



**Office of the  
Deputy General Prosecutor  
for Serious Crimes  
Timor Leste**

**SERIOUS CRIMES UNIT PRESS RELEASE**

**8 December 2004**

**FORMER TNI SOLDIER CONVICTED TO ONE YEAR SUSPENDED SENTENCE**

On 8 December 2004, the Special Panels for Serious Crimes issued the final decision on the case of the Deputy General Prosecutor against Júlio Fernandes. The former TNI soldier was convicted of only one of the three charges, destruction of property, which the court did not consider as a crime against humanity. With this verdict, 74 people have now been convicted by the Special Panels for Serious Crimes.

The Special Panel for Serious Crimes of the Dili District Court, presided by Judge Oscar Gomes found the defendant Júlio Fernandes not guilty of Deportation or Forcible Transfer of Population and other inhumane acts as crimes against humanity. The panel of judges found him guilty of destruction of property, a crime punishable under the article 170, paragraph 1, of the Indonesian Penal Code, but did not consider the offence as a crime against humanity. Júlio Fernandes was sentenced to one year in prison. However the sentence was suspended. One judge dissented.

Julio Fernandes was a Timorese TNI soldier in Metinaro, Dili district, during 1999. Between 5 and 8 September, immediately after the announcement of the results of the popular consultation in Timor Leste, members of the Aitarak militia and TNI soldiers, including Júlio Fernandes, went on a rampage in Metinaro attacking and burning the house of Francisco Cáceres, an independence supporter. The panel of judges found that the accused was directly involved in this event.

The presiding judge cited several factors as mitigating circumstances justifying the suspended sentence, including that the defendant had spontaneously confessed his acts, that he has already served 4 months in prison and that he is well integrated in his community. The Special Panels are expected to issue the written decision on January 2005.

**To date, the Serious Crimes Unit has filed 90 indictments charging 377 individuals with some accused charged in multiple indictments. Cases have been completed through trial for 76 accused persons, with 74 convicted of one or more charges.**