



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

**Press Release**

*Dili, 20 March 2007*

**2005 RAPE CASE INVOLVING A MEMBER OF THE POLICE (PNTL)**

On Friday 16 March 2007 the Dili District Court continued the trial of a case involving a member of the police (PNTL) who allegedly raped the victim MS in 2005. This hearing took place before a panel of judges led by the presiding judge Maria das Dores, acting together with two fellow judges Domingos Monis and Jacinta da Costa. In this hearing the defendant was represented by his lawyer Fernando do C.

As had occurred during the previous hearing which had been scheduled for the purpose of examining witness testimony, the victim and witnesses once again were absent. The mood in the court room was quite calm which meant that the hearing was able to proceed with utmost sincerity, even though the judge had announced at the commencement of the hearing that it would be open to the public.

JSMP was unaware of the exact scheduling of this hearing as our observations reveal that the Dili District Court does not make a habit of drafting and displaying announcements on the available notice board. Therefore it is very difficult for the public to find out about scheduled hearings. When JSMP staff attended the court to observe this case they were informed that the hearing would experience a slight delay. The hearing started at 11.25 and finished at 13.15.

Throughout the hearing the judge referred to the contents of the case file to question the defendant about the distressing incident experienced by the victim in 2005. Several of these questions related to the relationship between the defendant and the victim, the relationship between the defendant and the victim's friends and the relationship between the defendant and the co-perpetrators of the rape who were named in the aforementioned case file.

The defendant JM claimed in his testimony that he was not familiar with and did not know the names of the perpetrators or the names of the victims mentioned by the judge in the hearing. He even claimed that he was not present at the scene (he had an alibi) when the alleged rape occurred. The defendant claimed that when the incident occurred he was on duty in Becora and therefore had absolutely no knowledge of this shameful incident.

In its observation of this case, JSMP noticed that the court did not indicate, and appeared uncertain about, when it would hear testimony from the victim and witnesses to find out for sure the identity of the perpetrators or suspects of the alleged rape against the victim. The Panel of judges adjourned the hearing to the 1.00pm on 22/3/2007.

In such instances JSMP would like to recommend that the public, especially individuals who have been summoned by the court to appear as witnesses, to cooperate with the court so that it can establish the material facts in sexual violence cases to clearly identify perpetrators. Good cooperation between the witnesses and the court, through the provision of honest testimony, including that of the victim, will directly contribute to civil society and act as a deterrent against the commission of sexual assault against women. We all must work together and be more proactive in preventing such incidents, so that no more members of civil society fall victim to sexual assault. Civil society must provide a positive contribution towards defending and respecting the dignity of all women and especially Timorese women.

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