



Case Summary

June 2013

Summary of the trial process at the Dili District Court Period: June 2013

Introduction

In June 2013 JSMP observed 17 cases at the Dili District Court. These 17 cases comprised 7 cases involving the crime of simple offence against physical integrity characterized as domestic violence, 3 cases of aggravated murder, 1 case of aggravated property damage, 1 serious crimes case (past crime), 1 case involving the misuse of authority, 1 case of arson and 1 case involving a simple offence against physical integrity.

From these 17 cases, the following 7 cases have been decided by the court: 1 sentence of imprisonment, 3 fines, 2 suspended sentences and 1 validation of a settlement whereby the defendant was ordered to pay compensation to the victim, whereas the other 10 cases are still ongoing.

The following information provides a summary of the cases that were heard by the court:

1. Crime of aggravated murder, Case No.105/C.Ord/2012/TDD

Composition of judges	: Panel
Judges	: Julio Gantes, Helder do Carmo and Jaçinta Correia
Public Prosecutor	: José Luis Landim
Public defender	: Leonídio Marques (trainee lawyer)
Conclusion	: The defendant MSA was sentenced to 16 years imprisonment and the defendant ACC was acquitted

On 6 June 2013 the Dili District Court conducted a hearing in a case involving aggravated murder committed by the defendant MSA who was sentenced to 16 years imprisonment after being found guilty of committing aggravated murder against an UNDIL student in Hera. However, the other defendant ACC was acquitted from all charges relating to the crime of simple offence against physical integrity, because the victim is now deceased and the family of the victim did not lodge a complaint.

The two defendants were PNTL officers from the Becora Police Station who were under the supervision of the Dili District Command. This case allegedly occurred on 16 July 2012 in Hera, Dili District.

On 6 June 2013 the court heard testimony from the two witnesses, who were the Commander and Deputy Commander of the Becora Police Service.

The witnesses FT and MdC testified that they gave a briefing to their men, including the two defendants at their station in Becora and told them to go to Hera. The aim of this briefing was to get them to restore calm as the situation at that time was out of control. When the incident occurred the two defendants fired 3 shots in the air as warning signs because a mob was throwing stones at them.

The witnesses stated that previously they had suspended the defendant MSA for 90 days. The suspension expired but the defendant was still placed under suspension pending the final decision of the court.

In his final recommendations the public prosecutor requested for the court to consider the punishments set out in Article 139 of the Penal Code which allowed for the court to sentence the defendant to between 12 and 25 years imprisonment. The public defender requested for the court to amend the crime of aggravated murder to the crime of negligent homicide with the consideration that the defendants committed the aforementioned acts at the orders of their superiors.

On 25 June 2013 the court concluded the aforementioned trial and sentenced the defendant MSA to 16 years imprisonment after being found guilty of committing aggravated murder and the court decided to acquit the defendant ACC from all charges.

2. Crime of aggravated murder, Case No.861/C.Ord/2012/TDD

Composition of judges	: Panel
Judges	: José de Araújo, Júlio Gantes and Edite Palmira
Public Prosecutor	: Oscar Tavares
Public Defender	: Jorge da Silva Barros (private lawyer)
Conclusion	: Ongoing

On 6 and 21 June 2013 the Dili District Court continued the trial of a case of aggravated murder involving the defendant JR and the victim MdS that occurred on 12 June 2012 in Malinamuk Paradise - Comoro, Dili District.

The court heard testimony from 5 individuals who were all friends of the defendant and the victim. The witnesses testified that on the day of the incident they had taken the victim to Malinamuk Paradise (the scene of the crime). At that time the defendant himself went out and picked up the victim from the car and took the victim to the defendant's room No 16. However it wasn't until the following day that the witnesses heard information that the victim had been killed.

The trial was adjourned until 12 July 2013 at 2pm.

3. Crime of aggravated theft - Case No.110/C.Ord/2012/TDD

Composition of judges	: Panel
Judges	: Jaçinta Correia, Paulo Texeira, Ana Fonseca
Public Prosecutor	: Oscar Tavares
Public Defender	: Manuel Exposto
Conclusion	: Ongoing

On 6 June 2013 the Dili District Court continued its trial of a case involving aggravated theft that was allegedly committed by the 5 defendants CGS, LdSO, SM, HPL and YC (who did not appear

in court). This case allegedly occurred in 2007. The trial was convened to hear the testimony of the witness MG from the Ministry of Tourism, Trade and Industry (MTCI).

