

Press Release  
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### **Timor serious crimes panel hands down first rape conviction**

East Timor's Special Panel for Serious Crimes today sentenced a former militia commander to four years jail for sexually assaulting a woman during the violence following the nation's independence ballot in 1999 - the first rape conviction handed down by the court.

Francisco Soares, a former Indonesian soldier and Aitarak pro-Indonesia-militia leader, was facing a maximum penalty of 12 years for raping a woman on a Dili beach in September 1999.

Reading the panel's judgment to a court room including JSMP trial monitors, the presiding judge noted that Soares, 42, had no prior convictions. The panel found that the fact he had a wife and children should not be considered a mitigating circumstance in sentencing, but the fact that Soares knew the victim had a boyfriend was an aggravating circumstance.

The panel found Soares guilty under section 285 of the Indonesian Penal Code, which states that: "Whosoever uses force or the threat of force to coerce a woman who is not his wife to have sexual relations with him is liable to imprisonment of 12 years".

The judge said that one member of the three judge panel dissented on whether not being married to the victim remained an element of the crime of rape under East Timorese law, given that Indonesian law continued to prevail in East Timor only to the extent that it is compatible with international human rights law.