



THE DEMOCRATIC REPUBLIC OF EAST TIMOR

DILI DISTRICT COURT

THE SPECIAL PANELS FOR SERIOUS CRIMES

Before:
Judge Phillip Rapoza, Presiding
Judge Maria Natercia Pereira
Judge Sylver Ntukamazina

CASE NO. 19/2001

DEPUTY GENERAL PROSECUTOR FOR SERIOUS CRIMES

-AGAINST-

ABILIO MENDES CORREIA

JUDGMENT

For the Prosecutor:
Per Halsbog

For the Defendant:
Alan Gutman

I. INTRODUCTION

1. The defendant in the present case is identified as follows:
 - a. Name: Abilio Mendes Correia
 - b. Age: 48 (date of birth unknown)
 - c. Location of birth: Pukelara, Dato, District of Liquica
 - d. Current residence: Pukelara, Dato, District of Liquica
 - e. Status: Married, eight children
 - f. Occupation: Farmer and jewelry maker
2. The trial of the defendant before the present Special Panel occurred on 3 March 2004 and 9 March 2004.
3. The Special Panel rendered the following final judgment on 29 March 2004.

II. THE SPECIAL PANELS FOR SERIOUS CRIMES

4. The Special Panels for Serious Crimes were established within the Dili District Court, pursuant to Section (hereinafter "Sec.") 9 of UNTAET Regulation (hereinafter "U.R.") No. 2000/11 (as amended by U.R. No. 2001/25) in order to exercise exclusive jurisdiction with respect to the following serious criminal offences: genocide, war crimes, crimes against humanity, murder, sexual offences and torture, as specified in Secs. 4 through 9 of U. R. No. 2000/15.

III. PROCEDURAL BACKGROUND

5. At a point the defendant left East Timor and fled to West Timor. In May 2001 the defendant returned to East Timor and on 7 May 2001 he was arrested and held in detention.
6. On 24 September 2001, the Public Prosecutor presented an indictment to the Special Panels for Serious Crimes charging the defendant with crimes against humanity in three counts. Count 1 alleged the murder of Tobias Alves Correia and Elias Ataidi. Count 2 alleged that the defendant committed inhumane acts against Mariano da Costa. Count 3 alleged the torture of the same Mariano da Costa.
7. On 21 November 20 2001, the Special Panel extended the defendant's detention until the preliminary hearing. The hearing was scheduled for 28 November 2001.

8. On 22 November 2001, the Special Panel rescheduled the preliminary hearing to 16 January 2002. Due to the unavailability of one of the judges of the panel on that date the hearing was postponed to 25 January 2002. On that date the hearing was continued to 1 February 2002.
9. The preliminary hearing was held on 1 February 2002 and the case was scheduled for trial on 15 March 2002. On that date the panel continued the case sine die. On 18 September 2002 the case was rescheduled for 14 October 2002. On 14 October 2002 one of the judges was unavailable and the trial was postponed to 25 November 2002. On that date the panel was in the process of conducting a trial in another case and the present matter was rescheduled to 24 February 2003. On that date the panel was also in the process of conducting a trial in another matter and the case was rescheduled to 26 March 2003. On that date the panel was similarly in the process of conducting a trial in another matter and the case was rescheduled to 9 June 2003.
10. On 12 May 2003 legal counsel for the defendant filed an Application for Release. On 29 May 2003 the Special Panel continued the trial date sine die pending a new schedule for all cases before the Special Panel as a result of the departure of one of the international judges. The court ordered that a detention review hearing be held on 9 June 2003. On 10 June 2003 the court ordered that substitute restrictive measures be imposed on the defendant as an alternative to detention and the defendant was released from custody.
11. On 11 July 2003 the court rescheduled the defendant's trial to 3 November 2003 in light of the anticipated appointment of new judges to the Special Panels. The date was subsequently amended to 4 November 2003 in light of the fact that 3 November 2003 was a legal holiday.
12. On 4 November 2003 the panel was in the process of conducting a trial in another matter and the case was rescheduled to 19 November 2003. On 11 November 2004 the Public Prosecutor requested that the trial be postponed because of delays in transcribing 23 cassettes containing statements by the defendant. The request was allowed and the trial was rescheduled to 9 February 2004.
13. On 15 January 2004 the file in the case was assigned to a new panel of judges and the matter was rescheduled for trial on 2 March 2004. The case was also scheduled for a pre-trial conference on 13 February 2004. The pre-trial conference was conducted on the scheduled date.
14. On 3 February 2004 the defendant filed a motion to exclude from the court file a transfer of material by the Public Prosecutor. On 11 February 2004