The witness MG testified that in accordance with the rules on export, tax must be paid and an invoice must be given to MTCI. Based on the invoice the MTCI will authorize the export of goods overseas. The witness testified that in 2007 the MTCI received a complaint from Timor Telekom (TT) that one of their cables was missing. Therefore, the MTCI together with Timor Leste State Electricity Company (EDTL), TT, and Customs conducted an inspection of the goods that were to be exported overseas. However the inspection did not find the TT cable.

The public prosecutor charged the defendants with stealing, weighing and exporting a TT cable to Singapore.

After hearing the testimony of MD, the court adjourned the trial until 4 July 2013 at 2pm.

4. Crime of simple offence against physical integrity – Case No.493/C.Ord/2012/TDD

Composition of judges	: Single
Judge	: Anonino Gonçalves
Public Prosecutor	: Oscar Tavares
Public Defender	: José da Silva
Conclusion	: Ordered to pay a fine of \$120 as well as court costs

Of US \$ 10

On 7 June 2013 the Dili District Court ordered the defendant CDR to pay a fine of US\$120 as well as court costs of US\$10 after he was found guilty of committing the crime of simple offence against physical integrity against the victim LS who was the neighbor of the defendant. In its decision the court found that the defendant threw a rock at the victim causing injury. This case allegedly occurred in 2011 in Aileu District.

The incident occurred because the defendant was unhappy with actions of the victim who had thrown a rock at the defendant. Although the defendant was not hit the defendant threw a stone back at the victim and hit him.

5. Crime of simple offence against physical integrity – Case No.349/C.Ord/2011/TDD

Composition of judges	: Single
Judge	: Antonino Gonçalves
Public Prosecutor	: Oscar Tavares
Public Defender	: José da Silva
Conclusion	: Ordered to pay a fine of US\$ 22.50

On 7 June 2013 the Dili District Court read out its decision against the defendant JdSdS who committed a simple offence against physical integrity against the victim AR, his wife. This incident occurred on 12 February 2011 in Aileu District.

The court was convinced that the defendant committed a simple offence against physical integrity against his wife. Therefore, the court sentenced the defendant to pay a fine of US\$22.50. The fine must be paid within 45 days in installments of US 0.50 cents per day. However, if the defendant fails to do so he will be sent to prison for 30 days.

The incident occurred because the defendant married another woman and was no longer living with the victim together as a legitimate couple.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offence against physical integrity in conjunction with Article 35 of the Law Against Domestic Violence.

6. Crime of simple offence against physical integrity – Case No.1191/2012/Proc/TDD

Composition of judges	: Panel
Judges	: Duatre Tilman, Julio Gantes, Paulo Texeira
Public Prosecutor	: Nelson Carvalho
Public Defender	: Manuel Exposto
Conclusion	: Ongoing

On 10 June 2013 the Dili District Court conducted a hearing in a case involving domestic violence. The defendant in this case EdJS allegedly committed the crime against the victim ESL. This case allegedly occurred on 11 November 2012 in Ermera District.

The public prosecutor alleged that on 11 November 2012 at 5am the defendant and the victim argued about the defendant marrying another woman. Therefore, the defendant became angry and hit the victim four times, slapped her four times in the face then kicked the victim and choked her causing pain. The public prosecutor also alleged that this was not the first time that such acts had occurred, but rather they were frequent and repetitive.

For his actions the defendant was charged with violating Article 154 of the Penal Code on the serious maltreatment of a spouse in conjunction with Articles 2, 3 and 35(a) of the Law Against Domestic Violence.

During the trial the defendant admitted that the charges of prosecutor were partially correct and partially incorrect, because it was the first time that the defendant had hit the victim and he rejected that he had committed such acts on multiple occasions.

The victim told the court that the defendant also hit the victim when they argued about the other woman that the defendant had married, and even when there were trivial issues the defendant always hit the victim.

In his final recommendations the public prosecutor stated that he was convinced that the defendant was guilty of committing the crime of domestic violence against the victim, causing the victim to suffer and injury and bruising. Pursuant to the aforementioned facts the public prosecutor requested for the court to sentence the defendants to 4 year's imprisonment.

