



REPUBLICA DEMOCRATICA DE TIMOR LESTE

DISTRICT COURT OF DILI

SPECIAL PANEL FOR SERIOUS CRIMES

Case No: 18a/2003

Coram:

Judge Brigitte Schmid

The General Prosecutor

v.

Aprecio Guterres

**Motion to withdraw the indictment against Aprecio Guterres without prejudice
pursuant to Section 27.2 of UNTAET Reg. 30/2000.**

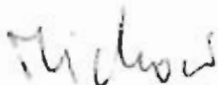
On 15 July 2004 the Prosecutor filed an indictment against Aprecio Guterres charging him with one count of murder as a crime against humanity. The case is now set for a Preliminary Hearing on 5 November 2004. The prosecution hereby moves to withdraw the indictment against Guterres because it believes it is in the interests of justice to do so for the reasons explained below.

United Nations Security Council Resolution 1543 requires that all trials before the Special Panel for Serious Crimes be completed by 20 May 2005. In order to comply with this instruction, for the past several months the prosecution has refrained from filing cases that could result in new trials, as it is estimated that it could not be certain that any trials in addition to those now pending could be completed by 20 May. However, the prosecution believes that it has one indictment ready for a case in which the conduct of

the accused in that case, Fransisco Pedro, is more egregious than the conduct alleged in the pending case against Gutteres and the proof of guilt is more compelling than the available evidence against Gutteres. Further, the prosecution estimates that the court time needed to complete the trial of Fransisco Pedro would be less than that required to try Gutteres, thus assisting the court in completing all trials before May. If the Special Panels allows the prosecution to withdraw the charges against Gutteres, the prosecution will then file the new indictment against Francisco Pedro.

For the foregoing reasons, the Prosecution requests, in the interests of justice, that the Special Panels allows the prosecution to withdraw indictment 18a/2003 against Aprecio Guterres pursuant to Section 54.2 of UNTAET Reg. No. 30/2000 and Art. 144 (1) and (2) of the Indonesian Code of Criminal Procedure.

Dated: 4 November 2004



Marek Michon
Prosecutor