



Case Summary

Summary of the trial process at the Dili District Court October 2013

Introduction

In October 2013 JSMP observed 15 cases at the Dili District Court. These 15 cases comprised 13 criminal cases and 2 civil matters. The criminal cases comprised 1 case of narcotics, 1 case of driving while unlicensed, 4 cases of maltreatment characterized as domestic violence, 1 case of the serious maltreatment of a spouse, 1 case of serious offences against physical integrity, 1 case of attempted sexual abuse of a minor, 1 case of aggravated forgery, 1 case of crimes against humanity, and 2 cases of corruption. The 2 civil cases involved a request for alimony and a dispute over land and a house.

The following information provides a detailed summary of each matter brought to trial:

1. Crime of narcotics, Case No. 164/C.Ord/2012/TDD¹

Composition of judges	: Panel
Judge	: Duarte Tilman (representing the panel)
Public Prosecutor	: Oscar Tavares
Public Defenders	: Cândio Xavier Laura Valente Lay and Titiana Sequeira Lemos from the Public Defender's Office and private lawyer Manuel Tilman.
Conclusion	: Prison sentence

On 1 October 2013 the Dili District Court conducted a hearing to announce its final decision in a case of narcotics and sentenced the 7 defendants to terms of imprisonment ranging from 1 – 10 years. The defendants were found guilty of violating Article 81 (a) and 82 (a) of Indonesian Law

¹ Information regarding the final recommendations in this case is available on the JSMP website: www.jsmp.tl, in a Press Release entitled Court punishes 7 defendants in case of narcotics with sentences ranging from 1-10 years imprisonment – Edition, 3 October 2013.

No. 22/1997 on Narcotics. The defendants started using and consuming prohibited substances between July 2012 and January 2013.

As the result of the trial process the court concluded the matter and sentenced the defendant Juga Gama Frans Xavier to 10 years imprisonment and ordered him to pay court costs of \$ 50, the defendant Desi Alex Lenko was sentenced to 8 years imprisonment and ordered to pay court costs of \$50, the defendant Sri Darmayanti was sentenced to 6 and a half years imprisonment and ordered to pay court costs of \$50, the defendant Dionísio Francisco da Silva was sentenced to 7 year six month's jail and ordered to pay court costs of \$ 30 and the defendant Anastaçio Pereira Soriano was sentenced to 6 and a half years imprisonment and ordered to pay court costs of \$30.

However, the defendant who only used the drugs, Lin Cau Chen, was sentenced to 1 years imprisonment, suspended for 2 years and was ordered to pay court costs of \$ 20 and the defendant Nélia Maria Oliveira was sentenced to 6 months imprisonment, suspended for 1 year and ordered to pay court costs of \$ 20.

The court decided that the three foreigners would be deported to their country of origin in accordance with Article 87 of the Penal Code after serving their penalties.

This decision was based on the examination of evidence that found that the defendants stored and used 1 and a half kilograms of prohibited substances that were found at the residence of the defendants Juga Gama Frans Xavier and Desi Alex Lenko.

Previously the public prosecutor alleged that 3 kilograms of prohibited substances were found together with more than \$ 3,000.

In addition, the police also seized a wallet, a BCA card and a Mio brand motorcycle that will be returned to the owner; however the money has been placed in the State's coffers.

2. Crime of driving while unlicensed, Case No. 417/C.Ord/2013/TDD

Composition of judges	: Single
Judge	: Antonio Helder do Carmo
Public Prosecutors	: Oscar Tavares, Lídia Soares, Ambrósio Rangel Freitas (Trainee)
Public Defender	: Manuel Amaral, Afonso Gomes Fátima
Conclusion	: Adjourned until 4 October 2013

On 2 October 2013 the Dili District Court conducted a hearing against the defendants JXES, OdJ, MHdD, FT, CdS, PAC, and SdN. The defendants were caught red-handed driving without a license. This case allegedly occurred on 29 September 2013 in Lahane, Dili.

