



JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA DE MONITORIZAÇÃO DO SISTEMA JUDICIAL

Press Release

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**PROSECUTOR FELISMINO CARDOSO:
WE HOLD TRIALS TO REPECT HUMAN DIGNITY**

The Dili District Court (operating at the Court of Appeal) continued the trial of the case relating to an attack on the residence of Brigadier General Taur Matan Ruak. The hearing commenced at precisely 15:12 and concluded at 20:10 on Monday 09 July 2007. The hearing was scheduled for 14:30 but the counsel for the defence failed to show up on time so the presiding judge Dra. Maria das Dores decided to summon a member of the Public Defenders Unit to replace the absent lawyer so the trial could continue despite the delay.

For this hearing the defence presented four witnesses to testify about the charges brought against Abilio Mausoko and his co-accused. One of the four witnesses was an expert witness from UNPOL who is of Portuguese origin. The respective names of the witnesses are Elizário da Silva, Marcelo de Carvalho, Dinis Cabral da Silva, and Sergeant Carlos Alberto, who was the expert witness from UNPOL.

The expert witness appeared before the court simply for the purpose of clarifying the types of guns used by the defendants at the time of the incident and to describe how those weapons were used. Roberto Pacheco, a legal researcher from JSMP who has been monitoring this trial, commented that there was poor coordination between the witnesses and the court actors who were trying to establish the truth in the aforementioned case.

After the examination of witnesses was completed, the hearing continued with the recommendation of sentence from the Public Prosecutor and the final statement from the defence.

The Public Prosecutor stated that the purpose of this trial was to value and respect human dignity. He also iterated that the law should be placed above all other interests.

In his recommendation of sentence the international prosecutor Felismino Cardoso stated that the defendant Abilio "Mausoko" Mesquita is charged with three counts, namely theft as set out in Article 372 of the Indonesian Penal Code

as well as the use of guns to disturb the public order as contained in Section 4.4.7 of UNTAET REGULATION No. 05/2001 on Guns, Ammunition and Explosives in Timor Leste. The acts of the defendant also violated Article 53 of the Indonesian Penal Code which relates to attempted murder.

The other three defendants, namely Artur Avelar Borges, Almerindo da Costa, and Valente de Araújo, were only charged with two counts, namely attempted murder as set out in Article 53 of the Indonesian Penal Code and the use of guns to disturb the public order which is set out in Section 4.4.7 of UNTAET REGULATION No. 05/2001.

In his closing statement the counsel for the defence said that at the time of the incident his clients were carrying out their duties as PNTL officers. He also stated that the confiscation of cigarettes by the defendants had absolutely no relation whatsoever with the charges against his clients. They were carrying their duties as police officers so they are obliged to confiscate any goods illegally entering Timor Leste.

The defence requested for the Panel of Judges to acquit the defendants from all charges and pardon them in accordance with the applicable law in Timor Leste, because the fundamental reason for a trial is not just to punish but to establish the facts as fairly as possible.

JSMP hopes that the Panel of Judges in this case will consider all matters in accordance with the applicable law before issuing a decision that is fair on all parties. In the words of the philosopher and legal academic Immanuel Kant "even if the world falls apart, the law must be upheld".

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