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United Nations Transitional Administration in East Timor

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Case No. DI-023 -99-SC

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

AGAINST

VICTOR MANUEL ALVES

I. INDICTMENT

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

VICTOR MANUEL ALVES

with

MURDER

as set forth in this indictment and requests the Serious Crimes Panel of the District Court of Dili to assume jurisdiction on this matter.

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II. NAME AND PARTICULARS OF THE ACCUSED

Name : Victor Manuel Alves
Date of Birth : March 06, 1952
Place of Birth : East Timor
Nationality : East Timorese
Location : Farol- Dili

III. STATEMENT OF THE FACTS

1. On September 23rd, 1999 at about 4.00 pm a meeting was held on the beach in the village of Desa Belio, Atauro Island. There were many village people at said meeting.
2. **Victor Manuel Alves** attended the meeting at about 5:00 pm, in company of four other men. One of them was armed with an automatic firearm.
3. In this meeting an argument took place between **Victor Manuel Alves** and a chief of the Desa Belio community Antonio Miguel Pacheco.
4. This argument was about the burning of village houses.
5. Antonio Miguel Pacheco said that he had information that **Victor Manuel Alves** intended to burn some village houses.
6. **Victor Manuel Alves** asked Antonio Miguel Pacheco if he would like to sit down and talk about such situation. Antonio Miguel Pacheco refused.
7. The two men continued to talk for a short time before **Victor Manuel Alves** get the gun from the armed man and fired two rounds into the air.
8. Then **Victor Manuel Alves** point the firearm at Antonio Miguel Pacheco and shot him on the back of the head, causing his death.

Pursuant to the above, the Prosecutor

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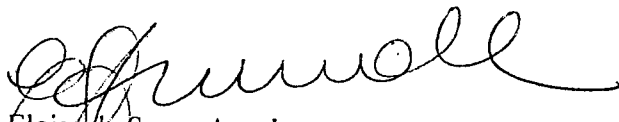
IV. CHARGES:

COUNT 1: MURDER

On September 23rd, 1999 at about 4.00 pm in the village of Desa Belio, Atauro Island, the accused **VICTOR MANUEL ALVES** did, with deliberate intent committed the murder of Antonio Miguel Pacheco in violation of Section 8 of UNTAET Regulation 2000/15 and Section 340 of the Indonesian Penal Code.

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

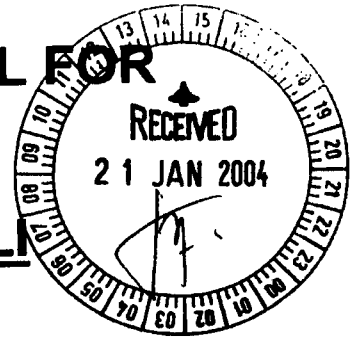
Dili, 22 January, 2002



Eloisa de Sousa Arruda
Public Prosecutor for Serious Crimes

BEFORE THE SPECIAL PANEL FOR
SERIOUS CRIMES

DISTRICT COURT OF DILI



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THE DEPUTY GENERAL PROSECUTOR

-against-

VICTOR MANUEL ALVES

Case No: 1/2002

**APPLICATION FOR LEAVE TO AMEND INDICTMENT PURSUANT TO
SECTION 32.1 OF REGULATION 2000/30 AS AMENDED BY REGULATION
2001/25**

The Prosecutor requests that the Special Panel for Serious Crimes makes an order granting leave to amend the indictment filed against the accused person on January 22, 2002.

Background:

On January 22, 2002 the prosecution filed an indictment against the accused charging him with the murder of Antonio Miguel Pacheco in violation of Section 8 of UNTAET Regulation 2000/15 as amended by Regulation 2001/25, and Article 340 of the Indonesian Penal Code [KUHP].

Amendments Sought:

- i. In Count 1: Murder, delete;

'On September 23rd, 1999 at about 4:00pm in the village of Desa Belio, Atauro Island, the accused VICTOR MANUEL ALVES did, with deliberate intent commit the murder of Antonio Miguel Pacheco in violation of Section

file

8 of UNTAET Regulation 2000/15 and Section 340 of the Indonesian Penal Code.'

ii. In Count 1: Murder, insert;

'By his acts or omissions, in relation to the events described in paragraphs 1 to 8 of this indictment VICTOR MANUEL ALVES is responsible for the murder of Antonio Miguel Pacheco in violation of Section 8 of UNTAET Regulation 2000/15 and Article 338 of the Indonesian Penal Code.'

Grounds for the request:

The reasons for the proposed amendments are as follows:

- a. to ensure that the charge is in tandem with the statement of facts;
- b. to ensure that the statement of facts support the charge contained in the indictment;
- c. to comply with the requirements of Section 24.1 [b] and [c] of Regulation 2000/30, as amended by Regulation 2001/25, by providing a complete and accurate description of the crime imputed to the accused and a concise statement of facts upon which the accusation is based; and
- d. to clarify the participation of the accused person in the crime charged in the indictment.

The amendment sought is not prejudicial to the accused.

Orders Sought:

The Prosecutor requests that the Special Panel for Serious Crimes grant an order for:


- 1. Leave to amend the indictment in the terms described above; and
- 2. Upon granting leave to amend the indictment, to deem the indictment amended in the terms described above and to deem the amended indictment to have been duly filed.

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Dated: January 21, 2004



Wambui Ngunya
Prosecutor-Serious Crimes

	Date	Received by
Filed in Dili Court	21/1/2004	 T. N. N. N.
Served on Defense	21st January 2004	