the defendant filed a motion to suppress statements. On 12 February 2004 the defendant filed a motion to exclude from evidence four reports on the human rights situation in East Timor. On 20 February 2004 the defendant filed three additional motions, including a motion to exclude summary autopsy reports, a motion to dismiss based on multiplicitous counts in the indictment and a motion to dismiss based on the insufficiency of the indictment. On 23 February 2004 the Public Prosecutor filed an application to strike the defendant's motions.

15. On 25 February 2004 the court denied the Prosecutor's application to strike the defendant's motions.
16. On 26 February 2004 the court ordered the Public Prosecutor to provide a further specification concerning the basis for Count 2 and Count 3 of the indictment
17. On 29 February and 1 March 2004 the Public Prosecutor filed a response to the defendant's several motions. Also on 1 March 2004, the Public Prosecutor filed the further specification concerning the basis for Count 2 and Count 3 of the indictment as ordered by the court on 26 February 2004.
18. On 1 March 2004 the court entered decisions denying the defendant's (1) motion to exclude from the court file a transfer of material by the Public Prosecutor, (2) motion to exclude from evidence four reports on the human rights situation in East Timor, (3) motion to dismiss based on multiplicitous counts in the indictment, and (4) motion to suppress statements.
19. On 2 March 2004 the court entered a decision denying the defendant's motion to dismiss based on the insufficiency of the indictment.
20. On 3 March 2004 the case was called for trial and the defendant pleaded guilty in public session to Count 2 of the indictment alleging that he committed inhumane acts against Mariano da Costa. Later the same day the panel delivered its Disposition Relating to the Conviction of Defendant Abilio Mendes Correia in public session. The Public Prosecutor then announced that he was withdrawing Count 1 alleging the murder of Tobias Alves Correia and Elias Ataidi, and Count 3 alleging the torture of Mariano da Costa. The trial then concluded.
21. On 8 March 2004 the Special Panel conducted a sentencing hearing in public session.
22. On 9 March 2004 the Special Panel entered its Disposition of the Decision in public session. The Court sentenced the defendant to three (3) years in

prison on Count 2, deducting from his sentence the time spent in custody awaiting disposition of the matter, a period of two (2) years, one (1) month and six (6) days.

IV. THE GUILTY PLEA

23. The accused pleaded guilty to Count 2 of the indictment charging him with a crime against humanity for inhumane acts against Mariano da Costa.

24. Before the defendant pleaded guilty, the Panel advised the accused that:

- (a) he had the right to remain silent. He was also advised that he had the right to speak and to make a statement about the charges against him;
- (b) if he remained silent, his silence would not be held against him;
- (c) if he chose to make a statement that included an admission of guilt, and if the court accepted his admission and determined that he was guilty, then the court could convict him on the charge based on his admission and all the evidence presented without further trial;
- (d) an admission of guilt would be seriously considered by the Court at the time of sentencing with respect to his remorse, repentance and acceptance of responsibility for the crime charged.

