



JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA DE MONITORIZAÇÃO DO SISTEMA JUDICIAL

Case Summary

Period : January 2012

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Summary of cases heard at the Dili District Court in January 2012

As usual in January 2012 JSMP starting its monitoring activities in all of the courts in Timor-Leste, including the Dili District Court. The aim of this monitoring is to directly observe the administration of justice in each jurisdiction and especially to closely monitor developments and the performance of the courts as well as difficulties faced including obstacles encountered in judicial processes, the types of cases that were heard in court, how cases were dealt with and the participation of the parties in each of these processes.

As usual this summary aims to provide a short summary and update about the trial processes that took place during January, with a particular focus on the cases that were scheduled to be tried at the court.

During the aforementioned period JSMP managed to monitor 17 cases. This monitoring indicates that more criminal were scheduled for trial than civil cases. This is apparent from the number of cases observed by JSMP, whereby from a total number of 17 cases, only one case was categorized as a civil matter.

In addition, the monitoring indicted that that from the 17 cases observed most of the matters involved domestic violence. For example, there were 7 cases of domestic violence, whereby 2 cases involved serious maltreatment against a spouse and the other 5 cases involved domestic violence or ordinary maltreatment. The other cases comprised 1 case of murder, 1 case of aggravated theft, 1 case of joinder of crimes, 1 case of fraud & falsification of documents, 1 case of minor damage to property, 1 case of attempted murder and arson, 1 case of sexual assault, 1 case of serious maltreatment, and 1 case of attempted murder.

In addition to the aforementioned criminal cases there was 1 case involving the lease of a house that was categorized as a civil matter falling within the competence of the court.

The domestic violence cases were dealt with in accordance with the classifications provided in the penal code. For example violence against a spouse and ordinary maltreatment are both examples of violence committed in the domestic sphere. However, in the Penal Code, both of

these crimes are dealt with in separate articles. The crime of committing maltreatment against a spouse is set out in Article 154 of the Penal Code as a crime of domestic violence that is committed repeatedly by the defendant. However if it is the first time that the offence has been committed, even though it falls within the scope of domestic violence involving a family member analogous to that of a spouse, Article 145 of the Penal Code is applied together with Article 35 of the Law Against Domestic Violence.

The information below provides a summary of each of the cases heard by the court.

1. Crime of murder, Case No. 48/C.Ord/2011/TDD

On the 10 January 2011, the Dili District Court conducted a trial in a case of murder which was registered as Case No. 48/C.Ord/2011/TDD. This crime was allegedly committed by the defendant AM against the victim Custódio dos Santos in Maubara District on the 15 May 2011.

The trial of this case was led by a panel of judges comprising Judge Jaçinta Correia (presiding), Rosa Brandão and Ana Paula Fonseca. The public prosecution service was represented by Mateus Nesi, and the defendant was represented by private lawyer Paulo dos Remédios. The trial was convened to hear testimony from witnesses.

Based on the indictment of the public prosecutor it was alleged that on 14 May 2011 at approximately 7pm the victim and 5 others were taking part in art-martial training with the PSHT group near Maubara beach. The defendant arrived at the scene in a Pajero vehicle and immediately attacked the victim, punching and kicking the victim until he fell to the ground and died instantly.

5 witnesses (AF, GS, FdS, LdS and JdS) who were summoned by the court testified that they did not see the murder of the victim. They all said that they only heard information from others that the defendant AM had killed the victim. Although they did not witness the event directly, one of the five witnesses (GS) said that previously on the May 2011 he saw and heard the defendant go and threaten the victim at his house. The witness was living with the victim because they were related.

This witness also said that in addition to threatening the victim, the defendant also threatened the witness JdS.

Then the witness AF, who was training with the victim at that time of the incident, said that although they were at the scene when the defendant hit, slapped and kicked the victim, the witness did not see it because he was facing the other way and it was dark.

The trial was scheduled to continue on 3 February 2012 at 2pm.