The public defender requested for the court to amend Article 154 of the Penal Code on maltreatment of a spouse to Article 145 of the Penal Code on simple offence against physical integrity and to apply a suspended sentence against the defendant.

The decision will be announced on 25 June 2013 at 2pm.

7. Serious crime (crime against humanity) – Case No.273/C.Ord/2011/TDD

Composition of judges	: Panel
Judges	: José Maria de Araújo, Júlio Gantes, Paulo Texeira
Public Prosecutor	: José Luis Landim
Public Defenders	: Andre Gerroto and José da Silva
Conclusion	: Ongoing

On 11 June 2013 the Dili District Court tried a case involving crimes against humanity that occurred in Aileu District in 1999 before, during and after the Referendum. This hearing was the preliminary hearing convened to hear the charges of the public prosecutor and the testimony of the defendants.

There were 27 defendants in this case however the court only tried 8 individuals because the other 19 are still in Atambua, Indonesia. The defendants were TM, AP, ASC, MC, JdA, JP, MdA and DP.

The defendants were active members with positions of responsibility in the militia named *Alieu Hametin Integrasaun* (Alieu Defenders of Integration) in 1999, who were supported by the Indonesian Army (TNI) and the Indonesian Police (POLRI).

The public prosecutor alleged that in 1999 before, during and after the Referendum, the defendants committed aggravated murder, attempted murder, illegal detention, forced removal of the population to Atambua, Indonesia, burning the homes of civilians, the rape of women and sabotage against those working with CNRT.

The public prosecutor alleged that the defendants violated Article 14 of UNTAET Regulation No.15/2000 regarding crimes against humanity.

During the trial the defendants refused to give testimony and stated that they would provide their testimony after the witnesses testified.

The hearing to examine testimony from the witness was adjourned until 8 July 2013 at 9am.

8. Crime of simple offence against physical integrity – Case No.16/C.ord/2013/TDD

Composition of judges	: Single
Judge	: Edite Palmira
Public Prosecutor	: Angelina Saldanha
Public Defenders	: Leonídio Marques
Conclusion	: Sentenced to 10 months imprisonment, suspended for 2 years and ordered to pay court costs of US\$ 30

On 11 and 19 June 2013 the Dili District Court conducted a hearing in a case involving a simple offence against physical integrity characterized as domestic violence. The defendant in this case CdL allegedly committed the crime against his wife SS in June 2012, in Dili District.

The public prosecutor alleged that in June 2012 the defendant and the victim argued about their child's milk bottle that was missing, suddenly the defendant hit the victim on the cheek twice causing her pain and bruising.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offence against physical integrity and Article 35 (b) of the Law Against Domestic Violence.

During the trial the defendant admitted his guilt and expressed remorse for his actions. According to the victim's testimony before the court, the defendant did hit her however now they have reconciled.

In her final recommendations the public prosecutor requested for the court to hand down a fair sentence in accordance with Article 145 of the Penal Code.

The trial continued on 19 June 2013 and the court concluded that the defendant was guilty of committing maltreatment against the victim. Therefore, the court sentenced the defendant to 10 month's jail, however the sentence was suspended for 2 years, and the defendant was ordered to pay court costs of US\$ 30.

9. Crime of simple offence against physical integrity – Case No.685/C.Ord/2012/TDD

Composition of judges	: Panel
Judges	: Duatre Tilman, Julio Gantes and Zulmira Auxiliadora Barros daSilva
Public Prosecutor	: Vicente Brites
Public Defender	: Andre Gerroto
Conclusion	: Ongoing

On 12 June 2013 the Dili District Court tried the crime of maltreatment of a spouse. The defendant in this case OdS allegedly committed the crime against the victim VP, his wife. This case allegedly occurred on 25 March 2012 in Liquica District.

The public prosecutor alleged that on 25 March 2012 at 2pm the victim asked to use a mobile phone but the defendant did not give it to her. Therefore they argued and the defendant punched the victim on the left and right sides of her face in the vicinity of her eyes with a hose that caused the victim to suffer bruising.

On 3 July 2012 the defendant again hit and choked the victim causing the victim to suffer bruising and swelling.

The public prosecutor charged the defendant with violating Article 154 of the Penal Code on maltreatment of a spouse and Articles 2, 3 and 35 (a) of the Law Against Domestic Violence.

