



UNTAET

United Nations Transitional Administration in East Timor

Case No. ER-6-99-SC

**The General Prosecutor of the United Nations Transitional
Administration for East Timor****against****Augustino da Costa****1 INDICTMENT**

The General Prosecutor of the United Nations Transitional Administration for East Timor, pursuant to his authority under UNTAET Regulations 19999/1, 2000/11, 2000/15, 2000/16 and 2000/30 charges:

Augustino da Costa**with****Murder**

as set forth in this indictment.

II. Name and Particulars of the Accused

Name : Augustino da Costa
Age : 30 years
Place of Birth : Lasau Village, Atsabe Subdistrict, Ermera District
Nationality : East Timorese
Location : Gleno Prison

III. Statement of the Facts

1. The Accused **Augustino da Costa** joint a militia group called TIM PANCASILA in April 1999.
2. He then performed service as a guard at a militia checkpoint at Lasaun Village.
3. On 30 August 1999, the day of the ballot in East Timor, members of the Armed Forces of Indonesia (TNI) identified the UNAMET staff member **Manuel de Oliveira**, a 30 year-old teacher from Lasaun Village and deployed at the Lasaun polling station, as a supporter of the Front for National Liberation of East Timor (FALINTIL), who frequently hosted FALINTIL members at his home.
4. Military Commanders therefore ordered the militia to chase **Manuel de Oliveira**.
5. Since **Manuel de Oliveira** learnt that militia was searching for him he hid outside his house in the bushes and went on the 31 August 1999 to the house of his friend Agapito Gonsalves at Batubale Atara where both hid behind a stone.
6. On 31 August 1999 TIM PANCASILA Militia has formed two groups to search for FALINTIL members in the Lasaun area in order to kill them. The Accused **Augustino da Costa** was part of the group. He was armed with a rifle.
7. At about 14.00 hours militia members discovered **Manuel de Oliveira and Agapito Gonsalves** in their hiding place. They were arrested and tied up.
8. **Manuel de Oliveira** was heavily beaten and stabbed by the militiamen. While Agapito Gonsalves was left back at his house **Manuel de Oliveira** was taken to the village office at Atara and again heavily mistreated until he fell unconscious.
9. The Accused **Augustino da Costa** was present at the village office and took part in the maltreatment of **Manuel de Oliveira**.
10. Militia leader Babinsa Paul then ordered the Accused **Augustino da Costa** to take **Manuel de Oliveira** away and to kill him.
11. The Accused **Augustino da Costa** and several other militia members forced **Manuel de Oliveira** who was awoken from unconsciousness to walk towards the bridge across River Manledodo.
12. Upon arrival the Accused **Augustino da Costa** and his accomplices cut both hands of **Manuel de Oliveira**, punched him resulting in the removal of his teeth and then cut his tongue.
13. Since **Manuel de Oliveira** was still alive the Accused **Augustino da Costa** fired two shots at him hitting him in the back finally causing his death. Another militia member by the name of Apolinario fired as well.
14. As a result **Manuel de Oliveira** died. Militia then buried him at the place of the crime.

IV. Pursuant to the above the Prosecutor charges:

On 31st of August 1999 in the village of Atara in the Atsabe Subdistrict, Ermera District, the Accused **Augustino da Costa** acting as a principal jointly with the other members of TIM PANCASILA Militia did with deliberate intent and with premeditation took the life of **Manuel De Olivera** in violation of Section 8 UNTEAT Regulation 2000/15 and Article 340 of the Penal Code of Indonesia (Murder).

V. The list of witnesses and evidence that supports this Indictment is contained in Annex A which forms an integral part of this Indictment.

V. The Prosecutor requests that the Special Panel for Serious Crimes of the District Court of Dili takes jurisdiction of this matter and tries the case expeditiously.

Dili, 30 November 2000

Raimund Sauter
Public Prosecutor