



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

**Press Release**

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## **Court Issues Decision in Case of Crime against Public Authority**

During the first week of May 2008, the Suai District Court read out its final decision in a case involving the three defendants AL, FM and AB. Both the prosecution and the defence accepted the decision and stated that they have no intention of lodging an appeal against the court's decision. Therefore the court's decision carries the full force of the law. The three defendants were charged by the Public Prosecutor for violating Article 212 (1) of the Indonesia Penal Code for allegedly trying to obstruct a government official from performing his duties. The three defendants tried to obstruct an official from the Public Works Department (Government Service) who was carrying out a field review in the sub-district of Ainaro as part of a project to renovate the sub-district administrator's office in Ainaro.

Based on monitoring conducted by JSMP, the decision in this case was supposed to be announced on 6 May, in accordance with the schedule of hearings prepared by the local court. However, the public prosecutor and public defender had to travel from Dili so the hearing was delayed for three days and the decision was announced on 9 May. Before reading out the court's decision, the single judge Jose Maria de Araujo told the defendants about the obstacles encountered by the Suai District Court that caused the delay.

After providing an explanation for the delay the judge preceded to read out the decision to the defendants. The defendants were found guilty of trying to obstruct and prohibit an official from the Public Works Department from observing the renovation of the Ainaro sub-district administrator's office on 19/4/06. It was proven that on the aforementioned date the defendants obstructed the official by making the following threat "we will kill anyone who dares to rehabilitate the Ainaro sub-district administrator's office".

According to the judge's reasoning, the decision was based on the facts ascertained from testimony provided by all parties. Based on the aforementioned

facts, the court deliberated and fairly and impartially sentenced the defendant AL to one year's imprisonment, accompanied by a fine totaling \$50.00. Other considerations included the fact that the defendant had no prior convictions, had never appeared before the court, was employed as a teacher, and for these reasons the defendant was given a two year suspended sentence. The other two defendants (FM, AB) were each sentenced to 6 months imprisonment to be suspended from one year and each ordered to pay court costs totaling \$10.00 within a three month period.

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