

Judicial System Monitoring Program (JSMP)
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Three More Decisions Handed Down By Special Panel For Serious Crimes

Yesterday, 23 February 2004, the Special Panel for Serious Crimes in Dili, East Timor, delivered decisions on the cases of Miguel Mau, Paulino de Jesus and Inacio de Olivera and Others.

Miguel Mau was sentenced to 9 years imprisonment for crimes against humanity in the form of murder, disappearance and an attack against the civilian population in the village of Raihun, Tilomar, district of Suai. He pleaded guilty to the murders of Aleixo Ximenes, Tomas Cardoso and Paulo Ximenes as well as the disappearance of Lodificus Rabu and the attack against the civilian population.

Paulino de Jesus was found not guilty by the Special Panel for the charges of crimes against humanity for the murder of Lucinda Saldanha and the attempted murder of Juvita Cardoso which took place on 10 September 1999 in Bobonaro. The Panel was of the opinion that the prosecution could not prove the participation of De Jesus in these crimes.

In the case of Inacio Olivera, Gilberto Fernandes and Jose da Costa, the Special Panel for Serious Crimes considered the three accused not guilty of the crime against humanity in the form of murder of Veríssimo Dias Quintas in Los Palos. In its decision, the Court found that the accused had not actively participated in the murder of Mr. Dias Quintas. The Court was also of the opinion that the prosecution was not able to show the element of a "widespread and systematic attack" in this case and consequently only decided to hold the accused guilty of destruction of property in terms of article 170 of the Indonesian Penal Code, sentencing each of them to a term of 18 months imprisonment.

'JSMP had been concerned by the delay in these cases as the accused in these cases were indicted between two and three years ago. However, in recent months these cases were processed significantly quicker due to the threat of one of the Judges of the Panel departing East Timor. In the end, the Special Panel could satisfactorily conclude these cases before the Judge's departure preventing the rights of the accused being violated by further delays.' - said JSMP

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