

JSMP PRESS RELEASE

For Immediate Release

## **First TNI Soldier Charged with Crimes Against Humanity: Trial Starts in Dili**

Dili, East Timor, 15 September 2003

On Thursday the trial of the first former TNI Soldier charged with Crimes Against Humanity commenced in the Special Panel for Serious Crimes of the Dili District Court in East Timor.

The Accused, Marcelino Soares, is the former Babinsa, or village level Commander of the Indonesian Armed Forces (TNI) in Hera village, Metinaro Sub-District in Dili. He is indicted upon three counts of Crimes against Humanity (murder, torture and persecution by unlawful detention) arising from the arrest and torture of three members of an East Timorese pro-independence group, by East Timorese and Indonesian TNI soldiers, and the subsequent murder of one of the arrested persons, Luis Dias Soares, on or about 20 April 1999.

As Babinsa, the Accused is alleged to have had direct command and control over the East Timorese TNI soldiers stationed in Hera. It is alleged that in conjunction with their Indonesian counterparts they carried out the arrest, torture, and beating murder of Luis Dias Soares. Soares is indicted, both individually and on the basis of command responsibility for the actions of his subordinates in the charges of torture and persecution by unlawful detention of the three members of the pro-independence group. He is also indicted on the basis of command responsibility for the further count of the murder of Luis Dias Soares.

Last week the court heard testimony from seven prosecution witnesses. These included Rafael de Jesus Amaral and Felipe de Sousa who had been arrested with Luis Dias Soares, and also tortured, but either managed to escape or were subsequently released by their captors. The trial has been adjourned until Friday 19 September to continue the testimony of other prosecution witnesses.