



JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA DE MONITORIZAÇÃO DO SISTEMA JUDICIAL

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DEFENDANT IS THE FATHER OF THE VICTIMS

On 19 November the Oe-Cusse District Court conducted a hearing into a case of sexual assault involving the defendant HN. This immoral incident occurred in December 2006 in Taiboko village, Oe-Cusse. Based on monitoring conducted by JSMP at the aforementioned court, the trial was closed to the public because the case related to the chastity of minors (13 and 11 years old). JSMP was informed by the lawyer for HN after the conclusion of the trial that the defendant did not provide consistent testimony throughout the course of the trial in regards to what he had previously told police during their investigations. This was also the case with testimony provided by the witness (mother of the victims). The two victims decided to say nothing when invited to make a statement. As the testimony of the defendant kept changing the prosecution was not able to establish the elements of the charge (Article 285 of the Indonesian Penal Code).

In his final statement the lawyer for the defendant asked the court to acquit the defendant from all charges because his guilt had not been established.

Finally, the defendant informed the court that he and the victims had agreed to an amicable settlement (forgiveness). However, it appears that the court did not recognize this agreement because it was unclear.

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