



JUDICIAL SYSTEM MONITORING PROGRAMME PROGRAMA DE MONITORIZAÇÃO DO SISTEMA JUDICIAL

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PROSECUTION MAKES FINAL RECOMMENDATION OF SENTENCE AGAINST DEFENDANTS IN WATULARI CASE FROM 2007

The prosecution spent two hours making its final recommendation of sentence in Case No. 20/CRM.C/09/TDB. The public prosecutor stated that there was strong and sufficient evidence that the defendants committed the crime of damaging property and burning the houses of residents in the sub-district of Watulari in 2007. The public prosecutor also stated that the defendants were the main perpetrators in this criminal act of damaging property. The strong evidence presented by the public prosecutor was based on testimony of witnesses and the confessions of the defendants that at the time of the incident the defendants were at the scene of the crime and the witnesses clearly saw them burning the houses of residents.

For the aforementioned reason the public prosecutor had no doubt about the actions of the defendants. Therefore the public prosecutor charged the defendants for violating Articles 172.1, 172.2 and 172.3, but these charges were eventually replaced with Article 406 of the Indonesian Penal Code.

The public prosecutor concluded that the defendants had damaged public property and therefore requested for the court to sentence the defendant L to a maximum term of five years imprisonment. The public prosecutor requested for the court to sentence defendants G and D to minimum terms of five years imprisonment.

Private lawyers Tome and Arlindor Sanches presented the final plea of the defendants and stated that the incident that occurred in the sub-district of Watulari in 2007 was a spontaneous reaction by a mob. At that time many people were demonstrating and burning the houses of residents and destroying property. Some of the demonstrators had covered their faces with cloth or paint so they could not be recognized.

This spontaneous reaction resulted in damage to private property and the burning of residents' houses because the mob was unhappy with the decision of the President of the Republic to grant authority to the AMP coalition to form a new government. The lawyers also rejected that the defendants were the main perpetrators of the criminal damage. They claimed that the initial charges made by the public prosecutor against the defendants were vague and very unclear, because at that time many people were burning the houses of residents but witnesses were only able to identify 6 defendants who were a considerable distance away. In the final plea the defence also stated that "it is impossible that the defendants could burn 3000 houses at the same time". The defence also stated that "this was illogical", because the houses that were burned were a long

distance away from each other and defendant G provided testimony to the court that at the time of the incident he was with a friend in a location far away.

The defence also stated that the public prosecutor only presented one witness who saw the defendant D at the scene of the crime because he was helping to protect victim C from the fire that was consuming the houses.

JSMP believes that the court should proceed carefully when deliberating to ensure that their decision is credible and provides a lesson for the community so that if anybody feels dissatisfied with any decision in the future they will know that they do not have the right to resort to damaging property or arbitrarily burning property, and any such behavior will result in criminal sanctions in accordance with the applicable law of Timor-Leste, because such acts are categorized as criminal offences that are rightfully punished.

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