



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

## **Press Release**

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### **Defendant charged with committing obscene acts against a minor has been granted conditional release**

In accordance with the trial schedule, on 16 March 2009 the Suai District Court tried a case relating to obscene acts committed against a minor. The Public Prosecutor charged the defendant in the indictment under Article 290 (3e) of the Indonesian Penal Code for committing obscene acts against a minor less than 15 years of age.

In accordance with the prosecutor's indictment, in 2002 the defendant, who is currently aged 56, committed obscene acts against a 3 year old child. The indictment was filed with the Suai District Court and registered as Case No. 32/PEN/2005/TDS. Then in 2008, the defendant committed the same obscene acts against an 8 year old child. The second case was scheduled for trial on 16 March 2009 and was registered as Case No. 123/PEN/2008/TDS; however the trial was adjourned until June 2009.

Both the prosecution and defence requested for the trial to be adjourned on the grounds that the court should settle the first case from 2002 before proceeding with the second case from 2008. The judge advised that the first case had not been processed because the case was not handed over properly. The case was initially being dealt with by an international judge and when that judge's

contract expired no clear report was provided to clarify the status of the first case from 2002.

In light of the aforementioned circumstances the prosecution and defence requested for the two cases to be combined in one indictment because the defendant had committed the same crime on separate occasions. The defendant was detained in October last year in relation to the second case from 2008 and on 16 March 2009 the defendant was granted conditional release pending the outcome of the trial.

JSMP believes that the changeover of international judges due to the expiration of their contracts can influence the handling of cases and can also present defendants with an opportunity to repeat their actions.

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