25. The Special Panel also asked the defendant if:

- (a) his admission of guilt was made voluntarily and after consulting with his lawyers;
- (b) he had had sufficient opportunity to discuss the case with his lawyers and if he was satisfied with the legal advice and assistance that his lawyers had provided him;
- (c) he understood the nature and consequences of his admission of guilt;

- (d) he understood that by admitting his guilt he was giving up any opportunity to present a defense or to have witnesses testify on his behalf;
 - (e) he understood that any discussions between his lawyers and the Prosecutor about the case, including the penalty to be imposed, did not bind the court; and
 - (f) he was confused in any way by the proceeding and if he had any questions that he wanted to ask either his lawyers or the court.
26. The defendant replied in the affirmative to all these questions except the last, to which he responded that he was not confused by the proceedings and he had no questions that he wanted to ask either his lawyers or the court.
27. On 3 March 2004 the defendant pleaded guilty to a crime against humanity for inhumane acts against Mariano da Costa committed on or around 9 August 1999. He also admitted to all the essential facts of the case as contained in the indictment, the witness statements and other evidence submitted to the Court by the Prosecutor.
28. In accordance with Sec. 29A.1 of U.R. No. 2000/30, as amended by U.R. No. 2001/25, the Special Panel determined that:
- (a) the defendant understood the nature and consequences of the admission of guilt;
 - (b) the admission was voluntarily made by the defendant after sufficient consultation with counsel; and
 - (c) the admission of guilt is supported by the facts of the case that are contained in:
 - (i) the charges as alleged in the indictment and admitted by the defendant; and
 - (ii) the materials presented by the prosecutor which support the indictment and which the defendant accepted.
29. The Special Panel accepted the defendant's plea of guilty and found that all the essential facts required to prove the crime to which the plea related were established as required by Sec. 29A.2 of U.R. No. 2000/30, as amended.
30. The defendant was then convicted of a crime against humanity for inhumane acts against Mariano da Costa as part of a widespread and

systematic attack against a civilian population with knowledge of the attack, pursuant to Sections 14.3(a) and 5.1(a) of U. R. No. 2000/15.

V. **APPLICABLE LAW**

31. As established in U.R. No.1999/1, U.R. No. 2000/11 (as amended by U.R. No. 2001/25), and U.R. No. 2000/15, the Special Panels for Serious Crimes shall apply the following:

- (a) UNTAET Regulations and directives;
- (b) The laws applied in East Timor prior to 25 October 1999 until replaced by UNTAET Regulations or subsequent legislation, insofar as they do not conflict with internationally recognized human rights standards, the fulfillment of the mandate given to UNTAET under the United Nations Security Council Resolution 1272 (1999), or UNTAET regulations or directives. Law 10/2003 of the National Parliament clarified that the law applied prior to 25 October 1999 was Indonesian legislation;
- (c) Applicable treaties and recognized principles and norms of international law, including the established principles of international law of armed conflict.

VI. **FACTUAL CONTENTIONS OF THE PUBLIC PROSECUTOR AND THE DEFENSE**

The facts of the case, as alleged by the Public Prosecutor in the indictment, are summarized as follows:

- 32. In 1999 a number of pro-autonomy militia groups operated in East Timor. These groups participated in a widespread and systematic attack on the population and acted with impunity.
- 33. The militia groups operated in close cooperation with the Indonesian military forces (TNI) throughout East Timor.
- 34. During 1999 numerous pro-autonomy militia groups operated in the District of Liquica, including the Besi Merah Putih (BMP).
- 35. From April through September 1999, the defendant Abilio Mendes Correia was a member of the BMP of Liquica.

36. From approximately April through September 1999, members of the BMP militia worked closely with members of the TNI and other militia groups and carried out a widespread and systematic attack in the District of Liquica against members of the civilian population who were perceived to be pro-independence
37. As part of that widespread and systematic attack, on or about 9 August 1999, in Tutuge, Village of Loidahar, District of Liquica, members of the BMP militia dragged Mariano da Costa, a CNRT leader, from a truck in which he was riding. Several militiamen, including Abilio Mendes Correia, then beat him. Some of the militia members, including the defendant, shouted that Costa should be killed. One of the group, who was a policeman, stopped the beating and told the militia members to take Costa to the militia post for questioning.
38. At trial, the defendant admitted to the allegations contained in the indictment with respect to Count 2 except that he denied shouting for Costa to be killed and he denied being part of the group that took Costa to the militia post.