In his indictment the public prosecutor stated that on 29 September 2013 the Dili Traffic Police set up a “*check point*” in Lahane. During this operation the police arrested the suspects for not having a license. The police detained the defendants at the Caicoli police cell.

The public prosecutor charged the defendants with violating Article 207 of the Penal Code on driving unlicensed that carries a sentence of up to 2 years imprisonment or a fine.

During the trial, several of the defendants admitted that they did not have a license. The other defendants stated that they had a license but it had already expired and at that time they were not carrying it. After hearing the testimony of the defendants, the court gave an opportunity to the public prosecutor to provide recommendations.

In his final recommendations the public prosecutor stated that having an expired license is still a violation of traffic rules. Many accidents occur because drivers do not adhere to the rules, for instance not having a license.

Therefore, the public prosecutor requested for the court to apply a fine of \$ 60 against each of the defendants JXES, OdJ, FT, and PAC, to be paid at a daily rate of 50 cents for a period of 120 days. He also requested for the court to order the defendants MHdD, CdS and SdN to pay a fine of \$ 240 to be paid at a daily rate of \$2 for a period 120 days.

In addition, the public prosecutor requested for the court to apply an additional penalty so that the defendants are not allowed to drive for the next 6 months, even if they have a license.

The lawyer representing the defendants requested for the court to consider the circumstances of each of the defendants because several of them are unemployed and some of them work as manual laborers. The public defender rejected the recommendation of the public prosecutor to impose an additional penalty.

After hearing the final recommendations, the court adjourned the trial until 4 October 2013, at 3pm.

3. Crime of simple offences against physical integrity, Case No. 0988/C.Ord/2012/TDD

Composition of judges	: Panel
Judges	: Duarte Tilman, José Maria de Araújo and Jumiati Freitas Public
Prosecutor	: Reinato Bere Nahak
Public Defender	: Beni Barreto
Conclusion	: Ongoing

On 3 October 2013 the Dili District Court tried the defendant Pds for committing the crime of simple offences against physical integrity characterized as domestic violence against his wife. This case allegedly occurred on 25 May 2012 and 6 June 2012 in Dili.

This case allegedly occurred because the defendant suspected the victim of having a relationship with another man and the defendant found an SMS from another man. Prior to this incident on 31 May 2012 the two parties resolved their problem in Letefoho, Ermera. However upon their return from Ermera and arrival in Dili on 1 June 2012 the defendant repeated his actions and threw a knife at the victim, however she was not struck because she took action to avoid it.

After the incident, the victim fled to a neighbor's house to save herself. However because the victim was repeatedly provoked she fled to a temporary shelter in Dili.

One witness TdC, who is also the manager of the place where the victim works, stated that the victim was always late to work with the excuse that she had problems in the home and the victim also showed that she was suffering bruising and injury to her body.

The other witness was the father of the defendant who stated that when the first incident occurred he was coming from Ermera and saw the defendant with a swollen eye and the victim had some swelling on her face. Therefore he took the initiative to settle the matter in Ermera.

After hearing the testimony of the witnesses, the court adjourned the trial until 21 October 2013, at 4pm.

4. Crime of simple offences against physical integrity, Case No. 214/C.Ord/2013/TDD

Composition of judges	: Single
Judge	: José Maria de Araujo
Public Prosecutor	: Hernani Rangel (trainee)
Public Defender	: Manuel Amaral (trainee)
Conclusion	: Ongoing

On 4 October 2013 the Dili District Court conducted a hearing in a case involving simple offences against physical integrity characterized as domestic violence. This case involved the defendant LOM who allegedly committed the crime against his wife JdC. This case allegedly occurred on 21 August 2011 in Dili.

In the indictment the public prosecutor stated that the victim was eating a banana and suddenly the defendant hit the victim on the nape of her neck, threw the victim on the ground and stomped on her neck twice and continued to strike the victim in the body with a belt.

These acts caused the victim to suffer bruising to her neck, to suffer injuries and pain to her back. The injuries and bruising were noted in a medical report.

The witness who was the father of the victim stated that he saw the victim and the defendant fighting so he slapped the victim four times as a lesson for his daughter.

