



**JUDICIAL SYSTEM MONITORING PROGRAMME**  
**PROGRAMA DE MONITORIZAÇÃO DO SISTEMA JUDICIAL**

## *Case Summary*

Period: January 2011

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### **Summary of trials at the Baucau District Court in January 2011**

Between 17-21 January 2011, JSMP monitored activities and trials at the Baucau District Court. However, trials were delayed in a number of cases because of the non-attendance of participants, in particular defendants, even though they had been summoned by the court.

Based on its court monitoring, JSMP noted that the Baucau District Court scheduled 5 criminal cases that were categorized as serious crimes. Hearings were conducted for 2 of the cases, 2 cases were adjourned because the defendant did not comply with the court summons, and the other case was closed because the defendant passed away.

This summary aims to provide updated information about the process used and developments in cases that were handled during the aforementioned period by the Baucau District Court:

**1.** On 17 January 2011 no criminal or civil cases were scheduled for trial at the Baucau District Court. This presented an opportunity for the court to celebrate the arrival of a new judge from Portugal who has been assigned to Baucau for the next year.

The international judge is Angela Belo Rodrigues de Matos Faria who has been assigned to strengthen the activities of the Baucau District Court, which currently has only two national judges.

#### **2. Case No. 66/CRM.C/2010/TDB regarding light maltreatment was adjourned**

On 18 January 2011 the Baucau District Court adjourned criminal case No.66/RCM.C/2011/TDB relating to light maltreatment committed by the defendant JRP against the victim AS, due to the non-attendance of the defendant and victim in court, even though they had been summoned by the court. The court has not yet set a new date for this trial.

### **3. Case No. 135/ CRM.C/ 2010 / TDB regarding serious maltreatment**

On the same day, namely 18 January 2011, the Baucau District Court conducted a hearing in Case No.135 /CRM.C 2010/TDB. This case involved serious maltreatment committed by the defendant NSF against the victim MdC in Kaibada Village, Baucau Sub-District on 19 June 2010 at 10am.

The hearing was presided over by a panel of judges comprising international judge Angela Belo Rodrigues de Matos Faria, and two national judges, namely Ana Paula Fonseca S.H and Edita Palmira S.H. The Public Prosecution Unit was represented by José Ximenes S.H and the Public Defender's Unit was represented by Rui Manuel Guterres S.H.

The Baucau District Court read out the prosecutor's indictment which stated that the defendant was charged with committing serious maltreatment because the defendant suspected that the victim was a member of the "Kera Sakti" group. The defendant slashed the victim three times with a machete, once on the victim's right hand and twice on his back. The victim was seriously injured and was treated in hospital for a week.

The prosecutor charged the defendant with serious maltreatment under Article 146 (e) of the Timor-Leste Penal Code which states that any person who causes harm to the body or health of another person with the purpose of endangering the life of said person can be sentenced to 2 - 8 years imprisonment.

The defendant admitted his actions before the court and expressed remorse for causing the victim to be admitted to hospital for a week. The defendant also said that he had entered into a traditional settlement and paid a fine of US\$200.

In consideration that the defendant and victim had settled the matter through traditional means the Public Prosecutor requested for the Court to impose a suspended sentence on the defendant. The prosecutor referred to Article 68 of the Timor-Leste Penal Code. The public defender reinforced the request of the public prosecutor and stated that the defendant was a first time offender and was very young. Therefore the public defender requested for the court to impose a light sentence.

The trial will continue on 25 January 2011 at 9:30am. The defendant was summoned to hear the court's decision in this matter.

### **4. Case No.72 /CRM.C/ 2010/TDB regarding a rape of a minor was adjourned**

On 19 January 2011 the Baucau District Court adjourned Case No.72 /CRM.C/2010/TDB. This case relates to the suspected rape of a minor committed by the defendant AX against the victim MA. This case was adjourned because the defendant did

not attend the hearing without informing the court in advance, even though the defendant was summoned by the Court. The trial was adjourned until 26 January 2011 at 9:30am.

#### **5. Case No. 179 /CRM.C/2010/ TDB regarding serious maltreatment was closed**

On 20 January 2011 the Baucau District Court closed Case No. 179/ CRM.C /TDB which involved maltreatment committed by Jose Paul (the deceased) against Afonso da Costa because the defendant passed away in November 2010. This case related to an incident that occurred in Maina Satu Village in Lospalos District.

#### **6. Continuation of the trial in Case No. 100 /CRM.C /2010 /TDB relating to corruption**

On 20 January 2011 the Baucau District Court continued the trial of Case No. 100 /CRM.C/2010 /TDB regarding Corruption. The defendant LDC was suspected of engaging in corruption against the community in Quelequai Sub-District in 2007.

The trial was presided over by a panel of judges led by Ana Paula S.H who was accompanied by Edite Palmira S.H and José Goncalves S.H. The Public Prosecution Unit was represented by Jose Ximenes S.H and the Public Defender's Unit was represented by Rui Manuel Guterres S.H.

The trial into this case of corruption continued with the examination of the witness SR. The court had summoned 6 witnesses to provide testimony but one of the members of the panel of judge had to travel to Dili to attend a meeting for judges and the court was therefore only able to examine one witness.

The witness testified that he was contracted by the government, through the Ministry of Agriculture, for six months between January – June 2006. The main role of the witness was to source seedlings and then provide briefings to members of the community on how to properly plant crops and look after them.

The witness also testified that US\$4,000 was provided for the first stage to purchase seedlings and to pay locals for planting them as well as paying for transport from Baucau District to the location of the plantation. The management of this money was exclusively handled by the defendant; therefore the witness had no knowledge of this process during his period of employment.

The trial will continue on 11 February 2011 at 9.30am for the other five witnesses to give evidence.

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