



JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA DE MONITORIZAÇÃO DO SISTEMA JUDICIAL

Press Release

12/05/08

PNTL OFFICER MALTREATED IN OECUSSE

The Oecusse District Court examined case No. 18/TDO/2008 on 23 April and issued a decision on 24 April 2008.

The Public Prosecution Unit was represented by Domingos Barreto and Carolino da Costa, who charged the defendant OT under Article 352.1 for committing maltreatment against the male victim BN (PNTL member) on 1 June 2004. In his testimony the defendant admitted punching the victim once on the cheek, because the victim tried to handcuff the defendant when he asked the victim about what the victim had said to his sister. In his testimony the victim said that he was on patrol at that time and visited a wedding party. The victim danced with AT and asked her to meet up with him without any clear reason. The testimony of the victim was corroborated by the testimony of the witness AT. The victim denied that he had tried to handcuff the defendant. Suddenly the victim was attacked by a bunch of people, including the defendant.

Considering that the maltreatment committed by the defendant is categorized as light maltreatment, the Public Prosecutor requested for the court to find the defendant guilty under the appropriate article of the Indonesian Penal Code that relates to the aforementioned criminal act. The defendant was represented by the lawyer Mateus Nesi who claimed that his client had given faithful testimony to the court, and therefore he requested for the court to acquit the defendant from all charges.

JSMP observed that the Court was unsure about the testimony of the victim, because he had not told the truth. Therefore presiding judge Helder Antonio do Carmo found the defendant guilty for committing the criminal act of maltreatment in violation of Article 352.1 of the Indonesian Penal Code. The defendant was sentenced to three months imprisonment suspended for a period of one year.

JSMP is concerned about the behavior of the PNTL member despite the fact he appeared as a victim in this case, because he did not set a good example as a professional police officer while he was on active duty. JSMP is disappointed with the actions of the aforementioned police officer because he attended a marriage ceremony whilst he was supposed to be on patrol. JSMP considers that his actions are in conflict with Article 4 of Decree-Law 13/2004 on the Timor Leste National Police Force Disciplinary Regulation.

JSMP appeals to all members of PNTL to act appropriately while on active duty. The PNTL is a respectable institution mandated by the RDTL Constitution to guarantee security and order for all sectors of the community in Timor Leste. Therefore, at every stage the dignity of this institution should be respected, in addition to respecting the human rights of all individuals.

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