



UNTAET

United Nations Transitional Administration in East Timor

2001

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Case No. BO-97-01-SC

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

AGAINST

FRANCISCO DOS SANTOS LAKU ALIAS "FRANCISCO LALU"

*Case: 08/2001*1ST AMENDED INDICTMENT

I. INDICTMENT

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

FRANCISCO DOS SANTOS LAKU
alias "FRANCISCO LALU"

with

MURDER

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

II. NAME AND PARTICULARS OF THE ACCUSED

Name : Francisco Dos Santos Laku alias "Francisco Laku"

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Date of Birth : 12 June 1956
Place of Birth : Balibo, Bobonaro, East Timor
Nationality : East Timorese
Location : Presently in detention in Becora Civilian Detention Centre

III. STATEMENT OF THE FACTS

1. On 7 September 1999, members of the Indonesian Armed Forces (Tentara Nasional Indonesia, TNI), led by **Francisco Dos Santos Laku, alias "Francisco Laku"**, travelled in vehicles to a checkpoint on the road, outside the village of Berame, sub-district of Balibo.
2. The checkpoint was manned by individuals including Armindo Dos Santos, **Francisco Dos Santos Laku; alias "Francisco Laku"**, Mario De Carvalho, Estani Lau, Hilario Leri, Orlando Ramos, Bentu Dos Santos, Jose Asmakin, and Nikolau Da Silva.
3. At the checkpoint, members of the TNI removed Celestino Fernandos from one of the vehicles.
4. **Francisco Dos Santos Laku, alias "Francisco Laku"**, fired two shots into the air and ordered Armindo Dos Santos, Mario De Carvalho, Estani Lau, Hilario Leri, Orlando Ramos, Bentu Dos Santos, Jose Asmakin and Nikolau Da Silva to beat Celestino Fernandos.
5. Estani Lau, Hilario Leri, Orlando Ramos, Bentu Dos Santos, Jose Asmakin and Nikolau Da Silva assaulted Celestino Fernandos by kicking and punching him and hitting him with a rock.
6. **Francisco Dos Santos Laku, alias "Francisco Laku"**, then ordered Armindo Dos Santos, Mario De Carvalho, Estani Lau, Hilario Leri, Orlando Ramos, Bentu Dos Santos, Jose Asmakin and Nikolau Da Silva to kill Celestino Fernandos; he warned them if the did not, he would kill them when he passed along the road on his return from Maliana.
7. Armindo Dos Santos, Mario De Carvalho, Estani Lau, Hilario Leri, Orlando Ramos, Bentu Dos Santos, Jose Asmakin and Nikolau Da Silva forcibly transported Celestino Fernandos along a track running off the road. They stopped in front of a dry river bed that crosses the track. Armindo Dos Santos Santos then stabbed Celestino Fernandos twice in the stomach.
8. After the stabbing, Armindo Dos Santos, Mario De Carvalho, Estani Lau, Hilario Leri, Orlando Ramos, Bentu Dos Santos, Jose Asmakin and Nikolau Da Silva carried Celestino Fernandos off the track, on a path that runs parallel to the dry river bed.
9. As **Armindo Dos Santos, Mario De Carvalho**, Estani Lau, Hilario Leri, Orlando Ramos, Bentu Dos Santos, Jose Asmakin and Nikolau Da Silva were carrying Celestino Fernandos, **Mario De Carvalho** stabbed Celestino Fernandos in the stomach.
10. Celestino Fernandos died from these wounds.

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Pursuant to the above the Prosecutor

IV. CHARGES:

COUNT 1:

On or about the 7 September 1999 in the District of Bobonaro, sub-district Balibo, the defendant **Francisco Dos Santos Laku, alias "Fancisco Laku"**, did with others, with deliberate intent and premeditation, commit, order, aid, abet or otherwise assist in the murder of Celestino Fernandos, 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, 9 May 2001



Brenda Sue Thornton
Senior Prosecutor for Serious Crimes

| | Date | By |
|---------------------|------|----|
| Filed in Dili Court | | |
| Served on Defense | | |
| Received By | | |