



JUDICIAL SYSTEM MONITORING PROGRAMME

PROGRAMA MONITORIZASAUN BA SISTEMA JUDISIÁRIU

***Press Release
Dili District Court
08 August 2014***

Court sentences defendant to 1 year in prison, suspended for 2 years, in case of passive corruption and falsification of documents

On 05 August 2014 the Dili District Court conducted a hearing to announce its decision in a case involving the defendant AFM and sentenced him to 1 year in prison, suspended for 2 years, and also sentenced the defendant MRD to 9 months in prison, suspended for 2 years, for being partially guilty of the crime of passive corruption.

In relation to the case involving the falsification of documents, the court ruled pursuant to Article 110.1 (c) of the Penal Code that the statute of limitations had expired so the court acquitted the two defendants from these charges.

“JSMP hopes that this decision will be an important reference point and lesson for public officials in the future so that they will execute their duties in a fully responsible manner, and avoid activities that could potentially undermine the public office that has been entrusted to them by the State,” said the Executive Director of JSMP, Luis de Oliveira Sampaio.

The public prosecutor alleged that in 2005 the defendant AFM who was the Ambassador of Timor-Leste to Indonesia, and MRC who was the 2nd Secretary to the Ambassador, purchased three tax free cars through a specialized company, according to Law No 90/KMK/.04/2012, so that after their mandates expired they could import the vehicles to Timor-Leste for their own personal use.

The public prosecutor charged the defendants with violating Article 419 of the Indonesian Penal Code on crimes against State duties which carries a sentence of 5 years in prison, as well as Article 292 of the Timor-Leste Penal Code which carries a sentence of between 3 and 15 years in prison. The defendants were also charged with Article 263 of the Indonesian Penal Code on the falsification of documents as well as Article 303 of the Timor-Leste Penal Code.

During the examination of evidence the two defendants testified that the cars were not purchased until their mandate had expired and they had returned to Timor-Leste. The defendant AFM also testified that when his mandate expired he received US\$10,000 from his friends as a gift and did not receive anything from a company that wanted to purchase cars. Meanwhile the defendant MRC testified that he received money from a company that purchases vehicles totaling US\$30,000 at his residence, which was also a gift.

The court concluded this matter and found the two defendants partially guilty pursuant to Article 419 of the Indonesian Penal Code which deals with crimes in the exercise of public duties, because these provisions were more favorable to the two defendants, as provided for in Article 3.3 of the Timor-Leste Penal Code.

The court did not order the two defendants to pay compensation because during the examination of evidence the court did not find any loss experienced by the State, so the court only sentenced the two defendants to pay court costs of US\$100 each.

In her final recommendations the public prosecutor requested the court to sentence the defendant AFM to 5 years in prison, and the defendant MRC to 4 years in prison.

The hearing to announce this decision was represented by a panel of judges Antonio Gonçalves, the public prosecution service was represented by Gloria Alves and the defendants were represented by their own private lawyers, namely Arlindo Sanches and Octavio Cardoso. This case was registered as Case No. 112/2007/TDDIL.

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