

Dili, 16 September 2002

JSMP: Ex-Indonesian soldier convicted of negligence causing death

A Dili court has convicted a Timorese former member of the Indonesian military of "negligence causing death" over a shooting in East Timor in September 1999, after finding him not guilty of murder.

Delivering judgment on Saturday, a Special Panel of the Dili District Court sentenced Gaspar Leki to 11 months in prison. But because he has already served 11 months in detention awaiting trial, Leki will not serve any further time.

Leki had been charged with murder for the shooting of Domingos Maukinta in the village of Hohulu on 9 September 2002. During trial, Leki admitted he had shot the victim but claimed he had done so in the mistaken belief that he was shooting at a pig behind bushes.

The panel, presided over by Timorese judge Maria Gusmao-Pereira, found that the charge of murder was not proven and convicted Leki of negligence causing death under section 359 of the Indonesian Penal Code.

Leki expressed remorse during the trial process and in closing submissions the court, monitored by JSMP observers, was told he had already gone through a traditional reconciliation process and had been reconciled with the victim's family.

Leki was not in court to receive judgment as he had not been told of the decision date.