The victim was asleep and when she woke up the witness took a belt and hit her on the back causing her to fall to the ground. The witness hit the victim because he felt embarrassed by her actions. The witness added that the two parties were always fighting and four times their problems had been resolved by the local authorities.

In his final recommendations the public prosecutor stated that although the defendant had denied the facts, the victim maintained the facts as stated in the indictment.

Therefore the public prosecutor requested for the court to hand down a prison sentence of 6 months against the defendant, to be suspended for 1 year.

The public defender requested for the court to acquit the defendant because there was no evidence showing that the defendant had hit the victim. The public defender believed that based on the witness testimony it was actually the witness who had hit the victim because he was ashamed of her behavior of always causing problems that resulted in fighting.

After hearing the final recommendations of the parties, the court adjourned the trial until 22 October 2013 at 11:00am.

5. Crime of abuse of power, falsification of documents, fraud and embezzlement, Case No. 204 /C.Ord/2012/TDD

Composition of judges	: Panel
Judges	: José Maria de Araujo, Júlio Gantes and Duarte Tilman
Public Prosecutor	: Glória Alves
Public Defenders	: Fernando de Carvalho, Andre Geroto
Conclusion	: Ongoing

On 7, 10 and 24 October 2013 the Dili District Court retried a case involving the misuse of authority and falsification of documents allegedly committed by the defendants FdJS and ACG. The defendants were employed respectively as the Director General of Finance and finance officer in the Office of the Prime Minister in 2008 and 2009.

During this retrial the public prosecutor once again alleged that the defendant used his capacity as the Director General to replace the Obrigado Computer company which had won the tender to provide IT equipment, and to award the tender to the Alegna company which should have been chosen during the document selection process. The charges stated that the defendant sent a letter directly to the Procurement Department to replace the company that had been recommended by the bid selection committee.

The public prosecutor also charged the two defendants for forging several documents relating to the rehabilitation of a bathroom totaling \$ 19,000, funds for a “Christmas Get-together” totaling US\$ 16,000 including money for scholarships and the rehabilitation of office space.

In relation to his actions, the public prosecutor charged the defendant FdJS for violating Articles 266, 297 and Article 303 of the Penal Code on fraud, abuse of power and falsification of documents, and charged the defendant ACG for violating Article 304 of the Penal Code on aggravated forgery.

During the trial the defendant FdJS rejected all of the facts alleged against him. The defendant stated that in fact the companies that were competing for the tender had to be local companies. The defendant stated that he coordinated with the verification team to replace the Obrigado Computer company which had won the tender and was an international company, with the Alegna company which was a local company.

The defendant admitted that he alone had signed the letter sent to the Director of Procurement in the Ministry of Finance and also admitted that the defendant had a family connection, as he was the cousin of the Director of the Alegna company.

On the other hand, the defendant ACG told the court that he received a mandate from the defendant FdJS to prepare a *Commitment and Payment Voucher* with reference to the available funds.

In relation to the “Christmas Get-together” activities, the defendant stated that as the Coordinator of finance and the manager of the Christmas Get-together organizing committee he received US\$ 13,000. The money was then handed over to the members of the organizing committee to be used to support and further the aims of the Christmas Get-together.

Six (6) witnesses (SMdGX, CX, JvdJ, PP, SdMF and JT) were presented by the public prosecutor and testified that the defendant FdJS used his authority to select the Alegna company and replace the Obrigado Computer company that had won the tender as recommended by the Bid Selection Committee. In addition, five (5) other witnesses (LF, MG, ARD, RdS and AFS) testified that they did not know because at that time they were not part of the team.

On 24 October 2013 the trial of this case was scheduled to be continued, however the trial was adjourned because the witness summoned by the public prosecutor did not appear. The trial was then adjourned until 15 November 2013, at 9am.

6. Crime of Serious Offences against Physical Integrity, Case No. 194/C.Ord/2013/TDD

Composition of judges	: Panel
Judges	: Antonino Gonçalves Jumiati Freitas, Zulmira Barros da Silva
Public Prosecutor	: Reinato Bere Nahak
Public Defender	: Olga Barreto
Conclusion	: Ongoing

On 10 October 2013 the Dili District Court conducted a hearing in a case of serious offences against physical integrity involving the defendant AdSG and the victim MdA. This case allegedly occurred on 22 March 2012 in Liquica.