2. Crime of aggravated theft, Case No. 441/C.Ord/2011/TDD

On 11 January 2012 the Dili District Court was unable to conduct a hearing to examine testimony from the victim because the victim could not be summoned (the victim was in Australia).

The hearing was led by a panel of judges comprising Duarte Tilman (presiding), José Maria de Araújo and António Helder Viana do Carmo. The public prosecution service was represented by Angelina Joantina Saldanha and the defendant was represented by public defender Laura Valente Lay.

Based on information compiled by JSMP, the relationship between the defendant and the victim was one of employee and boss. The victim was a cleaner.

The court will continue to try and contact the victim. On the aforementioned date the defendant and one witness presented themselves at court.

The trial was adjourned until 15 February 2012 at 2pm.

3. Joinder of Crimes, Case No. 410/C.Ord/2011/TDD

On 11 January 2012 the Dili District Court conducted a hearing to hear final allegations in a case registered as No. 410/C.Ord/2011/TDD. This case involved several different crimes, or in legal language is classified as joinder of crimes. These crimes were allegedly committed by the defendant JMGV against the victim ST and another unidentified victim between April and October 2010 at the Castaway Bar Restaurant and in a taxi in Dili.

The hearing was led by a panel of judges comprising Antonino Gonsalves (presiding), Rosa Brandão and Ana Paula Fonseca. The public prosecution service was represented by Mateus Nesi and the defendant was represented by public defender Manuel Sarmento.

The public prosecutor charged the defendant for committing the following crimes:

- Crime of making threats pursuant to Article 157 of the Penal Code which was amended because the victim withdrew the complaint;
- Crime of theft pursuant to Article 253 of the Penal Code which was amended because of insufficient evidence;
- Crime of aggravated theft pursuant to Article 252 (i,j,l) of the Penal Code
- Crime of usurpation of property pursuant to Article 161 (a, b), however only section a could be proven;
- Crime of extortion pursuant to Article 270 of the Penal Code; and
- Crime of ordinary maltreatment, pursuant to Article 145 of the Penal Code.

Pursuant to the types of crimes mentioned above and amendments to the charges the public prosecutor then submitted his final allegations and alleged that the defendant had committed the following crimes:

- Crime of theft, carrying a penalty of 2-8 years of imprisonment;
- Crime of usurpation of property, making threats and extortion, carrying a penalty of 4-12 years of imprisonment;
- Crime of theft, carrying a penalty of 3 years of imprisonment or fine; and
- Crime of ordinary maltreatment, carrying a penalty of 3 years of imprisonment.

Finally, based on the evidence and the possible penalties the public prosecutor recommended that the defendant be sentenced to 12 years of imprisonment, pursuant to Article 36 of the Penal Code regarding joinder of crimes.

The announcement of the decision is scheduled for 7 January 2012 at 9.30am.

4. Crime of maltreatment against a spouse, Case No. 313/C.Ord/2011/TDD

On 11 January 2011 the Dili District Court conducted a hearing in a case of maltreatment against a spouse, which was registered as Case No.313/C.Ord/2011/TDD. This crime was allegedly committed by the defendant MMS against the victim IDSDF on 11 September 2010 in Tuana Laran, Villa-Verde, Dili.

The trial was led by a panel of judges comprising Rosa Brandão (presiding), José Maria de Araujo and Dr. António Helder Viana do Carmo. The public prosecution service was represented by Reinato Bere Nahac and the defendant was represented by public defender Manuel Exposto.

The indictment of the public prosecutor stated that on the evening of 11 September 2011 the defendant returned home intoxicated and started to verbally abuse the victim and her mother. Then the defendant and the victim had an argument. When the argument escalated the victim threw the defendant's clothes out of the house. This act caused the defendant to become angry and he choked and punched the victim.

The public prosecutor said that as a result of this assault the victim suffered a headache, injury to her waist, as well as swelling and bruising to her neck.

Pursuant to the facts the public prosecutor charged the defendant under Article 145 of the Penal Code as well as Article 35 of the Law Against Domestic violence. Before hearing the testimony of the victim, the judge told the victim that pursuant to a decision from the Court of Appeal victims of domestic violence must testify about their case before the court.

