

THE GENERAL PROSECUTOR OF THE UNITED NATIONS TRANSITIONAL
ADMINISTRATION IN EAST TIMOR



AGAINST

GASPAR LEITE

I. INDICTMENT

The General Prosecutor of the United Nations Transitional Administration in East Timor, pursuant to his authority under UNTAET Regulation 1999/1, 2000/11, 2000/15, 2000/16 and 2000/30 charges:

GASPAR LEITE

with

MURDER

As set forth in this indictment, the General Prosecutor requests the Special Panel for Serious Crimes of the District Court of Dili to take jurisdiction of this matter expeditiously.

II. NAME AND PARTICULARS OF THE ACCUSED

Name:	Gaspar Leite
Age:	43
Date of Birth:	6 th March 1957
Place of Birth:	Erolo, Aileu
Nationality:	East Timorese
Location:	Gleno Prison

III. STATEMENT OF THE FACTS

1. On 30th August 1999 the people of East Timor voted in a referendum for independence from the Republic of Indonesia.
2. Following the vote, there were attacks directed against the civilian population in, among other areas, the District of Aileu.
3. Within the District of Aileu is the village of HoHuLu.
4. By September 1999 Gaspar Leite had been a soldier with the TNI for about 9 years. During 1999 the TNI commander in the District of Aileu was Sergeant Major Ali Cocoleo (Alikkokolok) of Kodim 1632.
5. On or about 8th September 1999 Ali Cocoleo (Alikkokolok) addressed a group of about twenty TNI personnel, including Gaspar Leite. Ali Cocoleo (Alikkokolok) gave instructions to the TNI personnel to attack the village of HoHuLu, to burn houses there and shoot people from the village.

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6. On or about the 9th of September 1999, TNI personnel joined with members of a local militia group. At around 7am, TNI personnel and militia went to the village of HoHuLu. The TNI personnel and militia burnt houses in the village, displacing the civilian population.
 7. Gaspar Leite was in TNI uniform and led a group of about five members of a local militia in the attack upon the village. Gaspar Leite was armed with a rifle, the militia were armed with machete and bows and arrows.
 8. At or around 1pm Gaspar Leite and the militia saw an unarmed man known as Domingos Maukinta by the river near the village. Gaspar Leite shot at the man twice and one bullet hit him. Domingos Maukinta was killed by that bullet.
 9. Near to the river Gaspar Leite and the militia found a group of fourteen people, mostly women and children, hiding in a cave. Gaspar Leite fired his rifle into the air and said "you must come out, if you try and run away we will kill you". Gaspar Leite and the militia forced the group to go to the village of Daisoli. There, they instructed them to travel to Aileu. In fact, that group of people escaped from the militia and Gaspar Leite and did not travel to Aileu.

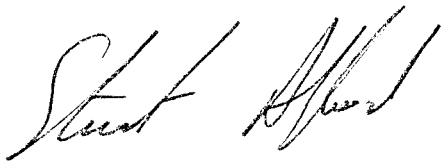
Pursuant to the above, the Prosecutor charges;

IV. CHARGES:

COUNT 1: MURDER

On or about the 9th day of September 1999 in the District of Aileu, the defendant GASPAR LEITE did, with deliberate intent and premeditation, commit, aid, abet or otherwise assist in the murder DOMINGOS MAUKINTA, in violation of Section 8 UNTAET Regulation 2000/15 and Section 340 of the Indonesian Criminal Code, and is thereby responsible for MURDER.

DATED at Dili the 21st day of February 2001



Stuart Alford
Prosecutor for Serious Crimes