



JUDICIAL SYSTEM MONITORING PROGRAMME  
PROGRAMA DE MONITORIZAÇÃO DO SISTEMA JUDICIAL

## *Case Summary*

**Period: June 2011**

**Edition: 14 June 2011**

### Summary of hearings conducted at the Baucau District Court in June 2011

During 6-10 June 2011, JSMP continued its monitoring of trials at the Baucau District Court, which related to both serious and ordinary crimes. JSMP conducting court monitoring for a full working week. Based on the court schedule a total of 10 cases were supposed to be heard. 5 of these cases were categorized as serious crimes and the other five cases were categorized as ordinary crimes. However, the district court was only able to conduct hearings in 2 of the 10 cases that were scheduled for trial. JSMP also noted that one case involved domestic violence and the court decided to validate the results of mediation between the two parties before the court summoned the parties to attend a hearing.

Based on JSMP monitoring, many of these cases were adjourned because of the non-attendance of parties (defendants and victims). Also, adjournments occurred because one of the judges assigned to the Baucau District Court was ill and another judge was overseas and therefore only one judge was available to carry out his duties.

Due to the aforementioned reasons, for one week the Baucau District Court was unable to function effectively in terms of trying serious and ordinary crimes.

JSMP understands that all of the courts in Timor-Leste face the problem of limited resources, however JSMP urges the courts to avoid excessive delays in order to respect the rights of the parties, especially in regards to administering justice in a more effective and productive manner. In relation to the non-attendance of parties, JSMP hopes that the court can work together with the local authorities to facilitate the delivery of summons or orders that are issued by the court.

In relation to the obstacles encountered by the judges, JSMP asks for the court to try its utmost to coordinate with other courts, especially the Court of Appeal to anticipate such absences and replace judges so that trials can go forward in accordance with predetermined schedules, with the sole objective of ensuring that the court can fulfill its mandate and carry out its functions as effectively as possible.

Just like other case summaries, this document is intended to provide up to date information about the progress of trials at the Baucau District Court during the aforementioned period.

The information below provides a detailed description of the trials that took place during the aforementioned period.

**1. Crime of Domestic Violence, Case No. 35/ CRM.S/2011/TDB**

On 6 June 2011 the Baucau District Court conducted mediation in Case No.35/CRM.S/2011/TDB involving domestic violence. The mediation was presided over by judge Angela Belo Rodrigues de Fária (international), the Prosecution Service was represented by Jose Ximenes SH, and the defendant was represented by public defender Grigorio de Lima SH.

The defendant FV was charged with committing the offence against the victim MdS, his wife. It is alleged that the incident took place on 24 June 2010 in Lavateri Village, Bagia Sub-District, Baucau District.

The mediation of this matter took place in the judge's chambers and was closed to the public. Therefore, JSMP and others were not permitted to follow the mediation process between the defendant and victim. The mediation was conducted because the victim and the defendant had reached an amicable agreement in accordance with local customary law whereby the defendant gave a horse to the victim.

**2. Crime of Major Theft, Case No.02/CRM.C/2010/TDB**

According to the court schedule the Baucau District Court was supposed to try Case No. 02/CRM.C/2010/TDB on 6 June 2011, however the court could not do so because there were not enough judges to form a panel and the defendant did not respond to the summons even though the court had issued a formal notification.

This matter involved a theft that was carried out at night time. 9 cases of beer, US\$ 300, a chicken and other valuable goods were stolen. This crime was allegedly committed by the defendant OM against the victim JVR on 17 October 2009, in Gariwai Village, Baucau Sub-District, Baucau District.

The court has not set a date for the next hearing as the judge responsible for hearing this matter is currently ill.

**3. Crime of Property Damage, Case No. 99/CRM.S/2010/TDB**

On 6 June 2011 the Baucau District Court adjourned a case involving property damage that allegedly occurred in Kaibada Village, Baucau Sub-District, Baucau District.

It is alleged that the offence was committed on 3 November 2010 by the defendant JdS Cs against the victim AM.

The trial was adjourned because the defendant did not appear in court. Based on information provided by a court clerk from the Baucau District Court, the defendant JdC is currently in Suai District, and therefore could not be issued with a summons. In relation to the non-attendance of the defendant in court, the trial has been rescheduled until 10 October 2011 at 2pm.

#### **4. Crime of Domestic Violence, Case No. 91/CRM.S/2011/TDB**

On 7 June 2011 the Baucau District Court was supposed to conduct a hearing in a case of domestic violence involving the defendant GA and victim JR. The incident allegedly occurred on 17 December 2010 in Uatulari Sub-District, Viqueque District.