Before the court the victim said that previously they regularly argued and that the defendant regularly pushed her; however he did not hit her. In relation to this issue the victim provided testimony that matched precisely what was stated in the indictment of the public prosecutor.

The witness FdJL, who is the younger sibling of the victim, testified that on the day in question the defendant and the victim had an argument in one of the rooms. The witness heard things being thrown around the room. The witness said that things were broken such as a bottle of milk, a glass and a cupboard. However, the witness said that the witness did not see the defendant hit the victim.

In his indictment the public prosecutor amended Article 145 of the Penal Code and replaced it with Article 154 of the Penal Code because the public prosecutor considered the testimony of the victim that they had regularly argued beforehand and that the defendant regularly pushed the victim.

The decision was set to be announced on 19 January 2012 at 2pm.

5. Crime of maltreatment against a spouse, Case No. 292/C.Ord/2011/TDD

On 13 January 2012 the Dili District Court conducted a hearing in a case of maltreatment against a spouse which was registered as Case No. 292/C.Ord/2011/TDD. This crime was allegedly committed by the defendant MLdS against the victim PdS on 15 December 2010 in Poetete Village, Beluli Sub-village, Ermera District.

The trial was led by a panel of judges comprising Rosa Brandão, Paulo Texeira and João Ribeiro. The public prosecution service was represented by Domingos Barreto and the defendant was represented by public defender Manuel Exposto.

The public prosecutor's indictment stated that on 15 December 2010 at approximately 8pm the victim was preparing a meal with the defendant came over and hit the victim because he suspected the victim of having a relationship with another man. The defendant choked the victim and threw her on the ground. The victim ran away and the defendant continued to hit the victim with a piece of wood. As a result of the defendant's action the victim suffered pain and received treatment at the hospital.

The public prosecutor stated in his indictment that this was not the first time that the defendant had hit the victim, but rather he had done so on numerous occasions. Although there was an attempt to resolve the matter through the Sub-Village Chief, the victim ran to the home of her family but the defendant took her back home.

In relation to the facts of this case the public prosecutor charged the defendant under Article 154 of the Penal Code in conjunction with Article 35 of the law Against Domestic Violence.

In order to ascertain the psychological health of the defendant the public prosecutor requested for the court to order a medical examination of the defendant. The medical examination indicated that the defendant was normal; therefore the public prosecutor asked the court to sentence the defendant to 2-6 years of imprisonment.

The decision was set to be announced on 23 January 20012 at 2pm.

6. Crime of fraud and falsification of documents, Case No. 576/C.Ord/2011/TDD

On 13 January 2011 the Dili District Court conducted a hearing in a case of fraud and falsification of documents which was registered as Case No. 576/C.Ord/2011/TDD. This crime was allegedly committed by the defendants FdCR, DCdC and HGCS. At that time the defendant FdCR was the Director of a Senior High School in Dili, whilst the other two defendants (DCdC and HGCS) were treasurers at the aforementioned school. The defendants have been charged with committing a crime against the State of Timor Leste, which was suspected of being carried out between 2008 and 2009.

The hearing was led by a panel of judges comprising Judge Jacinta Correia (presiding), José Maria de Araújo and Ana Paula Fonseca. The public prosecution service was represented by José Ximenes and the defendant was represented by public defender Manuel Exposto.

The public prosecutor's indictment stated that on 12 December 2008 the defendants FdCR and DCdC went to collect money from the Region II Ministry of Education Office, Dili District totaling US \$ 7,610. On 15 December 2008 the defendant FdCR went to collect US\$ 7,600 and to handover US\$ 3,000 to the two treasurers and the defendant FdCR was to put the remaining US\$ 3,600 into his personal account.

In accordance with the plan the money was for repairing the school and paying for sports equipment.

Then on 22 December 2008 the two defendants submitted a financial report regarding the first phase. In this report they stated that the money had been 100% accounted for, however in reality only US\$ 3.610 was used, and the remaining US\$ 4,000 was stored in the account of the defendant FdCR. In addition, it was found that several receipts included in the report were false.