The defendant admitted that the charges of the public prosecutor were true, however now they have reconciled and the defendant expressed remorse for his actions.

The victim told the court that it was true that the defendant hit her twice but they have reconciled. The victim testified that several months ago, before the trial, the victim requested to the public prosecutor to withdraw their case; however she was told that the law required the case to go ahead.

In his final recommendations the public prosecutor requested for the court to sentence the defendant to 3 year's imprisonment, to be suspended for 4 years. The public prosecutor believed that although they have reconciled, in reality domestic violence is still prevalent in Timor-Leste.

The public defender requested for the court to hand down a fair punishment, because the defendant and the victim have reconciled and the defendant has not repeated his actions.

The court will conduct a hearing to read out its decision on 25 June 2013 at 2pm.

10. Crime of misuse of authority and tax fraud – Case No.02/C.Ord/2013/TDD

Composition of judges	: Panel
Judges	: Jaçinta Correia, Julio Gantes, António Helder do Carmo
Public Prosecutor	: Gloria Alves
Public Defender	: Andre Gerroto, Cançio Xavier
Conclusion	: Ongoing

In June 2013 the Dili District Court continued a trial in a case of misuse of authority and tax fraud. This case involved the defendants FCSB and PMM who allegedly committed the crime against the State.

The trial was convened to hear the testimony of three witnesses who in 2009 were working at the Ministry of Finance in the Procurement and Tendering Section.

One of the witnesses from the bid selection committee chose the Sinar Hias Company as the winning bidder in a tender to purchase 3 vehicles for the Ministry of Education. According to this witness the aforementioned company has experience in importing vehicles. The other two witnesses, even though they knew that there was a tender for the three vehicles, were not directly involved in awarding the contract.

The public prosecutor alleged that on 2 April 2009 the defendant validated a letter from the Minister of Education to purchase three vehicles to help with a school feeding program. The validation of funds was made pursuant to a proposal from the Minister of Education to the Department of Taxation and Procurement in the Ministry of Finance. This proposal was for US\$ 90,000, but this did not correspond with the real price of the three vehicles. The invoice submitted to the Minister of Education was for Rp 150,000.000 (\$ 16,304) per unit, which caused the State to lose \$ 41,000.

In relation to this case the public prosecutor charged the defendant FdCSB for violating Article 297 of the Penal Code on the misuse of authority and charged the defendant PMM for violating Article 314 (1) (c) and 2 of the Penal Code on tax fraud.

The trial continued on 9 July 2013 at 3pm to hear final recommendations.

11. Crime of simple offence against physical integrity – Case No.107/C.Ord/2013/TDD

Composition of judges : Single
Judge : José de Araujo
Public Prosecutor : José Luis Landim
Public Defender : Juvinal Yanes Freitas
Conclusion : Ongoing

On 19 June 2013 the Dili District Court conducted a hearing in a case involving a simple offence against physical integrity characterized as domestic violence. The defendant in this case TdO allegedly committed the crime against his wife JdC. This case allegedly occurred on 22 November 2010 in Dili District.

The public prosecutor stated in his indictment that the victim used to go out of the house without informing the defendant, her husband. Things got worse when the defendant heard from the parents of the victim that the victim had a relationship with another man.

On 21 November 2010 the victim went out again and turned off her phone and did not return until nighttime and this made the defendant even angrier.

On 22 November 2010 the defendant and the victim met at the home of the victim's relative. At that time the defendant took a shock absorber from a motorcycle and hit the victim in her body, arms and legs. The actions of the defendant broke the victim's left leg and caused injuries to her body and arms.

The public prosecutor charged the defendant for violating Article 145 of the Penal Code as well as Article 35 of the Law Against Domestic Violence.

The defendant admitted that he did use the shock absorber to hit the victim twice on the legs, however the victim deflected the blow and it struck her on the arm. The defendant added that it was true that the victim went out without ever telling the defendant (her husband). On the other hand the victim testified that she did not return home because she was afraid she would be hit by the defendant, and that is why the victim slept at the home of her relative. The victim added that she did not have a relationship/affair with another man.

In his final recommendations the public prosecutor requested for the court to sentence the defendant to 1 year's imprisonment, to be suspended. The public defender requested a suspended prison sentence because this case allegedly occurred due to provocation.

After hearing the recommendations of the two parties, the court adjourned the trial to announce its decision on 10 July 2013, at 3:30 pm.

