



JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA MONITORIZASAUN BA SISTEMA JUDISIÁRIU

Press Release

Oecusse District Court

24 July 2014

**Oecusse District Court conducts judicial inspection of the crime scene in
a case involving crimes against flora and fauna**

On 17 July 2014 the Oecusse District Court conducted a judicial inspection at the crime scene in a case of crimes against flora and fauna involving the defendant AB who allegedly committed the offence against the Department of Forestry, Ministry of Agriculture and Fisheries, on 22 September 2013 in Abani Village, Pasabe Sub-District, Oecusse District.

This inspection was carried out after the court conducted a hearing to examine evidence, because the court had some doubts about the facts, even though the court had heard the testimony of the defendant and witnesses.

“JSMP values this initiative because an inspection of the crime scene can provide clues to the court that will allow the judges to have certainty when deciding this case”, said Luis de Oliveira Sampaio, Executive Director of JSMP.

The public prosecutor alleged that on 22 September 2013, at approximately 8am, the defendant cut down 2 teak trees belonging to the Ministry of Agriculture and Fisheries, Oecusse District. At that time, a forestry official stopped the defendant in order to prevent the felling of the trees; however the defendant had already cut down the two teak trees. In relation to these acts the public prosecutor charged the defendant for violating Article 217 of the Penal Code.

Previously, on 25 June 2014, the Oecusse District Court conducted a trial in this case, however because the court had doubts about the statement of the defendant and the testimony of witnesses, the court decided to inspect the crime scene.

During the trial the defendant testified that he planted the teak trees in 2001. On the other hand the witness DT testified that the teak trees cut down by the defendant were not planted by the defendant, but had been growing there since Portuguese times.

The witness VP testified that the teak trees had been growing in the plantation of the defendant since 2001, and the defendant had erected a fence and planted oranges, mangoes, teak trees and spruce trees. The witness also testified that during Indonesian times that land was in a flood prone area.

Another witness who was the Chief of the Forestry Department in Oecusse District testified that all of the different types of trees were registered to the State, but the community had continued to cut down the teak trees.

In his final recommendations the public prosecutor stated that the defendant was guilty of cutting down two teak trees, because after examining the crime scene, the public prosecutor reached the conclusion that teak trees as big as those cut down by the defendant would need at least 25 years to grow. This fact was at odds with the testimony of the defendant who stated that the teak trees were planted in 2001. Therefore, the prosecutor requested the court to hand down an appropriate punishment against the defendant.

On the other hand, the public defender requested for the court to issue a fair punishment because the defendant had cut down the teak trees without the knowledge of the competent authorities from the Department of Forestry in Oecusse District.

After hearing the final recommendations of the public prosecutor and the public defender, the court adjourned the trial until 31 July 2014 at 14:30 to announce its decision.

The inspection was led by Judge João Ribeiro. The public prosecution service was represented by Alfonso Lopes and the defendant was represented by public defender Afonso Fatima Gomes.

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