



JUDICIALSYSTEM MONITORING PROGRAMME
PROGRAMA MONITORIZASAUN SISTEMA JUDISIÁL

Press Release

Dili District Court

30 September 2013

Dili District Court tries case of corruption and forgery

On 25 September 2013 the Dili District Court tried a case of active and passive corruption involving three defendants (AdJL, ASC and IDC).

The defendants previously held the positions of Secretary of State for the Environment, Chief of Staff of the Secretary of State for Environmental Affairs, and the Treasurer of the Secretary of State for Environmental Affairs. This case allegedly occurred in December 2010.

Corruption is a very serious crime because such acts have a direct impact on public interests, threaten national development and are a major impediment to social and economic development.

“Corruption will lead to an inferior system of state governance/management that will no doubt threaten the sustainability of the State if it is not prevented and anticipated as early as possible. Therefore, JSMP encourages the court to ensure that those who violate their functional obligations must be held accountable in accordance with the applicable law,” said Luis de Oliveira Sampaio, the Executive Director of JSMP.

“JSMP is concerned that if the State Budget is not used in accordance with the prevailing procedures and norms, this can destroy the system of public administration management that we are developing to serve the public interest”.

The public prosecutor alleged that in December 2010 the defendant AdJL asked the defendant IdC, who was the treasurer, to prepare a Commitment and Payment Voucher (CPV) to withdraw petty cash totaling US \$ 5,500 for a Christmas get-together.

After taking the money, the defendant AdJL rang the defendant IdC to ask him to bring the money. Upon his arrival at the home of the defendant AdJL, US\$200 for taken out for his personal interests, however he asked the defendant IdC to prepare a report on the use of this money.

The defendant AdJL also gave US\$ 1,600 to the defendant ASC to be shared with his staff and those who were working as interns at the Office of the Secretary of State for

Environmental Affairs and the defendant ASC also received US\$ 400 from the defendant AdJL.

In relation to this case, the public prosecutor charged the defendant AdJL with Article 294 and Article 295 of the Penal Code regarding the crime of active corruption and embezzlement, the defendant IdC was charged with Article 292 and 304 of the Penal Code on passive corruption and falsification of documents and the defendant ASC was charged with Article 295 of the Penal Code on the crime of embezzlement.

During the trial the defendant AdJL rejected the charges of the Public Prosecutor and testified that in the position of Secretary of State he only gave instructions to the Section Chief to prepare a Commitment and Payment Voucher and asked for money to be taken from Petty Cash, however the defendant had no knowledge of the amount taken.

The defendant also testified that after withdrawing the money he rang the defendant IdC to take the money to his house to be given to those who came forward and requested assistance because previously the defendant used the money for his own interests. The defendant ASC testified to the court that as the Chief of Staff he never received any instructions to withdraw money. However he testified that perhaps the Secretary of State provided direct instructions to the treasurer and only after the Commitment and Payment Voucher (CPV) was prepared did he sign it.

However, the defendant testified that he went with the defendant IdC to withdraw the money and after taking the money from the bank the defendant AdJL rang them and asked them to bring the money to his house.

After giving the money to the defendant AdJL, the defendant AdJL then took US\$ 200 and asked IdC to prepare a report on the withdrawal of this money even though there were no activities being conducted. In addition the defendant also gave US\$400 to the defendant ASC without clear justification and the remaining amount of approximately US\$ 1,600 was shared with the staff and the interns.

The defendant IdC testified that the defendant AdJL gave an instruction to prepare a Commitment and Payment Voucher after a signature was obtained by the Section Chief and it was validated by the Vice Minister. After withdrawing the money at the bank, the defendant AdJL rang to say that he would bring the money to his house. After arriving at his house the defendant took out \$200 and asked him (IdC) to prepare a report regarding the withdrawal.

The defendant IdC further testified that the Christmas get-together could not take place because the money had been divided up and there was no chance to give it to the organizing committee for the Christmas get-together. Actually the defendant did not want to prepare the report because he did not have the expertise to prepare the report. However, because the defendant AdJL coerced and threatened to remove him from his work, the defendant reluctantly prepared a report about the withdrawal of money.

The trial was presided over by a panel of judges comprising Ana Paula Fonseca, Francisca Cabral and Jumiati Maria Freitas. The Public Prosecution Service was represented by Angelina Saldanha and the Office of the Public Defender was represented by Manuel Sarmiento, Olga Barreto Nunes and Fernando Lopes de Carvalho.

The trial will continue on 16 October 2013, at 2pm.

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