The hearing was adjourned because the victim and defendant did not attend for unknown reasons, even though they had received a summons from the court. The court has not yet set a date for continuing the trial of this matter.

#### **5. Crime of Murder, Case No. 70/CRM.C/2011/TDB**

On 7 June 2011 the Baucau District Court conducted a hearing in Case No.70/CRM.C/2011/TDB. This case involved an alleged murder committed by the defendant MM against the victim JN, on 25 December 2010 at approximately 4:30am. The purpose of the hearing was to hear witness testimony from witnesses appearing on behalf of the prosecution.

The hearing was presided over by a panel of judges headed by judge Angela Belo Rodrigues de Faria SH (international) and judges Antonino Gonsalves SH and Ana Paula SH. The Prosecution Service was represented by Jose Ximenes SH and the defendant was represented by Public Defender Gregorio de Lima SH.

The defendant MM admitted that he threw a rock at the victim in front of the home of Nazario Ribeiro when the victim was returning from a Christmas party with his friends. The defendant threw a rock at the victim because the defendant claimed that the victim provoked him when he was drinking some traditional alcohol with his friends. He felt that the victim was challenging him (by saying who is the tough guy around here?), and the defendant, without saying a word, picked up a rock and threw it at the back of the victim's head which caused the victim to suffer a serious injury. As a result of the injury the victim was beyond help and died at the scene.

The three witnesses appearing for the prosecution told the court that they clearly saw the defendant throw a decent sized rock which caused the victim to die instantly at the scene. They also testified that on the evening when the incident occurred they did not say anything to the defendant, but the defendant suddenly threw a rock at the victim from a distance of about 7 meters.

The trial will continue on 29/6/2011 at 2pm to hear testimony from witnesses presented by the defense.

#### **6. Crime of Serious Maltreatment, Case No. 10/CRM.C/2010/TDB**

On 8 June 2011 the Baucau District Court adjourned Case No. 10/CRM.C/2010/TDB. This case involved serious maltreatment allegedly committed by the defendant JG against the victim SdS. The alleged incident occurred on 29 September 2009 in Kraras Village, Viqueque Sub-District, Viqueque District.

The hearing was adjourned because the defendant did not appear in court. Also, there were not enough judges to form a panel. In this regard the court has not set a date for the next hearing in the matter and the parties, and the victim in particular, were asked to wait for further information from the court.

**7. Crime of Minor Theft, Case No. 64/CRM.S/2011/TDB**

On 8 June 2011 the Baucau District Court also was supposed to conduct a hearing in Criminal Case No. 64/CRM.S/2011. This case involved minor theft allegedly committed by the defendant LF against the victim MS in Quelecai Sub-District, Baucau District on 23 January 2011.

The hearing was adjourned because the judge responsible for this case was ill. The court has not yet decided on a date to continue the trial of this matter.

**8. Crime of Light Maltreatment, Case No. 76/CRM.S/2011/TDB**

On 9 June 2011 the Baucau District Court was unable to conduct a trial in Case No. 76/CRM.s/2011/TDB. This case involved an alleged act of maltreatment committed by the defendant JAQ against the victim MSX on 3 January 2011 in Kota Baru, Baucau District.

The hearing was delayed because of the non-attendance of the parties in court, even though the court had issued them with a summons. Just like the other cases, the court has not yet set a date to continue the trial of this matter.

**9. Crime of Attempted Rape, Case No. 73/CRM.C/2011/TDB**

On 9 June 2011 the Baucau District Court was unable to conduct a hearing in Case No. 73/CRM.C/2011/TDB. This case involved an alleged attempted rape committed by the defendant JA against the victim JM which occurred on 15 December 2010 in Gariuai Village, Baucau Sub-District, Baucau District.

Just like the cases above, the hearing was adjourned because the judge responsible for this case was ill. In this regard the court has not yet set a date to continue the trial of this matter.

**10. Crime of Rape, Case No. 93/CRM.C/2011/TDB**

On 9 June 2011 the Baucau District Court was unable to conduct a hearing in Case No. 93/CRM.C/2011/TDB. This case involved the alleged attempted rape committed by the defendant CS against the victim JX on 26 March 2011 in Kota Baru, Baucau District.

The hearing was adjourned because the judge responsible for handling this case was ill and the court has yet to set a definitive date to continue the trial of this matter.

For further information, please contact:

Luis de Oliveira Sampaio

Email: [luis@jsmp.minihub.org](mailto:luis@jsmp.minihub.org)

Landline: 3323883