



REPUBLICA DEMOCRATICA DE TIMOR LESTE

DISTRICT COURT OF DILI

SPECIAL PANEL FOR SERIOUS CRIMES

THE GENERAL PROSECUTOR

V

CARLOS SOARES aka Carman

Case No: ER-58-99-SC

Presentation of an Indictment
Section 24 of UNTAET Regulation 2000/30 as amended by 2001/25

The General Prosecutor for Serious Crimes, charges: CARLOS SOARES aka Carman with MURDER, as set forth in this indictment,

I. Name and particulars of the accused:

Name: CARLO SOARES aka CARMAN
Date of Birth/Age: 33 years old
Place of Birth: Aitura Sub-village, Ermera District
Nationality: East Timorese
Address: Aitura sub-Village, EstadoVillage, Ermera sub-District, Ermera District, East Timor
Location: Detained in Gleno Prison, Ermera since 15 July 2002.

II. Statement of Facts:

- a. In September 1999, the accused, **Carlos Soares (aka Carman)**, was a clandestine member of the Falentil (Armed Forces for the National Liberation of East Timor);
- b. On or about 19 September 1999, **Carlos Soares**, Domingos Soares and Afonso Dos Santos went to the sub-village of Aitura to observe and assess the situation in that village;
- c. **Carlos Soares**, Domingos Soares and Afonso Dos Santos were walking to the sub-village of Aitura when they heard a voice calling them. They turned around and recognized Graciano Mau Mario (the victim). Graciano Mau Mario eventually reached the group. The four men then proceeded towards the sub-village of Aitura divided into two groups. Domingos Soares and Afonso Dos Santos were walking together and **Carlos Soares** and Graciano Mau Mario were following closely behind;
- d. **Carlos Soares** was carrying a metal spear;
- e. While walking, Afonso Dos Santos heard a voice behind him. There after, the victim Graciano Mau Mario ran past him holding his belly and uttering the words: "I am dying now";
- f. Meanwhile, the accused **Carlos Soares** who was still behind Afonso Dos Santos was holding his spear in his hands. His spear was full of blood;
- g. Domingos Soares and Afonso Dos Santos then left the scene of the incident and reported the event to the Zona secretary Angelino Britis;
- h. The accused **Carlos Soares** also left the scene of the crime, leaving the victim for dead;

- i. Afonso Assuncao Dos Santos, a security officer of Falintil heard the news of the stabbing of Graciano Mau Mario. He and his group went to the site where Graciano Mau Mario was attacked. Graciano Mau Mario was still alive;
- j. Graciano Mau Mario told Afonso Assuncao Dos Santos, he had been stabbed in the back with a spear by **Carlos Soares**;
- k. Graciano Mau Mario also told Margarida Bendita Lemos, he had been stabbed by the accused **Carlos Soares**;
- l. Afonso Assuncao Dos Santos decided to take the victim to the Falintil Base so he could receive medical treatment;
- m. While being carried to the Falintil Base Graciano Mau Mario died as a result of the injuries he had sustained, and
- n. Later that day, **Carlos Soares** confessed to Angelino Britis and Abilio Xilmenes having killed Graciano Mau Mario.

III. Criminal Responsibility

The accused is individually responsible for the crime charged in this indictment. Individual responsibility under Section 14.3 UNTAET Regulation 2000/15 arises if an accused:

“(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;”

IV. Pursuant to the above the General Prosecutor for Serious Crimes charges:

Count 1: MURDER

By his acts or omissions, as described above, on or about 19 September 1999 near the Sub-village of Aitura, Sub-district Ermera, District of Ermera, **Carlos Soares aka Carman** is responsible for the murder of Graciano Mau Mario in violation of section 8 of UNTAET Regulation 2000/15 and article 340 of the Indonesian Penal Code.

V. Victim and evidence for trial:

The victim is Graciano Mau Mario born 2 May 1974.

The evidence in support of this indictment is contained in Annex A, which forms part of this Indictment.

VI. Request for trial

The General Prosecutor hereby requests that the Special Panel for Serious Crimes of the Dili District Court assumes jurisdiction and tries this case expeditiously.

Dated: 24 September 2002

Eric MacDonald
Prosecutor for Serious Crimes