In January 2009 the defendant FdCR and the defendant DCdC went to collect US\$ 12,336. The money was collected by the defendant DCdC as the treasurer, and US\$ 6,336 was collected, while the remaining US\$ 6,000 was kept in a drawer at the school.

Nevertheless, in May 2009 when the financial report was submitted to the Ministry of Education the defendants reported that 100% of funds had been accounted for.

In court the defendant FdCR stated that the money was used to buy snacks for students who were ill at the school, purchasing water, repairing river gutters and purchasing fuel.

Based on an investigation carried out of the Regional Office of the Ministry the condition of the school had not changed, and the only sports equipment available were four balls. Based on the report US\$ 4,000 was used to purchase sporting equipment, however the investigation indicated that there was no new equipment.

Based on the aforementioned facts, the public prosecutor charged the defendant with misappropriating US\$ 15,000.

The trial was rescheduled for 24 January 2012 at 4pm.

7. Crime of domestic violence, Case No. 563/C.Ord/2011/TDD

On 17 January 2012 the Dili District Court conducted a hearing in a case domestic violence which was registered as Case No. case 563/C.Ord/2011/TDD. This crime was allegedly committed by the defendant Ldc against the victim IS. This case allegedly occurred on 2 December 2010 in Hudi Laran, Rai Nain Sub-Village, Bairopite Village, Dili.

The hearing was led by single judge Ana Paula Fonseca. The public prosecution service was represented by Reinato Bere Nahak and the defendant was represented by public defender Olga Barreto Nunes.

Based on the chronology of the case described in the public prosecutor's indictment on 2 December 2010 at approximately 4pm the defendant hit the victim because he believed that she was having an intimate relationship with another man. For this reason the defendant hit the victim in the head causing her to fall to the ground. The victim tried to stand up but the defendant hit the victim in the eye resulting in bruising. The victim lodged a complaint to the head of the village.

In this case the public prosecutor charged the defendant under Article 145 of the Penal Code as well as Article 35 of the Law Against Domestic Violence.

Before the court examined witness testimony the judge explained that although the Court of Appeal had issued a decision stating that victims of domestic violence must provide testimony in their case before the court, this decision had not yet entered into jurisprudence. Therefore, pursuant to Article 125 of the Penal Code, the victim could refuse to speak, and for this reason the victim chose to remain silent.

In addition to hearing testimony of the victim, the court also heard testimony from the witness CM. This witness said that he did not hear or see the alleged incident, however he heard about the issue from the victim and from the wife of the witness CM, because at that

time the victim had sought refuge at the home of the witness. Upon hearing this information the witness, who was the village chief, contacted the police.

In his final allegations the public prosecutor requested for the court to admonish the defendant and order him not to repeat the offence in the future.

The decision was set to be announced on 30 January 2012 at 2pm.

8. Crime of destruction of property, Case No. 128/C.Ord/2011/TDD

On 18 January 2012 the Dili District Court conducted a hearing in a case of minor property damage which was registered as Case No. 128/C.Ord/2011/TDD. This crime was allegedly committed by two defendants (JdCB and JdJ) against the victim AdJ. This case allegedly occurred on 15 October 2010 in Bairopite Village, Dili.

The trial was led by judge Ana Paula Fonseca. The public prosecution service was represented by Angelina Joaninha Saldanha and the defendant was represented by public defender Manuel Exposto.

The public prosecutor's indictment said that on 15 October 2010 the defendants and a large group damaged the workshop of the victim because the land where the workshop was constructed allegedly belonged to them. The defendants took down the workshop without an official document from the Ministry of Justice, so the victim lodged a complaint and asked for compensation of US\$ 840.

The public prosecutor charged the defendants with Articles 258 and 297 of the Penal Code because the two defendants used their authority as the village chief and the sub-village chief to damage the property of others.