In his indictment the public prosecutor stated that on 20 March 2012, at 8am, the victim wanted to go and move their buffaloes in the plantation at the urging of the defendant. Not long after, the defendant used the blunt part of his machete to hit the victim on the back, fingers and thigh.

Then the husband of the victim arrived at the scene and took a piece of wood and knocked the machete out of the defendant's hand.

In relation to this charge, the defendant stated that the victim had first attacked him with a piece of wood and stones. Therefore the defendant saved himself with the machete.

The defendant also stated that he threw the victim on the ground and hit the victim with the machete once on the thigh and back. Not long after, the husband of the victim arrived and hit the defendant in the shoulder with a piece of wood.

In relation to the injury to the victim's fingers, the defendant stated that he did not have any knowledge of this, however he stated that at that time the defendant was holding the handle of the machete and the victim grabbed the sharp part of the machete.

The defendant also stated previously on 15 March 2012 that they had been verbally abusing each other because the victim tied up a buffalo close to the plantation of the defendant and the buffalo damaged the defendant's plantation.

On the other hand, the victim confirmed that previously there was an argument and they abused each other over the buffalo. However on 20 March 2012 the victim went and tied up the buffalo and suddenly the defendant took a machete and hit the victim in the back and they fought over the machete. Then the husband of the victim arrived and the victim fell unconscious. When the victim woke up the victim saw and felt her hand, thigh and back bleeding. The victim denied that she attacked the defendant with a piece of wood and stones.

The victim also explained that they had resolved their case in accordance with local customs. The defendant had given a pig, a *tais* and four cans of beer as well as one bottle of rice wine. The victim gave a pig and a *tais*.

The witness DCM, who is the husband of the victim, stated that he heard the victim scream, therefore he went straight there and saw the two parties fighting over the machete. The witness asked the defendant to put the machete down, but he refused. Therefore the witness took a piece

of wood and threw it at the defendant's hand causing him to drop the machete. The witness took the machete and then tossed it aside.

After hearing testimony from the defendant, the victim and the witness, the court adjourned the trial until 29 October 2013, at 9.30 am.

7. Crime of simple offences against physical integrity. Case No. C.Ord/2013/TDD

Composition of judges : Single
Judge : Duarte Tilman
Public Prosecutor : Remizia da Silva
Public Defender : Afonso Gomes (trainee)
Conclusion : Ongoing

On 16 October 2013 the Dili District Court conducted a hearing in a case involving simple offences against physical integrity characterized as domestic violence involving the defendant MP who allegedly committed the offence against his wife LL. This case allegedly occurred on 14 October 2013 in Becora, Dili.

The incident occurred because the defendant became angry when he saw the victim and their very young children walking along the main road at 8.30pm. The victim had been out all afternoon. Therefore the defendant took a rock and struck the victim in the forehead causing an injury. At that time the defendant was heavily intoxicated.

8. Crime of embezzlement, falsification of documents or passive corruption for an unlawful act, Case No. 680/C.Ord/2012/TDD

Composition of judges : Panel
Judges : Ana Paula Fonseca, Fransisca Cabral and Julmira M. Freitas
Public Prosecutor : Angelina Saldanha
Public Defenders : Manuel Sarmiento, CÂncio Xavier and Fernando Lopes de Carvalho
Conclusion : Ongoing

On 16 October 2013 the Dili District Court conducted a trial to hear the final recommendations in a case involving embezzlement, falsification of documents, crime of active corruption and passive corruption for an unlawful act. This case involved the defendants Abílio Lima, António de Carvalho and Ilda da Costa Be Loi for a crime that allegedly occurred in December 2010.

During the trial the defendant Abilio Lima denied giving money the two defendants, whereas the two defendants admitted receiving \$ 200 and \$ 400 from the defendant Abilio Lima and also distributing it to the other officers.

