

JUSTICE AND SERIOUS CRIMES

- The **Serious Crimes Unit** of the office of the General Prosecutor, established pursuant to Security Council Resolution 1272, is currently examining major incidents of mass killings and forced deportation as well as individual offences of murder, rape and torture and other **Crimes Against Humanity** committed in East Timor between 1 January and 25 October 1999.
- As of late March 2002 the Serious Crimes Unit had **produced indictments** relating to **35 serious crimes cases, 13 of which are Crimes Against Humanity indictments. One hundred and one** alleged perpetrators **at all levels have been indicted**, particularly those accused of taking part in the directed campaign of murder, persecution and deportation of the civilian population. Twenty-two of these perpetrators have already been tried in Dili [see below].
- Investigators have primarily focused on **10 priority cases**: the Liquiça Church massacre [6 April 1999]; the murders in Dili District on 17 April 1999 (including the Manuel Carrascalão house case); the Kailako killings [April 1999] and the Maliana Police Station Killings [2-8 September 1999]; the Los Palos case [21 April-25 September 1999 {see below}]; the Lolotoe case [2 May-16 September 1999, see below]; the Suai Church massacre [6 September 1999]; the attack on Bishop Belo's compound and the Dili Diocese [6 September 1999]; the Passabe and Makaleb massacres [September-October 1999]; cases of deportations, persecution, killing of UNAMET staff and atrocities carried out by TNI Battalion 745 [April-September 1999]; and sexual violence cases carried out in various districts [March-September 1999]. Substantial investigations have been carried out into all of these cases and five of them – the Los Palos, Lolotoe, Passabe, Liquica and the 17 April 1999 Dili District cases – have been completed and have resulted in indictments. The Serious Crimes Unit has also investigated other cases and carried out the exhumation of 284 bodies. As the work on the priority cases reaches its conclusion, the Unit's attention will shift to other crimes committed during 1999. The Unit currently has about 650 incident reports on its files. Each case can consist of multiple incidents and perpetrators.
- The Public Prosecution Service and Ministry of Justice continue to operate with **limited resources and capacity**. The ability to prosecute suspects remains slow as the number of experienced and trained judges, public defenders and prosecutors is low and support services for the courts remains limited. Courts and investigators are also hampered by the difficulty in obtaining translations to and from English, Portuguese and the many local dialects. Efforts continue to obtain additional support and funding for the justice system. The Serious Crimes Unit has been reorganised, and investigation teams have been placed in several of the districts in order to provide a more efficient use of time and resources, as well as forge a closer relationship with the communities in which the investigations are being conducted. The Serious Crimes Unit has secured funding to continue its work until June 2003.



FACT SHEET 7

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By UNTAET Press Office

- In October 2001, **East Timor's Longuinhos Monteiro**, 33, was appointed **General Prosecutor of East Timor** and **East Timor's Amândio Benevides** was appointed as **Deputy Prosecutor for Ordinary Crimes**. The new **Deputy General Prosecutor for Serious Crimes, Siri Frigaard**, assumed her duties as head of the Serious Crimes Unit in early January.
- An English-language **Special Panel for Serious Crimes** has judged 15 cases so far, and five judgments are final. Appeals are still pending in the other cases. The judgment in **the first Crimes Against Humanity trial, the Los Palos case**, was delivered on 11 December 2001 and convicted 10 suspects of committing Crimes Against Humanity. The case focused on 13 murders, torture and the forcible transfer of civilian population in Lautem district between April and September 1999. The sentences ranged from four years to 33 years and four months. An eleventh suspect, the former second-in-command of the Indonesian Kopassus Special Forces in Lautem district, appeared on the indictment but is still at large. Appeals have been filed by both the prosecution and the defence. The Appeal Court has still to hear the case.
- **The second of the 10 priority cases that has come to trial** is the **Lolotoe case**, which began on **8 February 2002**. Another 5 cases (3 of them relating to alleged Crimes Against Humanity) are currently before the Special Panel for Serious Crimes.
- Two more judgements are expected to be delivered later this month. The Same case and the Passabe case, two other major Crimes Against Humanity trials, are scheduled to start in the next two months, with three other cases also awaiting trial.
- **Apart from the Los Palos case, twelve people have been convicted** to date in other serious crimes cases, with sentences ranging from four years to 16 years. The first sentence was delivered in January 2001 with a former militia member being imprisoned for 12 years for a murder committed in Bobonaro district in September 1999.
- The United Nations has set up functioning courts for ordinary crimes in Dili, Baucau and Oecussi districts, all of which are presided over by an East Timorese-dominated judiciary, and a completely refurbished Court is scheduled to be opened in Suai in the coming weeks. A Court of Appeal is functional and sits in Dili, and a Public Defender Service has been established in Dili and Baucau to provide defence counsel to suspects of crimes.