VII. FINDINGS OF THE COURT

A. FACTUAL FINDINGS

39. On the basis of all the evidence, the Special Panel considers the following as proved:
40. In 1999 a number of pro-autonomy militia groups operated in East Timor. These groups participated in a widespread and systematic attack on the population and acted with impunity.
41. The militia groups operated in close cooperation with the Indonesian military forces (TNI) throughout East Timor.
42. During 1999 numerous pro-autonomy militia groups operated in the District of Liquica, including the Besi Merah Putih (BMP).
43. From April through September 1999, the defendant Abilio Mendes Correia was a member of the BMP of Liquica.
44. From approximately April through September 1999, members of the BMP militia worked closely with members of the TNI and other militia groups and carried out a widespread and systematic attack in the District of Liquica against members of the civilian population who were perceived to be pro-independence

45. As part of that widespread and systematic attack, on or about 9 August 1999, a group of BMP militia, including the defendant, were in Tutuge, Village of Loidahar, District of Liquica looking for pro-independence supporters.
46. On that day, Mariano da Costa, a leader of the CNRT, was one of several passengers on a truck passing through Tutuge.
47. The militia members stopped the truck and ordered Costa off the truck. He was asked if he was the CNRT leader Mariano da Costa, but he denied his identity. The militia members insisted that he was Mariano da Costa of the CNRT.
48. Several militiamen then beat Costa severely. Correia was ordered to participate in the beating and struck Costa numerous times. Another militia member, who was a policeman, stated that they should not kill Costa and they should stop the beating so he could be interrogated. The group then took Costa to the militia post for questioning. The defendant did not go with them.
49. Mariano da Costa was never seen again and is presumed dead.

B. LEGAL FINDINGS

50. Individual criminal responsibility

Section 14.3 of U.R. No. 2000/15 sets out the basis for an individual's criminal responsibility. It reads as follows:

14.3 In accordance with the present regulation, a person shall be criminally responsible and liable for punishment for a crime within the jurisdiction of the panels if that person:

(a) commits such a crime, whether as an individual, jointly with another or through another person, regardless of whether that other person is criminally responsible;

Consequently, pursuant to Sec. 14.3(a) of U.R. No. 2000/15, a person can be individually responsible for a crime whether he committed the crime as an individual or jointly with another. Here the defendant was one of several people who joined together to beat Mariano da Costa and he participated directly in the beating. The Court is satisfied that the defendant bears individual criminal responsibility for the crime.

51. Crime against humanity – Inhumane acts

Section 5.1 of U.R. No. 2000/15 sets out a number of criminal offenses which can be qualified as crimes against humanity if they were “committed as part of a widespread or systematic attack and directed against any civilian population, with knowledge of the attack.” The provision thus describes the necessary elements that all crimes against humanity have in common, sometimes referred to as the *chapeau* requirements.

To qualify as a crime against humanity, an offense designated in Sec. 5.1 of U.R. No. 2000/15 must be committed in the following context:

1. There must be an “attack.”
2. The attack must be “widespread or systematic.”
3. The attack must be “directed against any civilian population.”
4. The designated crime must be committed “as part of” such an attack.
5. The perpetrator of a designated crime must have “knowledge of the attack.”

From April through September 1999, the defendant Abilio Mendes Correia was a member of the Besi Merah Putih in Liquica. The Besi Merah Putih was a pro-autonomy militia group that operated in close cooperation with the TNI and carried out a widespread and systematic attack against the civilian population, especially in the District of Liquica. The abduction and beating of Mariano da Costa, a leader of the CNRT, was part of such an attack. As a member of the Besi Merah the defendant had knowledge of the widespread and systematic nature of the attack by the militia. Accordingly, the *chapeau* requirements of Sec. 5.1 of U.R. No. 2000/15 have been satisfied.