Based on these facts the public prosecutor requested for the court to hand down a penalty of 5 years imprisonment for the respective crimes of active corruption as set out in Article 294 of the Penal Code, Article 295 of the Penal Code on embezzlement and Article 301 of the Penal Code on aggravation because the defendant was a political office holder. In addition, he asked the court to order the defendant to pay compensation of \$ 3,850.

The public prosecutor requested for the court to sentence the defendant António de Carvalho to 3 years imprisonment, however this penalty should be suspended because the defendant admitted the facts charged against him, regretted his actions and has returned the money that he had used. Previously the public prosecutor charged the defendant for violating Article 295 of the Penal Code on embezzlement.

The public prosecutor requested for the court to consider the mitigating circumstances regarding the defendant Ilda da Costa Be Loi because the defendant had cooperated with the court, admitted her actions, had returned the money and regretted her actions. Therefore, the public prosecutor requested for the court to sentence the defendant to 3 years imprisonment, to be suspended for 5 years, for the crimes set out in Article 292 of the Penal Code on passive corruption for an unlawful act and Article 303 of the Penal Code regarding the falsification of documents or a technical report.

On the other hand the public defender argued that it would be unfair to put the defendant in jail for five years just because of an amount of U\$ 3,850, because the defendant has a family that is reliant on her. Regarding the other two defendants, the public defender recommended for the court to consider their circumstances because they have returned the money and regretted their actions.

The public defender also requested for the court to consider if their obligation to follow a command given by a superior could be categorized as an act of passive corruption or not. Based on these arguments the public defender requested for the court to hand down a fair and credible punishment.

This case was decided on 30 October 2013, and the court sentenced the defendant Abílio Lima as the former Secretary of State for the Environment to 5 years imprisonment, and ordered him to pay compensation of \$ 5,300 and ordered him to pay court costs of \$ 50.

António de Carvalho as the former Section Head within the Secretary of State for the Environment was sentenced to 3 years 6 months imprisonment, and ordered to pay compensation of \$ 5,300 and ordered to pay court costs of \$ 20.

The defendant Ilda da Costa Be Loi who was the former treasurer with the Secretary of State for the Environment was sentenced to 1 year 3 months imprisonment, however the sentence was suspended for 3 years 6 months and she was ordered to pay court costs of \$ 20.

9. Case involving request for alimony, Case No. 96/Cível/2012/TDD

Composition of judges : Panel
Judges : Paulo Texeira, Antonino Gonçalves and Jumiati Freitas
Lawyer for the plaintiff : Amado de Almeida
Lawyer for the respondent : Fernando Lopes de Carvalho
Conclusion : Ongoing

On 17 October 2013 the Dili District Court conducted a hearing in a case regarding a request for alimony initiated by the plaintiff DC against her former husband JMdA. The plaintiff requested for the respondent to provide alimony of \$500 each month although they do not have children.

In the aforementioned trial the court heard testimony from four witnesses. The witness NN, who is the mother of the plaintiff, stated that currently she provides for the plaintiff at a cost of more than \$300 a month.

The other two witnesses, who were the in-laws of the respondent, stated that to date the respondent has supported his mother, his younger sibling who is residing in Indonesia and two other younger siblings who are still studying at university and Senior High School.

Another witness who is the younger sibling of the respondent chose not to provide testimony.

The trial was adjourned until 13 November 2013 at 4pm.

10. Case involving a dispute over land and a house, Case No. 94/Perdata/2012/TDD

Composition of judges : Panel
Judges : Fransisca Cabrál, Julmira M Freitas and Paulo Texeira
Lawyer for the plaintiff : Fernando Lopes de Carvalho
Lawyer for the respondent : José da Silva
Conclusion : Ongoing

On 21 October 2013 the Dili District Court conducted a hearing in a case involving a dispute over land and a house involving the plaintiff Fransisco Fernandes against the respondent Mateus de Jesus. The land and house in dispute is situated in Lahane, Dili.