In the trial the defendant said that they disassembled the workshop pursuant to a document from the Ministry of Justice and Dili District Administration which granted them permission to remove the workshop. However when the defendants showed the documents to the court the date of issue and the date that the workshop was removed did not match. The document showed by the defendant was marked as 8 March 2011; however the incident occurred on 15 October 2010. The court did not trust the document shown by the defendant and also the document did not bear the signature of the Administrator and it was not an original.

The trial was scheduled to continue on 25 January 2012 at 9.00am to hear testimony from the other defendant, and witnesses appearing for both sides.

9. Crime of domestic violence, Case No. 471/C.Ord/2011/TDD

On 9 January 2012 the Dili District Court conducted a trial in a case of domestic violence which was registered as Case No. 471/C.Ord/2011/TDD. The crime was allegedly committed

by the defendant JS against the victim CCM. The incident allegedly occurred on 2 November 2010 in Eransa Sub-Village, Bairopite Village, Dili.

The trial was led by Judge Edite Palmira dos Reis. The public prosecution service was represented by Angelina Joantina Saldanha and the defendant was represented by public defender Manuel Exposto.

Based on the chronology of events it is alleged that on 2 November 2011 at approximately 6pm the victim waited for the defendant in his office, but after a long while the defendant did not emerge so the victim went and waited on the main road. When the defendant passed on a motorcycle the victim called out, but the defendant passed at high speed. The victim then caught a taxi home. When the victim arrived the defendant verbally abused the victim for yelling out to him on the main road, and after being abused the victim responded by abusing the defendant. The defendant became angry and hit the victim once on the cheek resulting in swelling and bruising, and the defendant grabbed the victim around the neck and pushed the victim to the ground. Also the defendant threatened the victim with a machete to make the victim stop crying. As a result of the defendant's actions the victim did not work for two days.

Pursuant to these facts the public prosecutor charged the defendant under Article 145 of the Penal Code as well as Article 35 of the Law Against Domestic Violence.

During the trial the defendant used his right to remain silent and before the victim gave testimony the judge explained that the Court of Appeal had issued a decision stating that victims must provide testimony before the court.

The victim testified that the victim was hit once on the cheek and suffered bruising, and that the defendant also threatened to use a machete to make the victim stop crying.

In his final allegations the public prosecutor requested for the court to admonish the defendant and order him not to commit the same offence in the future.

The decision was set to be announced on 27 January 2012 at 2pm.

10. Dispute over lease of house, Case No. 55/Civil/2009/TDD

On 23 January 2012 the Dili District Court conducted a trial in a case involving the lease of a house registered as Case No. case 55/Civil/2009/TDD. The respondent in this dispute was Tomás Pinto and the plaintiff was Liu Ling Ming. The object of the dispute is located in Kolmera, Dili. This case occurred in 2008.

The trial was led by a panel of judges comprising Jacinta Correia (presiding), João Ribeiro and Paulo Texeira. The plaintiff was represented by private lawyer José Gutteres and the respondent was represented by public defender Cancio Xavier.

The house that was the object of dispute belonged to the plaintiff. Previously the respondent entered a contract with an Indonesian citizen named Dwi Harsono. Then the conditions of the contract were breached when Dwi Harsono contracted the house to a Chinese citizen or the plaintiff without the knowledge of the respondent. Then the respondent entered into a lease agreement with the government.

There were three witnesses to this dispute, namely Orlando da Cruz, Camilio dos Santos and Rui Esperito Santo. Orlando said that he knew the plaintiff quite well because they were related. Rui said that sometimes the plaintiff sent money to Dwi Harsono through him, and finally Rui, as the Village Chief of Kolmera, found out about the contract entered into between the plaintiff and Dwi Harsono because he witnessed the contract.

The final recommendations were scheduled to be heard on 13 February at 2pm.

11. Crime of domestic violence, Case No. 493/C.Ord/2011/TDD

On 24 January 2012 the Dili District Court conducted a trial in Case No. 493/C.Ord/2011/TDD. This crime was allegedly committed by the defendant CM against the victim PT, her husband. This case allegedly occurred on 22 November 2010 di Liquica District.

The trial was led by a single judge Ana Paula Fonseca. The public prosecution service was represented by Ivonia Guterres and the defendant was represented by public defender Manuel Exposto.