Among the offenses that can be qualified as crimes against humanity under Sec. 5.1 of U.R. No. 2000/15 are murder, forcible deportation, torture, rape and persecution. See Sec. 5.1 (a)-(k). Pertinent to the present case, “other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health” can also constitute a crime against humanity. Sec. 5.1(k) of U.R. No. 2000/15.

In *Tadic*, the ICTY Trial Chamber held that, at a minimum, “other inhumane acts” must consist of acts inflicted on a human being and must be of a serious nature.¹ The phrase “other inhumane acts” thus covers a broad range of criminal activity. The breadth of the term is intentional. The ICTY Trial Chamber in *Kupreskic* stated that the phrase “other inhumane acts” “was deliberately designed as a residual category, as it was felt to be undesirable for this category to be exhaustively enumerated. An exhaustive categorization would merely create opportunities for evasion of the letter of the prohibition.”²

Nonetheless, statutes defining criminal offenses must be strictly construed in order to conform to principles of legality. Accordingly, international courts have circumscribed the phrase “inhumane acts” by applying it only in circumstances manifesting the same

¹ *Prosecutor v. Tadic*, Case No. IT-94-1, Opinion and Judgement (May 7 1997), para 728.

² *Prosecutor v. Kupreskic*, Case No. IT-95-16, Judgement (Jan 14, 2000), para. 563.

degree of seriousness and gravity as other offenses that can be qualified as crimes against humanity.

The ICTY Trial Chamber in *Kupreskic* stated that the acts in this category must be as serious as other underlying offences contained in Article 5 (of the ICTY Statute).³ Similarly, the ICTR Trial Chamber in *Kayishema* reasoned “Other inhumane acts include those crimes against humanity that are not otherwise specified in Article 3 . . . but are of ‘comparable seriousness’ and ‘comparable gravity’ to the other enumerated acts . . . These will be acts or omissions that deliberately cause serious mental or physical suffering or injury or constitute a serious attack on human dignity. The Prosecution must prove a nexus between the inhumane act and the great suffering or serious injury to mental or physical health of the victim . . .”⁴

It has been stated that whether a particular act rises to the level of inhumane acts “should be determined on a case-by-case basis.”⁵ Given this approach, it is helpful to consider the types of acts that have been considered as sufficiently grave so as to qualify as inhumane acts. As was held by the ICTY Trial Chamber in *Blaskic*, “serious physical and mental injury – excluding murder – is without doubt an ‘inhumane act’ within the meaning of Article 5 of the Statute.”⁶ According to the Trial Chamber in *Kvočka*, “[M]utilation and other types of severe bodily harm, beatings and other acts of violence, serious physical and mental injury, forcible transfer, inhumane and degrading treatment, forced prostitution, and forced disappearance are listed in the jurisprudence of the Tribunal as falling under this category [other inhumane acts].”⁷ In addition, the ICTY Trial Chamber in *Krstic* held that “[F]orcible displacement within or between national borders is included as an inhumane act under Article 5(i) defining crimes against humanity.”⁸

In the jurisprudence of the Special Panel for Serious Crimes, forcing a man to eat his own flesh has been held to be an inhumane act.⁹ The Special Panel has also indicated that extremely restrictive and degrading conditions of detention could potentially constitute inhumane acts.¹⁰

The requirements of the crime have been most clearly enumerated by the ICTY Trial Chamber in *Vasiljevic*. “The elements to be proved [for other inhumane acts] are: (i) the occurrence of an act or omission of similar seriousness to the other enumerated acts under the Article; (ii) the act or omission caused serious mental or physical suffering or injury or constituted a serious attack on human dignity; and (iii) the act or omission was performed deliberately by the accused or a person or persons for whose acts and

³ *Prosecutor v. Kupreskic*, Case No. IT-95-16, Judgement (Jan 14, 2000) para. 566.