The 7 witnesses (AL, BSdC, AA, JM, FM, FdC and MLdJ) testified that the plaintiff Fransisco sold the land and house for a price of Rp 5,500,000 to the respondent before leaving for Portugal. At that time, the sale/purchase was not signed because they are related.

The witness AA stated that after handing over the house, the plaintiff told the witness that he had instructed the respondent to look after the house that the respondent was living in while the plaintiff was in Portugal because the respondent did not have a home. The amount of Rp 4,750,000 provided by the respondent to the plaintiff was only to help out, not to purchase the house.

In his oral claim the lawyer for the plaintiff stated that it had been proven that before the plaintiff Francisco Fernandes left for Portugal in 1997, he was the owner of the land and the house. When the respondent tried to make modifications to the house the witness reminded the respondent not to make any modifications.

The public defender also stated that the plaintiff and the respondent were related. Other facts behind the claim were the lack of a signature on the sale/purchase document showing that the house had been purchased. The amount of Rp 4,750,000 is not proportional to the value of the land and house. If the respondent had already purchased the house, why was the original document still in the hands of the plaintiff who is the owner of the land? For these reasons the lawyer requested for the court to consider the matter and issue a fair decision.

The oral response provided by the lawyer for the respondent stated that according to testimony from the witness during the trial it was demonstrated that the house had been sold at a price of Rp 5,500,000 before the plaintiff left for Portugal. Up until now the respondent has paid the tax on the house and land. Therefore, the public defender requested for the court to hand over the house to the respondent as the rightful owner of the land and house.

After hearing the testimony of the witness and the claims made by the lawyers representing the two parties the court adjourned the trial until 6 November 2013, at 11:00am to announce its decision regarding the legal facts.

11. Crime of simple offences against physical integrity, Case No. 0217/C.Ord/2012/TDD

Composition of judges	: Single
Judges	: José Maria de Araujo
Public Prosecutor	: Renato Bere Nahak
Public Defenders	: Sebastião Amado de Almeida
Conclusion	: Ongoing

On 22 October 2013 the Dili District Court conducted a hearing in a case involving simple offences against physical integrity characterized as domestic violence. The defendant in this case ASF allegedly committed the offence against his wife on 18 December 2012 in Cristo-Rei, Dili.

The public prosecutor alleged that on 18 December 2012 the defendant hit the victim once on the ear and kicked her twice on the waist causing the victim to suffer bruising to her ear and a sore waist.

This case allegedly occurred because the defendant was not happy that the victim accused the sister of the defendant of stealing a brush, therefore the defendant was embarrassed and hit the victim.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity as well as Articles 2, 3 and 35 (b) of the Law Against Domestic Violence.

During the trial the defendant admitted that the charges of the public prosecutor were true. The victim also emphasized that the defendant had indeed hit and kicked her. However the victim stated that they had patched up their relationship and that the defendant had apologized and regretted his actions.

In his final recommendations the public prosecutor requested for the court to hand down a fair punishment against the defendant because he was guilty as charged.

The public defender accepted the recommendation of the public prosecutor and requested for the court to hand down a fair punishment against his client because he was a first time offender, had regretted his actions and the parties have reconciled.

After hearing the recommendations of the parties, the court adjourned the trial to hear the final decision on 6 November 2013, at 11am.

12. Crime of simple offences against physical integrity, Case No. 198/C.Ord/2013/TDD

Composition of judges	: Single
Judge	: Antonio Helder do Carmo
Public Prosecutor	: Nelson de Carvalho
Public Defender	: Manuel Amaral
Conclusion	: Court issued an admonishment

On 28 October 2013 the Dili District Court issued an admonishment against the defendant JCC for committing the crime of domestic violence against his nephew.

The public prosecutor alleged that on 28 June 2011 the defendant twice slapped the victim and three times kicked the victim. This case allegedly occurred because the victim could not find the defendant's jacket.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity as well as Article 35 of the Law Against Domestic Violence.

During the trial the defendant admitted all of the facts, expressed regret and stated that they have reconciled in accordance with local custom (by giving a buffalo).

Based on the facts and the mitigating circumstances, the court concluded the matter by issuing an admonishment against the defendant and requested for the defendant to not repeat his actions in the future.

