



**REPÚBLICA DEMOCRÁTICA DE TIMOR-LESTE**

**RDTL**

**TRIBUNAL DISTRITAL de DILI**

**SECÇÃO CRIMES GRAVES**

**DISTRICT COURT of DILI**

**SPECIAL PANEL for SERIOUS CRIMES**

Before:

Judge Maria Natercia Gusmao Pereira, Presiding

Judge Sylver Ntukamazina

Judge Siegfried Blunk

**Case n° 18/2001**

The Public Prosecutor

Versus

Benjamin Sarmento

Romeiro Tilman

João Sarmento

Domingos Mendonça

**Disposition of the Decision relating to the Conviction of the accused  
Benjamin Sarmento and Romeiro Tilman**

**For the Prosecutor:**

Shyamala Alagendra

Essa Faal

**For the Defense:**

Siphosami Malunga, for the Accused Benjamin Sarmento

Maria Rocheteau, for the Accused Romeiro Tilman

Pamela Reusch, for the Accused João Sarmento

Beatriz Sanches, for the Accused Domingos Mendonça

**For all those reasons;**

Noting that, on the 30<sup>th</sup> June 2003, during the trial hearing, the accused persons Benjamin Sarmento and Romeiro Tilman pleaded guilty.

Accused Benjamin Sarmento pleaded guilty to the following charges:

- a) Crimes Against Humanity Murder of Carlito de Araujo aka Tilman (Maulito), on or about 17<sup>th</sup> April 1999 in Grotu Lau Village, Same Sub District, Manufahi District, as a part of a widespread or systematic attack against a civilian population with knowledge of the attack.
- b) Crimes Against Humanity Murder of Luis Boco Siri and Agapito de Araujo, on or about 17<sup>th</sup> April 1999 in Orluli Village, Same Sub District, Manufahi District, as a part of a widespread or systematic attack against a civilian population with knowledge of the attack.
- c) Crimes Against Humanity Murder of Afonso da Costa, on or about 24<sup>th</sup> April 1999 in Orema Village, Same Sub District, Manufahi District, as a part of a widespread or systematic attack against a civilian population with knowledge of the attack.
- d) Crimes Against Humanity Murder of Lorenzo Tilman, on or about 9 September 1999 in Datina Village, Same Sub District, Manufahi District, as a part of a widespread or systematic attack against a civilian population with knowledge of the attack.
- e) Crimes Against Humanity Deportation or Forcible Transfer of Population from Same Sub District, Manufahi District, in particular from Grotu Lau village, Orema village, Datina village, Leubrema Village, Trilolo village and other neighboring villages, to West Timor during September 1999 as a part of a widespread or systematic attack against a civilian population with knowledge of the attack.

Accused Romeiro Tilman pleaded guilty to the following charges:

- a) Crimes Against Humanity Murder of Armindo da Costa (Armindo Tilman) and Carlito da Costa (Alberto Ximenes), on or about 30<sup>th</sup>

August 1999 in Datina Village, Same Sub District, Manufahi District, as a part of a widespread or systematic attack against a civilian population with knowledge of the attack.

- b) Crimes Against Humanity Deportation or Forcible Transfer of Population from Same Sub District, Manufahi District, in particular from Grotu lau village, Orema village, Datina village, Leubrema Village, Trilolo village and other neighboring villages, to West Timor during September 1999 as a part of a widespread or systematic attack against a civilian population with knowledge of the attack.

In light of the admissions of all the evidence made by the both accused in addition of their plea of guilty, pursuant to Sections 29A and 39 of UNTAET Regulation 2000/30 as amended by Regulation 2001/25, the Special Panel, accepts the plea of guilty of the accused Benjamin Sarmento and Romeiro Tilman made on the 30<sup>th</sup> June 2003, finds that all the essential facts required to prove the crimes to which the admission of guilty relate have been established as required by Section 29A.2 of Regulation 2001/25.

**With respect to the accused Benjamin Sarmento;**

The Court convicts the accused Benjamin Sarmento of:

- a) Murder of Carlito de Araujo aka Tilman (Maulito), on or about 17<sup>th</sup> April 1999 in Grotu Lau Village, Same Sub District, Manufahi District, as crimes against humanity, contrary to Section 5.1(a) UNTAET Regulation 2000/15.
- b) Murder of Luis Boco Siri and Agapito de Araujo, on or about 17<sup>th</sup> April 1999 in Orluli Village, Same Sub District, Manufahi District, as crimes against humanity, contrary to Section 5.1(a) UNTAET Regulation 2000/15.
- c) Murder of Afonso da Costa, on or about 24<sup>th</sup> April 1999 in Orema Village, Same Sub District, Manufahi District, as crimes against humanity, contrary to Section 5.1(a) UNTAET Regulation 2000/15.
- d) Murder of Lorenzo Tilman, on or about 9 September 1999 in Datina Village, Same Sub District, Manufahi District, as crimes against humanity, contrary to Section 5.1(a) UNTAET Regulation 2000/15.

- e) Deportation or Forcible Transfer of Population from Same Sub District, Manufahi District, in particular from Grotu lau village, Orema village, Datina village, Leubrema Village, Trilolo village and other neighboring villages, to West Timor during September 1999 as crimes against humanity, contrary to Section 5.1(d) UNTAET Regulation 2000/15.

**With respect to the Accused Romeiro Tilman;**

The Court convicts the accused Romeiro Tilman of :

- a) Murder of Armindo da Costa (Armindo Tilman) and Carlito da Costa (Alberto Ximenes), on or about 30<sup>th</sup> August 1999 in Datina Village, Same Sub District, Manufahi District, as crimes against humanity, contrary to Section 5.1(a) UNTAET Regulation 2000/15.
- b) Deportation or Forcible Transfer of Population from Same Sub District, Manufahi District, in particular from Grotu lau village, Orema village, Datina village, Leubrema Village, Trilolo village and other neighboring villages, to West Timor during September 1999 as crimes against humanity, contrary to Section 5.1(d) UNTAET Regulation 2000/15.

Pursuant to these findings of guilty, the Court will proceed to sentence Benjamin Sarmiento and Romeiro Tilman later, at the end of the trial relating to other counts of the indictment in which they are involved, in order to determine an appropriate penalty.

In determining an appropriate sentence, the Court will consider all relevant factors, including the submissions of the parties in their joints documents of agreement submitted to the Court on the 30<sup>th</sup> June 2003, in addition to any relevant information the parties may submit to assist the Court in sentencing. The both two accused persons by themselves or through their legal representatives will be given an opportunity for any eventual plea of mitigation of sentence they may wish to make before any sentence is made.

Judge Maria Natercia Gusmao Pereira, Presiding  
Judge Sylver Ntukamazina  
Judge Siegfried Blunk