



PRESS RELEASE

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**ABILIO "MAUSOKO" SENTENCED TO FOUR YEARS JAIL,
CO-DEFENDANTS SENTENCED TO ONE YEAR SIX MONTHS JAIL**

On Wednesday 6 August 2007, the Dili District Court announced its final decision in the case of four defendants accused of attacking the residence of Brigadier General Taur Matan Ruak on 24 and 25 May 2007 in Marabia, Lahane, Dili. This was the final hearing in the case of the defendant Abilio Mesquita ("Mausoko") and others.

The Panel of Judges handling this case was composed of Presiding Judge Dra. Maria das Dores Gomes (International), Judge Dr. Vitor Hugo Perdal (International) and Judge Dr. Duarte Tilman (National). Public Prosecutors Dr. Bernardo Fernandes and Dr. Aderito Tilman submitted the recommendation of sentence against the defendants. Dr. Felismino Cardoso, who had been prosecuting the case against Abilio Mausoko and the others, did not attend the final hearing. The four defendants, Abilio Mesquita, Artur Avelar Borges, Almerindo da Costa and Valente de Araujo, were represented at the hearing by their team of lawyers, comprising Dr. Andre Fernandes (public) and Dr. Nelson de Carvalho (private). The other member of the defence team, Paulo dos Remedios (private), did not attend.

After opening the hearing, the Presiding Judge read out the Public Prosecutor's indictment, which charged the defendants with criminal acts carrying a maximum sentence of nine to twelve years imprisonment. The Public Prosecutor accused the defendant Abilio Mesquita of committing more than one criminal act, including extortion committed against the victim Elizario da Silva (owner of Uanagua shop). Associated entries in the indictment were classified as violations of Article 362 of the Indonesian Penal Code on theft and Article 55 of the Indonesian Penal Code, which proscribes being 'a principal of a criminal act'. Other acts related to the attack on the residence of Brigadier General Taur Matan Ruak were contended to breach UNTAET Regulation No. 5/2001 4.4.7, as the defendant "Mausoko" was carrying a gun, having the effect of causing panic and disturbing public order.

A further entry in the indictment against the first defendant, Abilio Mesquita, was classified under Article 338 of the Indonesian Penal Code, which deals with acts constituting a 'crime against life'. The Panel of Judges, led by

international judge Dra. Maria das Dores Gomes, acquitted the defendant on this charge, as it was not proven that he had committed or attempted murder. The punishment handed down against this defendant was a conjunction of sentences for violating Article 362 of the Indonesian Penal Code on theft and UNTAET Regulation No 5/2001 4.4.7, resulting in a total accumulated sentence of four years imprisonment.

JSMP notes that if the defendant Abilio Mesquita had been sentenced separately for each charge, then the total punishment would have been five years imprisonment. The Panel of Judges had regard to Article 65 (1) of the Indonesian Penal Code, which states that *“in a case involving a conjunction of multiple acts that may individually constitute crimes, or [where] similar basic punishments are mandated, one punishment shall be imposed.”*

The sentence passed by the Panel of Judges appears to reflect a belief that the release of the defendant Mausoko would not be in accordance with the respect for life and dignity enshrined in the law. Mausoko was a police officer, and was supposed to provide a good example to the community – conversely, he caused disorder through the abuse of his authority. Additionally, the Panel felt that the defendant had not shown any regret for his actions.

The defendants Artur Avelar Borges, Almerindo da Costa, and Valente de Araujo, were each sentenced by the court to a maximum imprisonment of one year and six months, based on statements presented by the Public Prosecutor in the form of material evidence. This included witness testimony relating to the incident that occurred on 24-25 May 2007 in Marabia, Lahane. Their actions were charged under UNTAET Regulation No 5/2001 4.4.7 relating to the use of guns to cause public disorder.

Brigadier General Taur Matan Ruak submitted a letter requesting that all the defendants be released and granted clemency. The Panel of Judges, however, did not accept the request, noting it had no legal validity. The court ultimately decided to return this letter to its author. Roberto da Costa Pacheco, Coordinator of Legal Research, JSMP, observed that the court took very seriously its handling of the trial against the defendant Abilio Mesquita, with the aim of improving community faith in the judicial system. JSMP believes that this is a positive step forward, especially in light of recent turmoil.

JSMP also requests that the authorities to do their utmost to follow up all cases that occurred during the crisis and to pursue the recommendations issued by the International Commission of Inquiry.

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