The public prosecutor's indictment stated that on 22 November 2010 at approximately 8pm the victim and his friends were drinking alcohol beside their house. After he became drunk the victim started talking and bragging that if he didn't get married again his friend could cut his arm. Not long after, the defendant called out to the victim and when the victim went out to meet with the defendant in front of the house the defendant immediately stabbed the victim in the stomach. The victim yelled out and fell to the ground. Upon hearing the victim scream the friends of the victim ran over to help the victim. As a result of the defendant's actions the victim was injured and was taken to hospital to receive treatment for four days.

Witnesses MS and VV testified that at the time of the incident the victim was drinking with them at the house of VV. When the victim became drunk he said that he would marry another woman. Because the place where they were drinking was close by the defendant also heard the conversation and the defendant got angry and called out to the victim and stabbed him. When they went outside they saw the victim lying on the ground and they helped take the victim to the hospital because he had suffered heavy bleeding.

Based on the aforementioned facts the public prosecutor charged the defendant under Articles 23 and 24 of the Penal Code, which was amended to Article 145 of the Penal Code because the two parties had reconciled and were living together in harmony.

In his final allegations the public prosecutor requested for the court to substitute Articles 23-24 of the Penal Code with Article 145 of the Penal Code because no one who appeared during the trial had witnessed the event.

The trial was set to continue on 12 February 2012 to hear testimony from other witnesses at 4pm.

12. Crime of attempted murder & arson, Case No. 109/C.Ord/2011/TDD

On 25 January 2012 the Dili District Court adjourned Case No. 109/C.Ord/2011/TDD. This crime was allegedly committed by 14 defendants (unidentified) against six female victims (dead) and two others who managed to get out of the house. The incident allegedly occurred on 25 May 2006 in Delta, Dili.

The trial could not take place because there weren't enough judges to form a panel because one of the judges was assigned to the Baucau District Court.

Therefore this hearing was convened only to announce the adjournment of the trial that was led by the two judges present, namely Duarte Tilman and Rosa Brandão. The public prosecution service was represented by Luis José Landim and five of the 14 defendants were represented by private lawyer Manuel Tilman and the other 9 defendants were represented by public defender Cançio Xavier. There were 14 defendants in this case.

The trial was adjourned until 22 February 2012 at 09.30pm.

13. Crime of domestic violence, Case No. 349/C.Ord/2011/TDD

On 25 January 2012 the Dili District Court once more adjourned Case No. 349/C.Ord/2011/TDD. This crime was allegedly committed by the defendant JdSdS against the victim AR who was the wife of the defendant. The incident allegedly occurred on 12 December 2011 in Aileu District.

The hearing was convened to announce the adjournment of the trial. The hearing was led by Judge Antonino Gonsalves who had replaced the judge handling this matter. The public prosecutor was represented by Felismino Cardoso and the defendant was represented by public defender Marcia Maria F. Sarmiento.

In the hearing the replacement judge announced that he could not continue the trial because he had a clash with another case where he was participating as a member of a panel of judges. Therefore the trial of this case was adjourned until 6 April 2012 at 2pm.

14. Crime of sexual assault, Case No. 201/C.Ord/2008/TDD

In addition, on 25 January 2012 the Dili District Court conducted a hearing in a case of sexual assault which was registered as Case No. 201/C.Ord/2011/TDD. This crime was

allegedly committed by the defendant JS against the victim (unidentified). This incident allegedly occurred in 2008 in Ermera District.

The hearing was led by single judge Jacinta Correia. The public prosecutor was represented by Felismino Cardoso and the defendant was represented by public defender Cancio Xavier.

The trial was set for a review of a term of imprisonment. The hearing was convened because the convicted person had spent 3 years of imprisonment in Gleno and it was necessary to review, reconsider and reevaluate if the convicted person had fulfilled the conditions required to be granted parole.

The judge considered the matter and decided to convey the final decision to the two parties, and therefore no further hearings were required in this case. The court will inform the convicted person directly.

