



JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA DE MONITORIZAÇÃO DO SISTEMA JUDICIAL

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DILI DISTRICT COURT CONDUCTS HEARING IN CASE OF ABILIO MAUSOKO AND OTHERS

On Tuesday 5 June 2007, the Dili District Court conducted a hearing in the case involving an attack on the residence of F-FDTL Commander Brigadier General Taur Matan Ruak that occurred on 23 May 2006. The hearing was scheduled to start at 9:30am, but was delayed until 10:30am. The defendants in this case were Abilio Mesquita alias Mausoko, Artur Avelar Borges, Almerindo da Costa Cardoso, Valentim de Araujo and Pedro da Costa. All of these defendants were represented by legal counsel, namely Paulo dos Remedios, Nelson de Carvalho, Jose Pedro Camões and Andre Fernandes who was acting on behalf of Artur Avelar Borges.

The hearing was presiding over by a panel of judges consisting of international judges Maria das Dores and Hugo Perdal, and national judge Duarte Tilman. The prosecution unit was represented by international prosecutor Felismino Cardoso. The hearing experienced a slight delay because the legal representative of Artur Avelar Borges requested a 30 minute adjournment to consult with his client as he had not previously represented this defendant, and the presiding judge granted his request.

The defendant Pedro da Costa did not attend the hearing as he had previously absconded from prison together with Major Alfredo Reinado Alves. For this reason the prosecutor Felismino Cardoso requested for the court to charge the defendant Pedro da Costa separately in accordance with Article 25(a) of the Indonesian Penal Code so as to not impede proceedings against the other defendants.

After hearing the submissions of the prosecutor the presiding judge decided to act on the prosecutor's suggestions in order to establish the material facts. In this case, pursuant to Article 261(1) of the Indonesian Penal Code, the judge decided to hear from each of the defendants brought before the court.

The defendant Abilio Mesquita alias Mausoko was given the first opportunity to provide testimony about the issues described in the indictment. The prosecutor charged this defendant with three criminal acts, namely theft, attempted murder and the use of firearms to disturb public order.

After the judge read out the indictment, via the interpreter Jacinto, the judge announced that there were a number of inconsistencies between the charges contained in the indictment and the facts. The defendant Abilio Mausoko

rejected some of the charges leveled against him on the basis that he had absolutely no intention to attack the house of the F-FDTL Commander, Brigadier General Taur Matan Ruak, because they were on the same side. These former guerillas, who were now members of the F-FDTL, had been friends for a long time and in the past fought together in the armed resistance, and he himself (Abilio) was also was a freedom fighter with the clandestine movement.

Although the defendant Abilio Mesquita (Mausoko) rejected the charges against him, the judge decided that his actions were clearly unlawful pursuant to Article 55(1), namely contributing to the commission of a criminal act, Article 365(2) on theft preceded by or accompanied by force or threat of force, Article 338 on attempted murder, and also UNTAET Regulation No 05/2001, Section 4(4.7) on the importing and use of firearms, ammunition or explosives to disrupt public order.

The hearing concluded at 14:26 and the presiding judge decided to continue the hearing on the following day (06/06/2007) at 14:00, to hear testimony from the other defendants Artur Avelar Borges, Almerindo and Valentim de Araujo.

JSMP has monitored the judicial process employed during this case, and values the cooperative attitude demonstrated by the defendants, especially by Abilio Mesquita alias Mausoko who responded to all questions posed by the judges and prosecution, despite not being given a single moment to rest.

JSMP also requests for all parties wishing to gain access to this case to remain calm and respect the judicial process so the court actors are not distracted when participating in the examination of defendants. Several times the presiding judge had to remind those present in the court room to remain calm while the hearing was in progress.

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