



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

***Press Release***

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**Suspect in corruption case is sentenced to 3 years jail and ordered to pay compensation of USD 21,800 to the State**

On 4 August 2011, the Dili District Court conducted a hearing to hear the final decision in a case of corruption registered as case number: 364/C.Ord/2009/TDD. This case relates to the misuse of authority and corruption committed by the defendant RJB against the State of Timor-Leste in 2002.

The hearing was led by a panel comprising Judge Joao Ribeiro (presiding) and judges Antonio Fonseca and Jose Gonçalves. The Public Prosecution Service was represented by Domingos Barreto, and the defendant was represented by Public Defender Manuel Sarmento.

The Executive Director of JSMP, Luis Oliveira de Sampaio, stated that the court has demonstrated another important step forward, by deciding to sentence the defendant for trying to use his public authority for private interests or for personal gain. Therefore, the court should be praised for its achievement and at the same time this should give encouragement to everyone to support their work and continue their commitment to strengthen the justice sector and fulfill their obligations in accordance with the spirit of the law and the Constitution.

*“JSMP believes that this decision also shows the public that all citizens are equal before the law, as set out in Article 16 of the Constitution”.*

Based on the decision of the court, the defendant was found guilty of misusing his authority and committing corruption in 2002, by providing and renting out diesel equipment belonging to the State to other persons for his own personal interests. His actions caused the State to lose US \$ 21,400.

Therefore, the court concluded that the defendant violated Article 2 of Law No. 31/1999 (Indonesian Anti-Corruption Law), as well as Articles 372 and 374 of the Indonesian Penal Code to benefit himself and his family as well as using State equipment for personal gain by exercising his authority, which constitutes the crime of embezzlement pursuant to the Indonesian Penal Code.

However, after examining and considering all of the circumstance and facts the court decided to apply Articles 372 and 374 of the Indonesian Penal Code that carry a sentence of 4-5 years imprisonment, *rather than* applying Law No.31/1999 on Anti-Corruption which carries a sentence of 11 years imprisonment.

Based on the facts and legal options available, the court sentenced the defendant to three years and six months imprisonment and ordered him to pay compensation to the State totaling US \$ 21,800.

Even though JSMP welcomes this decision, JSMP still urges the court to overcome all psychological hurdles and sentence those who commit corruption with more adequate punishments that reflect the severity of the act committed to educate and urge public servants to fulfill their oath to serve the people and the interests of the people.

Even though JSMP is certain that the court's decision is not the only solution to guarantee good governance and to avoid corrupt practices in the future, the court's decision is an important part of other efforts to educate the public that corruption is a crime and any person who commits or is involved in such practices will be held accountable before the courts.

JSMP is also concerned that the decision was only read out in Portuguese and no interpretation into Tetum was provided during the hearing. JSMP observed that the majority of those present did not have a good understanding of the process.

JSMP continues to urge the court to pursue whatever means possible to provide interpretation of all decisions announced by the court, because all final decisions announced by the court are open to the public.

JSMP believes an important part of upholding transparency and public accountability is ensuring that the announcements of decisions are open to the public. The public is fully entitled to be able to understand and to ascertain the credibility of matters relating to the public interest. This can only occur if the public understand the language being used by the court.

Therefore, JSMP continues to encourage and insist that court decisions **MUST** be provided in a language that can be understood by most citizens.

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