

**UNTAET**

United Nations Transitional Administration in East Timor

**The General Prosecutor of the United Nations Transitional
Administration for East Timor****I. INDICTMENT**

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:

SERGIO DA COSTA**WITH****MURDER,**

As set forth in this indictment

II. NAME AND PARTICULARS OF THE ACCUSED

Name: Sergio Da Costa
Date of Birth: 4 April 1970
Place of Birth: Urahou, Ermera District
Nationality: East Timorese
Location: Detained since 7 February 2001

III. STATEMENT OF FACTS

- 1) The Accused Sergio Da Costa was a member of the Darah Merah militia, which was operating in the district of Eemera in the year 1999. The said group along with soldiers of the Indonesian Armed Forces (TNI) directed acts of violence towards the pro-independence activists, specifically members of the Armed Forces for the National Liberation of East Timor (FALINTIL) and National Council of East Timorese Resistance (CNRT).
- 2) On or about 10 May 1999, members of the Darah Merah militia and the TNI soldiers including, among others, Sergio Da Costa, Togo, Jacinto, Florindo, Guilherme, Duarte, Jose Duarte, Alberto Kiurkay and Jose Anaman, went to the residence of Constancio De Carvalho in Mau Ubo. Constancio De Carvalho was known to assist Falintil members and was a member of the CNRT. When they failed to find him at

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home, they set fire to the motorcycle of Constancio De Carvalho and took a goat that belonged to him.

- 3) On or about 17 May 1999, Cipriano Da Costa, Sergio Da Costa, Melki, Togus, Florindo, Duarte Guilherme, Jose Duarte, Jose Anaman, Alberto Kiurkay and others met at the house of Antonio Da Costa, the chief of the village of Urahou and the commander of the Darah Merah militia in the village of Urahou.
- 4) At this gathering, Sergio Da Costa was ordered to kill Constancio De Carvalho.
- 5) On or about 17 May 1999, Sergio Da Costa along with other members of the Darah Merah militia and the TNI went to the house of Constancio De Carvalho, armed with firearms, and took Constancio De Carvalho away from the house. Having taken him some distance from the house, Sergio Da Costa and others shot Constancio DeCarvalho. Constancio De Carvalho died as a result of the shooting.

IV. STATEMENT OF THE OFFENSE.

Pursuant to the above the Prosecutor charges:

Count 1: Murder

On or about the 17th of May 1999, in Urahou, Ermera District, Sergio Da Costa, did with deliberate intent and premeditation commit, or aid in, the murder of Constancio de Carvalho in violation of Article 340 of the Indonesian Penal Code, read with Sections 8 and 14.3(b) of the UNTAET Regulations 2000/15.

V. EVIDENCE.

The list of witnesses and evidence that supports this Indictment is contained in Annex, "A" which forms an integral part of this Indictment.

VI. REQUEST FOR TRIAL

The General Prosecutor hereby requests the Panel of the District court of Dili to take jurisdiction and try this case expeditiously.

Submitted this ⁻⁴⁵ 4 day of May.

B. P. Aluwihare

Buwaneka Aluwihare
Senior Prosecutor for Serious Crimes