12. Crime of embezzlement, concept of official, aggravated forgery and money laundering – Case No.40/C.Ord/2013/TDD

Composition of judges : Panel

Judges : Ana P. Fonseca, Júlio Gantes, and Jaçinta Correia
Public Prosecutor : Oscar Tavares
Public Defender : José Pedro Camões (private lawyer)
Conclusion : Ongoing

On 19 June 2013 the Dili District Court continued its trial to hear witness testimony in a case of embezzlement, concept of an official, aggravated forgery and money laundering.

This case involved the 3 defendants JJMdC, DPdC and RdCP. The public prosecutor charged the defendants for their involvement in the crime of embezzlement, the concept of an official, aggravated forgery and money laundering against the State. This case allegedly occurred in 2010 in the Timor-Leste Ministry of Finance.

The witness MH who works as a carpenter in Kuluhun, Dili testified that in 2010 he installed a door frame at the home of the defendant JJMdC in Lospalos District.

After hearing the testimony of MH, the court adjourned the trial until 8 July 2013 at 11am.

13. Crime of negligent offences against physical integrity – Case No.700/C.Ord/2012/TDD

Composition of judges : Single
Judges : José de Araujo
Public Prosecutor : Hipólito Santa
Public Defender : Leonídio Marques (trainee)
Conclusion : Validated

On 20 June 2013 the Dili District Court validated an agreement in a case involving negligent offences against physical integrity involving the defendant BFS and the victims FS and MS. This case allegedly occurred on 24 April 2009 on the main road in Tibar.

The public prosecutor alleged that on 24 April 2009 the defendant was driving a garbage truck that collided with the victims who were driving a police car in Tibar. The defendant struck the car that was being driven by the victims causing the two victims to leap out of the car.

The public prosecutor charged the defendant for violating Article 148 of the Penal Code regarding negligent offences against physical integrity.

However before the trial the parties reached an agreement because the defendant was willing to pay US\$ 2,000 as compensation to the two victims and the defendant has already paid US\$500 and has promised to pay the remaining US\$1500 in December 2013.

After the court read out its decision and the defendant promised to pay the remaining money in December 2013, the court decided to validate the settlement.

14. Crime of arson and property damage - Case No.182/C.Ord/2009/TDD

Composition of judges : Panel
Judges : Ana P. Fonseca, Paulo Teixeira, Francisca Marques
(trainee judge)

Public Prosecutor : Hipólito Santa
Public Defender : Manuel Exposto
Conclusion : Ongoing

On 20 June 2013 the Dili District Court conducted a hearing against 7 defendants who were involved in the crime of arson and property damage that occurred during the 2006 crisis. This case allegedly occurred in June 2006, in Akadiruhun, Dili. The charges were made against the defendants PdA, JM, PAN, FNCS, JF, VdC, MPR, as well as FdS and FO (who were not present). The defendants formed a group named BAMBOLA that aimed to engage in creative activities such as soccer.

The public prosecutor alleged that the defendants (in June 2006 or during the crisis) were involved in the crime of burning civilian homes, property damage, stone throwing at homes in Akadiruhun, Dili, where the defendants reside.

On 17 June 2006 the defendants threw stones at and burned the homes of the victims AF and AxF and the victims had to flee empty handed because they were afraid and couldn't do anything.

The aforementioned actions caused the goods of the victims to go up in smoke. In addition to the victims AF and AxF, another victim DM was inside the house when the defendants were burning the homes, but he was able to flee from inside the house. The goods of the victim DM were completely damaged because of fire.

The public prosecutor charged the defendants with violating Articles 187 (3), 338 and 53 of the Indonesian Penal Code.

During the trial only four of the defendants wanted to testify in relation to the charges of the public prosecutor and the other 3 exercised their right to remain silent.

The four defendants testified that they were not involved in the crime of arson and/or throwing stones at civilians in 2006. The defendants testified that they were involved in the BAMBOLA group, but the group was formed in their area after taking the name from a football team.

The defendants also added that at that time the Australia troops took their photograph and promised to give some footballs to them, but until now they have never received the footballs.

The victims AF and AxF as well as the witness HSF (who was the Village Chief in 2006) testified that their homes were burnt and destroyed, their goods were destroyed by fire, but they did not see who burned their homes.