15. Crime of maltreatment against a spouse, Case No. 595/C.Ord/2011/TDD

On the same day, 25 January 2012, the Dili District Court conducted a hearing in a case involving domestic violence which was registered as Case No. case 595/C.Ord/2011/TDD. This crime was allegedly committed by the defendant NN against the victim, his wife. This case allegedly occurred on 4 April 2010 in Dili District.

The hearing was led by single judge António Helder Viana do Carmo. The public prosecution service was represented by Remigia de Fatima da Silva and the defendant was represented by public defender José da Silva.

Based on the chronology of events set out in the indictment of the public prosecutor, it was alleged that on 4 April 2010 at approximately 2pm the victim and the defendant had an argument about a financial loan. The victim asked the defendant to pay back the money (US\$ 40) but the defendant did not have any money, and therefore they had an argument and finally the defendant hit the victim three times on her forehead, and slapped her on her right cheek and tugged the arm of the victim to drag her into a room.

Then the defendant locked the victim in the room and threatened her with a machete. The victim was only able to leave the room the next day. It was alleged that the defendant regularly hit the victim.

In relation to these facts the public prosecutor charged the defendant pursuant to Article 154 of the Penal Code.

The judge explained to the victim about the decision issued by the Court of Appeal that victims in cases of domestic violence must provide testimony about facts relating to their case. The victim testified that previously she had not been hit, and only experienced this on 4 April 2010, and before that she had only been pushed.

In his indictment the public prosecutor requested for the court to also consider the statement made by the victim to the prosecution service that she was regularly hit, despite the fact that the victim had denied this and said that she had only been hit on 4 April 2010.

The defence requested for the court to acquit the defendant from all charges.

The decision was set to be announced on 16 February 2012 at 14.30pm.

16. Crime of serious maltreatment, Case No. 147/C.Ord/2010/TDD

On 26 January 2012 the Dili District Court conducted a trial in a case of serious maltreatment. This case was registered as Case No. 147 /C.Ord/2010/TDD that was allegedly committed by the defendant OdS against the victim MT. This case allegedly occurred on 10 March 2010 in Dato Village, Liquica.

The hearing was led by a panel of judges comprising Ana Paula Fonseca, Rosa Brandão and António do Carmo. The public prosecution service was represented by Mateus Nesi and the defendant was represented by private lawyer Paulo Remidez.

The public prosecutor's indictment stated that on 10 May 2010 the victim and three women (BT, OG and FM) went to attack the defendant. The motive behind the attack of the defendant was due to a dispute over land. The victim had planted crops on land that the defendant believed was his. The victim and the three others went to attack the defendant and hit the defendant with a piece of wood that broke in half, enabling the defendant to save himself with a machete. The defendant slashed two fingers and one was severed. As a result the victim was treated at the dia Guido Valadades National Hospital in Dili.

Two of the three witness said that they saw the defendant slash the victim. They said that the defendant slashed the hand of the victim from close range. One of the witnesses provided testimony that was unclear. At that time the three of them took stones and threw them at the defendant and the defendant ran away.

In relation to the facts of this case, the public prosecutor charged the defendant under Article 146 (a) of the Penal Code and requested for the court to sentence the defendant to 3 years of imprisonment, to be suspended for five years, and a fine of US\$ 50.

The decision was set to be announced on 7 February 2012 at 3pm.

17. Crime of Attempted Rape, Case No. 131/C.Ord/2011/TDD

On 28 January 2011 the Dili District Court conducted a trial in a case of attempted rape. This case was registered as No. 131/C.Ord/2011/TDD. The incident was allegedly committed by the defendant TG against the victim IM who was the neighbor of the defendant. This trial was closed to the public.

The trial was led by a panel of judges comprising Rosa Brandão (presiding), Edite Palmira Dos Reis and José Maria de Araújo. The public prosecutions service was represented by Mateus Nesi and the defendant was represented by public defender Cancio Xavier.

The trial of this case was adjourned, but JSMP does not know the date, as the hearing was closed to the public.

For more information, please contact:

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