



JSMP PRESS RELEASE

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Suco Chief sentenced for assault

On 1 September 2006 the Dili District Court held an expedited trial and handed down a 4 month prison sentence, suspended for 2 months, in the case of a Suco Chief (local government head) who was charged with committing maltreatment (assault) against a female victim. The defendant committed the crime against a member of his community at the end of August 2006 in the Marconi area of Dili.

JSMP received information from prosecutors and witnesses that the incident was related to an unpaid debt, where the suspect had defaulted on his obligation to pay an amount of money owing to the victim within a given time frame.

JSMP observed two important issues that require consideration:

The failure of a community leader to respect the law. A failure by any citizen to meet his/her obligations to adhere to the law will give rise to criminal acts that can damage the interests of others. For example, any person engaging in violence will cause others to feel insecure. JSMP notes that article 4(2) of the Law on the Election of Suco Chiefs and Suco Councils states that a Suco Chief who is sentenced by a court for a crime involving malicious aforethought and carrying a possible penalty of imprisonment, the Chief forfeits his or her position.

The handing down of an extremely light penalty against the defendant. JSMP was informed by judge that the decision was made based on the prosecutor's proposal. JSMP believes that the proposal by the prosecutor for a short suspended sentence is not proportionate to Article 351(1), of the Indonesian Penal Code which carries a maximum penalty of two years and eight months imprisonment. The sentence in this case was not proportional to the act that victimized another person. JSMP notes that the victim was taken to hospital following her injuries. In addition, the defendant was a community leader who is obliged to provide a good example and provide protection to his community members.

In relation to the two points mentioned above, JSMP hopes that community leaders will respect the law, so that communal living can be conducted in harmony and peace and a good example can be set for all other citizens. Also, a penalty for a criminal offence should be serious enough to act as a deterrent and should be proportional to penalties given in the Penal Code.

For More Information:

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