

**UNTAET**

United Nations Transitional Administration in East Timor

Case No. : SU-3-99-SC

**The General Prosecutor of the United Nations Transitional  
Administration for East Timor****against****Yoseph Leki****I. INDICTMENT**

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

**Yoseph Leki**

with

**Murder**

as set forth in this indictment.

**II. Name and Particulars of the Accused**

Name : Yoseph Leki.  
Age : 32 years.  
Place of Birth : Unknown.  
Nationality : East Timorese.  
Location : Gleno Prison.

### III. Statement of the Facts

#### A.

1. The Accused **Yoseph Leki** joined in June 1999 Laksaur Militia in Lalawa Village, Subdistrict of Tilomar, Covalima District.
2. He became an active member of his militia group.
3. In mid September 1999 Laksaur Militia carried out an attack on Salele Village, Covalima District, causing many people to leave the village.
4. A group of eighteen Salele residents left the village heading for West Timor.
5. On 25 September 1999 while on their way, they stopped at Wea Forest between Salele and Tilomar. They were suddenly surrounded by a group of militia armed with guns, swords and rakitans.
6. Among this group was the Accused **Yoseph Leki**.
7. According to their common intent the Accused **Yoseph Leki** and his co-perpetrators at sudden fired at the group of villagers intending to kill as many of them as possible.
8. During the attack **Titus Mali, Damiao Ximenes** and **Januari Maya** were killed by gunshots fired by the militiamen including the Accused **Yoseph Leki**.
9. Many others were wounded.

#### B.

1. On 26 September 1999 the Accused **Yoseph Leki** and other members of Laksaur Militia attacked a group of displaced persons from Salele Village resting close to Muta Sikun, Covalima District..
2. The militiamen met this group sleeping.
3. According to their common intent the Accused **Yoseph Leki** and his co-perpetrators opened fire intending to kill as many of the group as possible.
4. As a result **Paulino Cardoso** was killed.
5. The rest of the group of villagers managed to escape into the forest.

### IV. Pursuant to the above the Prosecutor charges:

#### Count –No. 1 Murder:

On 25 September 1999 in the area of Tilomar, Covalima District, the Accused **Yoseph Leki** acting as a principal jointly with other members of Laksaur Militia did with deliberate intent and with premeditation, take the lives of **Titus Mali, Daimao Ximenes** and **Januari Maya** and thereby committed a crime of **Murder** in violation of Section 8 UNTAET Regulation 2000/15 and Article 340 of the Penal Code of Indonesia.

#### Count-No. 2 Murder:

On 26 September 1999 in the area of Muta Sikun, Covalima District, the Accused acting as a principal jointly with other members of Laksaur Militia did with deliberate intent and with premeditation, take the life of **Paulino Cardoso** and thereby committed a crime of **Murder** in violation of Section 8 UNTAET Regulation 2000/15 and Article 340 of the Penal Code of

Indonesia.

**V.** The list of victims and the list of witnesses is contained in Annex A, which forms an integral part of this Indictment.

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

Dili , 24 November 2000

Raimund Sauter  
Public Prosecutor