

Lolotoe trial continues and mahidi militia member convicted

JSMP, Dili 27 March 2002

The trial against three men accused of committing crimes against humanity in the sub-district of Lolotoe during 1999, continued today before the Special Panel of the Dili District Court after a three week adjournment. The three accused chose not to make any statements in response to the charges alleged by the Public Prosecutor and the trial will resume on 8 April 2002.

Jose Cardoso Ferreira, Joao Franca da Silva and Sabino Gouveia Leite are charged with a total of 27 counts of crimes against humanity that include imprisonment, torture, inhumane acts, persecution, three rapes and four murders between May and September 1999 in the Lolotoe sub-district of Bobonaro. Jose Cardoso and Joao Franca are alleged to have been commanders of the Kaer Metin Merah Putih militia and Sabino Gouveia Leite was a former village chief.

In other news, today the Special Panel of the Dili District Court convicted Anigio de Oliviera, a former Mahidi militia member, as an accomplice to the murder of Fernando Gomes in the village of Kassa in Ainaro District on 5 September 1999 and sentenced him to 4 years' imprisonment. The Court, comprised of Judge Antero Luis (Portugal) presiding, Judge Benfeito Mosso Ramos (Cape Verde) and Judge Antonio Helder (East Timor) found that de Oliveira had gone with a group of Mahidi militia members to the victim's house and set fire to the house of the victim. One of the other militia members, had shot and killed the victim when he ran out of the burning house. The Special Panel held that de Oliveira was only responsible as an accomplice to murder without premeditation under the Indonesian Penal Code.

This is the first decision of the second Special Panel for Serious Crimes and the judges considered the basis of the Special Panel's jurisdiction in cases of murder. They held that the UNTAET regulation that confers their jurisdiction tries to retrospectively impose new law in murder cases, which is contrary to the international legal principle of legality. Therefore, the court decided to apply the Indonesian Penal Code provisions, both in relation to sentencing and determining guilt.

- JSMP -