of at least one of the seven charges and received sentences of between 4 years' and the maximum 33 years 4 months' imprisonment. The Special Panel found that there was a widespread and systematic campaign of violence directed at the civilian population during 1999 at the direction of the Indonesian armed forces, and that contrary to many of the claims of the accused, they were aware that their acts were part of that campaign.

The charges related to five incidents between April and September 1999 in Lautem district, including torture, murder, forced deportation of a civilian population and the murder of a group of clergy. The first incident involved the torture and murder of an independence supporter, but although each of the 5 accused of this count were found guilty of the torture, only 2 were convicted for the murder. The three accused of another murder in September 1999 were each acquitted as the Special Panel was not convinced there was sufficient evidence to support a conviction. Each of the men who were charged with involvement in the ambush and execution of a group of clergy on 25 September 1999 were found guilty of the murders and received the highest sentences yet seen in the new East Timorese justice system, ranging between 17 and 19 years' imprisonment.

Joni Marques, a Team Alpha militia commander, had admitted to several of the counts during the course of the trial. Although he received the highest individual sentences, the Court awarded the maximum total sentence available to both Marques and two other Team Alpha members. Although the maximum for any one crime in East Timor is 25 years, the Special Panel used Indonesian law to calculate the maximum for multiple offences.

The total sentences received were as follows:

- Joni Marques 33 years 4 months
- Manuel da Costa 19 years
- Joao da Costa 33 years 4 months
- Paulo da Costa 33 years 4 months
- Amelio da Costa 18 years
- Alarico Fernandes 4 years
- Gonsalo dos Santos 23 years
- Hilario da Silva 17 years
- Gilberto Fernandes 5 years
- Mautersa Monis 4 years

The case has been an important test for the Special Panel for Serious Crimes. The Special Panel, comprised of Judge Marcelo Dolany da Costa (Brazil) presiding, Judge Sylver Ntukamazina (Burundi) and Judge Maria Natercia Gusmao Pereira (East Timor), had heard over 30 witnesses during the four month trial that began in July. The 300-page judgment was read in English to a packed court room in Dili that was well guarded by Civilian Police. Although the judgment was simultaneously translated into Bahasa Indonesia, many of the East Timorese public and media who came to hear the historic decision did not have access to the translation as there were only a few headphone sets available to the public.

The written judgment is now available online at www.jsmp.minihub.org and JSMP will soon be issuing a detailed report analysing the case.