After hearing testimony from the defendants and the witnesses the court adjourned the trial until 10 July 2013 at 3pm.

15. Crime of simple offence against physical integrity – Case No.114/C.Ord/2013/TDD

Composition of judges : Single
Judge : Duarte Tilman
Public Prosecutor : Lídia Soares (trainee)

Public Defender : José da Silva
Conclusion : Sentenced to 8 months imprisonment, suspended for 1 year

On 20 June 2013 the Dili District Court conducted a hearing and decided a case involving a simple offence against physical integrity characterized as domestic violence involving the defendant FdSL against his wife AF. This case allegedly occurred on 28 May 2012 in Dili.

The public prosecutor alleged that on 28 May 2012 at 10pm the victim left the house after the defendant and the victim argued. Therefore, the defendant went looking for and found the victim at her aunt's house. Then the defendant hit the victim once on the back of the head and once under the armpit.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offence against physical integrity in conjunction with Article 35 of the Law Against Domestic Violence.

The defendant testified that he struck the victim because the victim was not home when the defendant returned to the house, so he followed the victim to her aunt's house and hit the victim.

The victim testified that she did in fact go to her aunt's house, and the defendant called her, however because she was afraid she ran inside, but the defendant found her and hit her.

In his final recommendations the public prosecutor requested for the court to sentence the defendant to 1 year's imprisonment, to be suspended for 3 years. The public defender asked the court to issue and admonishment against the defendant.

After hearing the recommendations of the two parties, the court concluded the trial and sentenced the defendant to 8 months imprisonment, however it was suspended for one year.

16. Crime of aggravated murder, Case No.106/C.Ord/2013/TDD

Composition of judges : Panel
Judge : António do Carmo, Júlio Gantes, Jumiaty Freitas
Public Prosecutor : Angelina Saldanha
Public Defender : Olga Barreto
Conclusion : Ongoing

On 21 June 2013 the Dili District Court conducted a hearing in a case of aggravated murder characterized as domestic violence and simple offence against physical integrity allegedly committed by the defendant ASL against the victim RS (his wife) in Tasitolu, Dili.

The public prosecutor alleged that on 29 January 2013 the defendant argued with the victim when the victim went into the bedroom the defendant followed her and pushed the victim causing her to fall to the ground, then he choked her and stabbed the victim with a knife in the chest causing her to die instantly.

After killing the victim the defendant used some black rubber to secure the victim's body and put it in black plastic and placed it under the bed. The defendant called another person (PL) and said that he had killed his wife. The defendant went to Taibesi and took a white sack and returned with LP

and put the body of the victim in the sack and transported the body with LP's motorcycle and disposed of the body at the beach in Metiaut the next morning.

This case allegedly occurred because previously on 28 January 2013 the victim went to Taibesi without the knowledge of the defendant. The defendant suspected the victim of having an affair with another man.

The public prosecutor charged the defendant with violating Article 139 of the Penal Code on murder as well as Article 35 of Law 7/2010 (Law Against Domestic Violence).

In his final recommendations the public prosecutor requested for the court to sentence the defendant to 20 year's imprisonment. The public defender requested for the court to reduce the sentence recommended by the public prosecutor.

The decision will be announced on 4 July 2013 at 10am.

17. Crime of occupying a residence – Case No.240/C.Ord/2012/TDD

Composition of judges	: Single
Judge	: Antonino Gonçalves
Public Prosecutor	: Glória Alves
Public Defender	: Manuel Amaral (trainee)
Conclusion	: Ordered to pay a fine of US\$ 90

On 25 June 2013 the Dili District Court ordered the defendant JM to pay a fine of US\$90 to be paid in installments of US\$ 1 per day for 90 days.If the defendant fails to pay the fine, the defendant will be imprisoned for 60 days.

The defendant committed the crime against the victim FT who was the owner of the residence and this case allegedly occurred on 10 September 2006 in Dili.

The court found that the victim was living in the house that was being disputed by the two parties. In May 2006 the victim left the house and went to Hera because the situation was out of control. In September 2006 the defendant occupied and repaired the house.

When the situation returned to normal the victim returned to Dili to live in his home, however the defendant had already occupied his house. The defendant was willing to leave the house if the victim gave him US\$ 3,000. However the victim stated that he did not have any money. Therefore, the defendant continued to live in the house until the court found in favor of the victim.

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