13. Crime of sexual abuse of a minor - Case No. 138/C.Ord/2013/TDD

Composition of judges : Single
Judge : Antonino Gonçalves
Public Prosecutor : Jacinto Babo
Public Defender : Sergio Quintas
Conclusion : Sentenced to 3 years imprisonment, suspended for 5 years

On 28 October 2013 the Dili District Court sentenced the defendant in a case of attempted sexual abuse of a minor to 3 years imprisonment; however the penalty was suspended for 5 years. This incident allegedly occurred on 26 October 2013 in Ermera.

The court found the defendant guilty of accompanying the victim on foot from the house to the kiosk to buy a gas lighter and instant noodles. After buying the items the two of them were returning and on the way they came to an empty house and the defendant started groping the victim. At that time, the victim managed to flee from the defendant. The defendant tried to settle the matter in accordance with customary practices, however the family of the victim rejected it.

During the trial the defendant admitted the charges against him. Because the defendant admitted the facts the court decided not to hear testimony from other witnesses.

Based on the facts that had been proven the court concluded the case and sentenced the defendant to 3 years imprisonment, suspended for five years.

14. Crime against humanity, Case No. Case No. 273/C.Ord/2012/TDD

Composition of judges : Panel
Judges : José Maria de Araujo, Paulo Texeira and Júlio Gantes
Public Prosecutor : José Luis Landim
Public Defender : José da Silva
Conclusion : Ongoing

On 1, 2 and 29 October 2013 the Dili District Court continued the trial of a crime against humanity involving 8 defendants (TM, AP, ASC, MC, JdA, JP, MdA and DP). This case allegedly occurred in 1999 in Aileu District.

The trial continued on three different days whereby the court heard the testimony of 22 witnesses, to examine the facts regarding the involvement of the eight defendants in serious crimes, who were members of the AHI militia before and after the referendum in 1999.

In the aforementioned trial the 11 witnesses provided testimony that was similar to the previous witnesses, namely that it was true that the 8 defendants before the court were members who had active responsibility in the AHI (*Aileu Hametin Integrasaun*) militia organization in 1999, that was supported by the Indonesian Army and the Indonesian Police.

Nevertheless, almost all of the witnesses stated that they did not directly witness the involvement of the defendant in the burning of houses, murder and forced removal of people to Atambua.

In accordance with what the witnesses knew, those involved in the commission of crimes in 1999 were in Atambua, Indonesia and have not yet returned.

From the several witnesses who provided testimony during the trial, only the witness MM, who was the wife of the victim Manuel Guterres Sarmiento, stated that she saw the defendant JsB (who is in Indonesia) shoot her husband at the command of the defendant AS.

In addition, three witnesses stated that they were tortured by the defendant MC.

After hearing testimony from the witnesses, the court adjourned the trial until 14 November 2013, at 9am to hear the testimony of witnesses and final recommendations.

15. Crime of aggravated forgery, Case No. 652/C.Ord/2011/TDD

Composition of judges	: Panel
Judges	: Ana Paula Fonseca, Jaçinta Correia and Julio Gantes Cabral
Public Prosecutor	: Glória Alves
Public Defender	: Sergio Quintas
Conclusion	: Ongoing

On 29 October 2013 the Dili District Court conducted a hearing against the defendant JAM (member of the police) and JGdC as an immigration officer charged with committing the crime of aggravated forgery. The defendants allegedly committed the crime relating to work visas and stamps for foreigners in 2007.

The witness CA, who was the chief of the defendant JAM, stated that in 2007 the defendant JAM was moved to the Oecusse border area. The defendants were illegally collecting money by forging stamps and passports, however the witnesses did not know how many visas were forged by the defendants.

The witness NN stated that he helped organize documents for foreigners in accordance with the requirements issued by the Ministry of Foreign Affairs. Although he organized many documents, he did not know which immigration official organized the visa documents.

After hearing testimony from witnesses, the court adjourned the trial until 7 November 2013, at 2pm to hear final recommendations.

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