⁴ *Prosecutor v. Kayishema*, ICTR-95-1, Judgement (May 21, 1999) paras. 148-151.

⁵ *Prosecutor v. Kayishema*, ICTR-95-1, Judgement (May 21, 1999) para 151.

⁶ *Prosecutor v. Blaskic*, ICTY-95-14, Judgement (March 3, 2000) para. 239.

⁷ *Prosecutor v. Kvočka et al.*, ICTY-98-30/1, Judgement (November 2, 2001) para. 208.

⁸ *Prosecutor v. Krstic*, IT-98-33, Judgement, (August 2, 2001) para. 523.

⁹ *Prosecutor v Jose Cardoso*, Case 4/2001, Judgement (5 April 2003) para. 417.

¹⁰ *Prosecutor v Jose Cardoso*, Case 4/2001, Judgement (5 April 2003) para. 416.

omissions he bears criminal responsibility.”¹¹ The Special Panels adopted these constituent elements of the crime in the case of *Jose Cardoso*.¹²

The severe beating of Mariano da Costa by a group of militia members, in which the defendant participated, was an “inhumane act” that fell well within the range of criminal conduct proscribed by that term.

VIII. VERDICT

52. For the aforementioned reasons, and considering the defendant’s admission of guilt for the commission of inhumane acts against Mariano da Costa on or about 9 August 1999, as well as his admission to all the essential facts of the case as contained in the indictment, the witness statements and other evidence submitted to the Court by the Public Prosecutor pursuant to Sec. 29A of U.R. No. 2000/30 (as amended by U. R. No. 2001/25) the Special Panel accepted the defendant’s plea of guilty on 3 March 2004 and found that all the essential facts required to prove the crime to which the plea related were established as required by Sec. 29A.2 of the aforementioned regulation.
53. Accordingly, the accused Abilio Mendes Correia stands convicted of a crime against humanity for inhumane acts against Mariano da Costa as part of a widespread and systematic attack against a civilian population with knowledge of the attack, pursuant to Sections 14.3(a) and 5.1(k) of U. R. No. 2000/15
54. Pursuant to this finding of guilty, the Court will proceed to sentence the defendant and impose an appropriate penalty.

IX. SENTENCING

A. Mitigating circumstances

55. The defendant voluntarily pleaded guilty without equivocating. He did so understanding the nature of the charges and the possible consequences of his plea.
- (a) The defendant’s admission of guilt demonstrated his remorse, repentance and acceptance of responsibility for the crime charged.

¹¹ *Prosecutor v. Vasiljevic* IT-98-32, Judgement (November 29, 2002) para. 234

¹² *Prosecutor v. Jose Cardoso*, Case 4/2001, Judgement (5 April 2003) para. 407.

- (b) The defendant's plea spared the witnesses and those affected by his actions the need to testify.
- (c) The defendant's plea included a full disclosure of the facts surrounding the crime and assisted in the administration of justice.

- 56. The defendant was a follower who joined the militia out of fear.
- 57. The defendant did not volunteer to participate in the beating of the victim but was ordered to do so.
- 58. The defendant addressed the Special Panel and expressed his sorrow for what he did to the victim.

B. Aggravating circumstances

- 59. The victim was severely beaten and completely defenseless by the time the defendant became involved in the fight and struck him.

C. Sentencing policy

- 60. According to Sec. 10.1 (a) of U.R. No. 2000/15, in determining the terms of imprisonment for crimes charged under Sec. 5 of that regulation, the Panel shall be guided by the sentencing practices of the courts of East Timor and also of international tribunals. Moreover, Sec. 10.2 of the aforementioned regulation provides that the Panel shall take into account "such factors as the gravity of the offence and the individual circumstances of the convicted person."
- 61. The penalty imposed on a defendant found guilty by the Special Panel serves several purposes.

