



JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA DE MONITORIZAÇÃO DO SISTEMA JUDICIAL

Press Release

Period: January 2009

Edition: January 2009

**HEARING ADJOURNED DUE TO NON-ATTENDANCE OF
DEFENDANT**

In accordance with the schedule of hearings for the Suai District Court, two cases involving the less serious offence of maltreatment were supposed to be tried on the 20th and 21st January. The defendants in these cases were charged with Articles 351 and 352 of the Indonesian Penal Code which carry a maximum penalty of five years imprisonment. The most prevalent type of crime is assault, committed by one individual against another, or by members of opposing groups against each other.

Several days before the trials of these two cases were scheduled to take place the administration section of the court issued notifications to the defendants through the prosecution unit and the police. However on the day of the trial the defendant in one of the cases of maltreatment did not appear and thus could not participate in the trial.

Due to the non-attendance of the defendant the presiding judge decided to adjourn the trial. The judge issued this decision pursuant to the applicable law, namely Article 256 of the Criminal Procedure Code, that states that if the defendant is absent then the trial must be adjourned.

JSMP received information that the notification issued by the court was not delivered to the defendant by the police because the defendant had moved and was currently staying in Dili to continue his studies. JSMP believes that the court can take action pursuant to Article 259.2 of the Criminal Procedure Code.

For more information please contact:

Roberto da Costa Pacheco

Coordinator of Legal Research, JSMP

E-mail: bebeto@jsmp.minihub.org

Landline: 3323883