

Special Panel Dismisses Indictment against Alleged Aitarak Militia Members

On 11 July the Special Panel for Serious Crimes in Dili dismissed a prosecution indictment against two alleged members of the Aitarak Militia and ordered them to be released from detention.

The prosecution had charged Domingos Amati and Francisco Matos with the murder of Antonio Pinto Soares (aka Charles) in September 1999 in Hera, Dili District.

On 24 June 2003 the defence requested the dismissal of the indictment claiming that the facts as stated in the indictment did not establish the basic elements for a charge of murder.

In delivering its decision, the Court found that the facts alleged did not support the necessary mental element (mens rea) for the crime of murder as required under Indonesian criminal law. In these circumstances, the Court stated that the trial should not continue before the Special Panel.

However, the Court also expressed its opinion that the actions of Domingos Amati and Francisco Matos may constitute manslaughter or maltreatment resulting in death, which could be prosecuted in the Dili District Court.

"By dismissing the indictment before the Special Panel for Serious Crimes, the Court is not indicating that serious offences should go unpunished but that these matters must be dealt with by the appropriate court. What remains to be seen is whether a charge will now be brought before the Dili District Court." - said JSMP