First, the penalty is a form of just retribution against the defendant, on whom an appropriate punishment must be imposed for his crime.

Second, the penalty is to serve as a form of deterrence to dissuade others who may be tempted in the future to perpetrate such a crime by showing them that serious violations of law and human rights shall not be tolerated and shall be punished appropriately.

Third, the objective of prosecuting and punishing the perpetrators of the serious crimes committed in East Timor in 1999 is to promote national reconciliation and the restoration of peace.

62. The Panel considered all the pertinent mitigating and aggravating circumstances as well as the sentencing policy applied in the courts of East Timor and international tribunals as well as the purposes of a sentence outlined above.

X. DISPOSITION

A. Disposition of the charges

Having found the defendant Abilio Mendes Correia guilty on Count Two of the indictment, and

Having considered the arguments of the parties, the factors put forth at the sentencing hearing, the provisions of the Transitional Rules of Criminal Procedure, and the sentencing policy of the Special Panels for Serious Crimes,

The Special Panel for Serious Crimes finds and imposes sentence as follows:

With respect to the defendant Abilio Mendes Correia:

- A. GUILTY on the charge of crime against humanity for inhumane acts against Mariano Da Costa, committed on or around 9 August 1999, in Tutuge, Loidahar, Liquica, committed as part of a widespread and systematic attack against a civilian population with knowledge of the attack, pursuant to Sections 14.3 (a) and 5.1 (k) of UNTAET Regulation 2000/15, and
- B. SENTENCES, in punishment for that crime, the defendant Abilio Mendes Correia to an imprisonment of three (3) years, and
- C. ORDERS the defendant Abilio Mendes Correia to pay the costs of the criminal procedure.

B. Credit for time served

According to Section 10.3 of UNTAET Regulation 2000/15, Section 42.5 of UNTAET Regulation 2000/30, and Article 33 of the Indonesian Penal Code, the Special Panel deducts the time spent in detention by Abilio Mendes Correia, due to an order of an East Timorese Court. The defendant Abilio Mendes Correia was arrested and detained between 7 May 2001 and 10 June 2003 and was thus in detention for two (2) years, one (1) month and six (6) days. Accordingly, that period of previous detention shall be deducted from the sentence imposed by this Court, together with such additional time he may serve pending the determination of any final appeal.

C. Execution and enforcement of sentence

Pursuant to Sec. 42.1 and 42.5 of UNTAET Regulation 2000/30, the defendant shall be immediately imprisoned and shall spend the duration of the sentence in East Timor.

The sentence shall be executed immediately, with this Disposition to serve as a Warrant of Arrest.

This decision is provided in one copy to the defendant and his legal representative, the Public Prosecutor and to the prison manager.

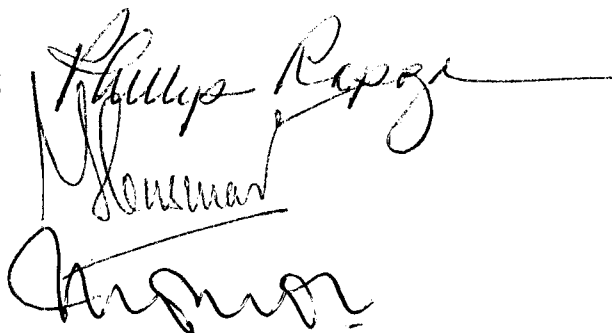
The defendant has the right to file a notice of appeal within ten (10) days from the date of notification to him of the final written decision of the Court and a written statement of appeal within the following thirty (30) days pursuant to Sec. 40.2 and 40.3 of UNTAET Regulation 2000/30, as amended.

This judgment was rendered and delivered on 9 March 2004 by the Special Panel for Serious Crimes sitting at the Court of Appeals building in Caicoli, Dili, by:

Judge Phillip Rapoza, Presiding

Judge Maria Natercia Pereira

Judge Sylver Ntukamazina



(Done in English, which is the authoritative text.)