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United Nations Transitional Administration in East Timor
Office of the Deputy General Prosecutor for Serious Crimes

Case No. ER-7-99-SC

The General Prosecutor of the United Nations Transitional Administration for East Timor

against

Julio Fernandes

I. INDICTMENT*Case : 02/2000*

The General Prosecutor of the United Nations Transitional Administration for East Timor, pursuant to his authority under UNTAET Regulations 1999/1, 2000/11, 2000/15, 2000/16 and 2000/30 charges:

Julio Fernandes

with

Murder

as set forth in this indictment and requests the Special Panel of the District Court of Dili to take jurisdiction of this matter expeditiously.

II. Name and Particulars of the Accused

Name : Julio Fernandes.
Date of Birth : 27 June 1970.
Place of Birth : Hatolia Village, Ermera District.
Nationality : East Timorese.
Location : Becora Prison, Dili.

III. Statement of the Facts

1. Before and after the ballot on 30 August 1999 the Accused worked for FALINTIL. Like a great part of the population he fled to the mountains around Ermera because the Indonesian Armed Forces and Militia Groups reacted with

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widespread violence on the result of the ballot and chased persons deemed to be pro-independence..


2. On 25/26 September 1999 the Indonesian Armed Forces and the Darah Merah Militia withdrew from Ermera District and moved to West Timor. Thus the population could return to their homes.
3. Due to a lack of means of transportation, Darah Merah Militia left behind in Gleno Village its member **Americo de Jesus Martins**, 27 years of age.
4. On the morning of 26 September 1999 unidentified villagers captured **Americo de Jesus Martins**. He was brought to a house close to the military compound in Gleno village.
5. Placed on a chair in front of the house and with his hands tied behind his back he was assaulted by the crowd. His ears were cut off.
6. At about ten o'clock the Accused arrived at the scene. He asked **Americo de Jesus Martins** whether it was true that he was a militia member.
7. When **Americo de Jesus Martins** said yes to this question the Accused approached him from the right side and stabbed him once with a knife in the right side of the chest. A second stab hit **Americo de Jesus Martins** in the neck close to the collarbone on the right side.
8. These stabs caused the death of **Americo de Jesus Martins**.
9. The Accused acted with intent to kill **Americo de Jesus Martins**.

IV. Pursuant to the above the Prosecutor charges:

On 26 September 1999 in the village of Gleno in the District of Ermera, the Accused **Julio Fernandes** did with deliberate intent and with premeditation take the life of **Americo de Jesus Martins**.

He is thereby responsible for **Murder** in violation of UNTAET regulation 2000/15, Section 8, Article 340 of the Penal Code of Indonesia.

Dili , 14 November 2000


Raimund Sauter
Public Prosecutor

003