



JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA MONITORIZASAUN BA SISTEMA JUDISIÁRIU

Press Release

Dili District Court

5 November 2013

Correction to Press Release:

Dili District Court convicts three defendants for committing crimes in their capacity as civil servants

On 30 October 2013, the Dili District Court read out its decision in a case involving the defendant Abílio Lima, the former Secretary of State for the Environment, and sentenced him to 5 years imprisonment and ordered him to pay compensation of US\$ 5,300 and court costs of US\$ 50.

The defendant António de Carvalho, who was the Chief of Staff to the Secretary of State for the Environment was sentenced to 3 years 6 months imprisonment and ordered to pay compensation of \$ 5,300 and court costs of \$ 20. The defendant Ilda da Costa Be-Loi who was the former treasurer in the Office of the Secretary of State for the Environment was sentenced to 1 year 3 month's jail, suspended for 3 years 6 months and she was ordered to pay court costs of US\$ 20.

The defendants were found guilty of engaging in the crimes of active corruption, passive corruption for an illegitimate act, embezzlement and the falsification of a technical report that allegedly occurred in December 2010.

"Although the appeal process in this case is still ongoing, this decision is a positive step forward for the justice sector, especially in regards to ensuring that all State authorities who misuse their responsibilities and functions as civil servants for personal gain will be taken to court because any crimes of this nature will seriously threaten the sustainability of Timor-Leste in the future", said Luis de Oliveira Sampaio, the Executive Director of JSMP.

This decision is very important for the community as well as for State authorities as it sends a strong message that will encourage everyone to value their role and to uphold their functional responsibilities to serve the national interest. If they fail to fulfill their responsibilities, then consequently they will be brought before the law for the professional negligence they have committed.

"This decision will continue to show all people that corruption is not just a violation of the law, but these kinds of practices have a very serious impact and undermine social development and seriously threaten the future of the nation and the State. JSMP hopes that when corruption is dealt with seriously this will educate all elements of society and deter them from engaging in the crime of corruption," said Luis de Oliveira Sampaio, the Executive Director of JSMP.

In the public prosecutor's final allegation the court was also requested apply Article 301 of the Penal Code on aggravation against the defendant Abílio Lima because his conduct at the time while performing the duties of the Secretary of State for the Environment was an abuse of his position in public office.

The public prosecutor requested for the court to sentence the defendant to 5 years imprisonment for committing two different crimes involving active corruption in accordance with 294 of the Penal Code and Article 295 of the Penal Code on embezzlement plus Article 301 of the Penal Code on aggravation. The public prosecutor also requested for the court to convict the defendant to pay compensation to the State of US\$ 3,850.

Based on the evidence, in relation to the defendant António de Carvalho, the public prosecutor sought a sentence of 3 years imprisonment, to be suspended for 3 years, because the defendant had confessed to the conduct, regretted his actions and has returned the money that he misused. In this case the public prosecutor charged the defendant with Article 295 of the Penal Code on embezzlement.

In relation to the defendant Ilda da Costa Be Loi, the public prosecutor asked that the defendant be sentenced to 3 years imprisonment suspended for 5 years because the defendant regretted her actions, admitted guilt and has already returned the money in question. The public prosecutor had charged the defendant for violating Article 292 of the Penal Code on passive

corruption for an unlawful act and Article 303 of the Penal Code on falsification of a technical report.

Recalling that this case is of major importance to the public interest, JSMP encourages the Court of Appeal to prioritize this case, so that the public does not have to wait in doubt and uncertainty, which has happened in previous cases.

The decision was announced by Ana Paula Fonseca representing the panel of judges. The Public Prosecution service was represented by Angelina Saldanha and the Office of the Public Defender was represented by Manuel Sarmento, Cândia Xavier and Fernando Lopes de Carvalho.

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