



REPÚBLICA DEMOCRÁTICA DE TIMOR-LESTE

RDTL

TRIBUNAL DISTRIITAL DE DILI

SECÇÃO CRIMES GRAVES

DISTRICT COURT of DILI
SPECIAL PANEL for SERIOUS CRIMES

Before:

Judge Maria Naterçia Gusmão Pereira, Presiding

Judge Sylver Ntukamazina

Judge Siegfried Blunk

Case nº 18 /2001

The Public Prosecutor

Versus

Benjamin Sarmiento and Romeiro Tilman

Disposition of the Decision

For The Public Prosecutor

Shyamala Alagenda

Essa Faal

For the Defense:

Siphosami Malunga, for the accused Benjamin Sarmiento

Maria Rocheteau, for the accused Romeiro Tilman

For the aforementioned reasons, having found the both accused persons BENJAMIN SARMENTO and ROMEIRO TILMAN guilty, considering the arguments of the parties including the submissions of the parties in their joints documents of agreement submitted to the Court on the 30th June 2003, the evidence presented at the sentencing hearing, the transitional rules of Criminal Procedure.

The Special Panel finds and imposes sentence as follows:

With respect to the accused Benjamin Sarmento;

- a) GUILTY of the murder of Carlito de Araujo aka Tilman (Maulito), on or about 17th 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) In punishment for this crime, sentences the Accused to 9 (nine) years of imprisonment.
- c) GUILTY of the murder of Luis Boco Siri and Agapito de Araujo, on or about 17th April 1999 in Orluli Village, Same Sub District, Manufahi District, as crimes against humanity, contrary to Section 5.1(a) UNTAET Regulation 2000/15.
- d) In punishment for this crime sentences the Accused to 9 (nine) years of imprisonment.
- e) GUILTY of the murder of Afonso da Costa, on or about 24th April 1999 in Orema Village, Same Sub District, Manufahi District, as crimes against humanity, contrary to Section 5.1(a) UNTAET Regulation 2000/15.
- f) In punishment for this crime sentences the Accused to 9 (nine) years of imprisonment.
- g) GUILTY of the 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.

- h) In punishment for this crime sentences the Accused to 9 (nine) years of imprisonment.
- i) GUILTY of 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 in East Timor to West Timor during September 1999 as crimes against humanity, contrary to Section 5.1(d) UNTAET Regulation 2000/15.
- j) In the punishment for this crime sentences the Accused to 5 (five) years of imprisonment.
- k) The maximum total punishment for these crimes is the collective total of the maximum punishments imposed on those crimes, but that in accordance with Article 65.2 of the Indonesian Criminal Code, this total must not exceed one-third beyond the most severe maximum punishment. In this case the maximum total punishment for Benjamin Sarmento is 12 (twelve) years.
- g) Orders the Accused to pay the costs of the criminal procedure.

With respect to the Accused Romeiro Tilman

- a) GUILTY of the murder of Armindo da Costa (Armindo Tilman) and Carlito da Costa (Alberto Ximenes), on or about 30th 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) In punishment for this crime sentences the Accused to 6 (six) years of imprisonment.
- c) GUILTY of 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 in East Timor to West Timor during September 1999 as crimes against humanity, contrary to Section 5.1(d) UNTAET Regulation 2000/15.
- d) In punishment for this crime sentence the Accused for 5 (five) years of imprisonment.

- e) The maximum total punishment for these crimes is the collective total of the maximum punishments imposed on those crimes, but that in accordance with Article 65.2 of the Indonesian Criminal Code, this total must not exceed one-third beyond the most severe maximum punishment. In this case the maximum total punishment for Romero Tillman is 8 (eight) years.
- f) Orders the Accused to pay the costs of the criminal procedure.

Credit for time served

According to Section 10.3 U.R. 15/2000, section 42.5 UR-30/2000 and Article 33 of Indonesian Penal Code; the Special Panel deducts the time spent in detention by both Accused persons BENJAMIN SARMENTO and ROMEIRO TILMAN due to an order of an East Timorese Court.

Benjamin Sarmiento was arrested and detained since 11 September 2000 and the Court released him under substitutes restrictive measures on 27 February 2001. On 12 March 2001 the Accused have been re-arrested up to date. Therefore he was under detention for 2 (two) years 9 (nine) months and 20 days. Accordingly, previous detention shall be deducted from the sentence today imposed, together with such additional time he may serve pending the determination of any final appeal.

Romeiro Tilman was arrested and detained since 25 March 2000 and the Court released him under substitutes restrictive measures on 27 February 2001. On 12 March 2001 the Accused have been re-arrested up to date. Therefore he was under detention for 3 (three) years 3 (three) months and 6 (six) days. Accordingly, previous detention shall be deducted from the sentence today imposed, together with such additional time he may serve pending the determination of any final appeal.

Enforcement of sentence

Pursuant to Sections 42.1 and 42.5 of UR-2000/30, both convicted persons Benjamin Sarmiento and Romeiro Tilman shall be immediately imprisoned and shall spend the duration of the penalty in East Timor.

The sentence shall be executed immediately, providing this disposition as a warrant of arrest.

This decision is provided in one copy to the Defendants and their legal representatives, the Public Prosecutor and to the Director of prison.

This Judgment was rendered and delivered on the 16th July 2003 in the District Court of Dili by:

Judge Maria Natercia Gusmão Pereira, Presiding

Judge Sylver Ntukamazina

Judge Siegfried Blunk

(Done in Tetum and English, the Tetum text being authoritative)