

UNTAET

United Nations Transitional Administration in East Timor

Case No. SU-5-99-SC

**The General Prosecutor of the United Nations Transitional
Administration in East Timor**

against

Leonardus Casa

I. INDICTMENT

The General Prosecutor of the United Nations Transitional Administration in East Timor, pursuant to his authority under UNTAET Regulation 19999/1, 2000/11, 2000/15, 2000/16 and 2000/30 charges:

Leonardus Kasa

with

a Crime of Rape

as set forth in this indictment.

II. Name and Particulars of the Accused

Name : Leonardus Kasa
Date of Birth : 27 January 1974
Place of Birth : Tabolo Village, Salele Subdistrict, Covalima District
Nationality : East Timorese
Location : Tabolo Village, Salele Subdistrict, Covalima District

III. Statement of the Facts

1. The Accused was a member of Laksaur Militia. In the month of September 1999 he flew to West Timor and stayed temporarily in the village of Betun.
2. The victim **Maria da Costa** and her two children were displaced on 5 September 1999 from East Timor and brought to a refugee camp located in the warehouse of Betun in West Timor.
3. On the evening of 10 September 1999 **Leonardus Kasa** and two other militia member approached **Maria da Costa** in the warehouse. The Accused carrying a machete intimidated and threatened her and started to touch the upper part of her body telling her that he wanted to have sex with her.
4. Because **Maria da Costa** did not want the other people in the room watching this she left the warehouse together with **Leonardus Kasa** and went outside to the back. There the Accused pulled her to the ground and forced her have sexual intercourse with him.
5. This happened against the will of **Maria da Costa**.

IV. Pursuant to the above the Prosecutor charges:

On 10 September 1999 in the village of Betun/West Timor, the Accused **Leonardus Kasa** forced a woman by using threat of force to have sexual intercourse with him out of marriage.

He is thereby responsible for a crime of **Rape** in violation of Section 9 of UNTAET Regulation 2000/15 and Article 285 of the Penal Code of Indonesia.

V. List of witness and evidence

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

VI. Request

The Prosecutor requests that the Special Panel for Serious Crimes of the District Court of Dili takes jurisdiction of this matter and tries the case expeditiously.

Dili , 11 December 2000

Raimund Sauter
Public Prosecutor