



JUDICIAL SYSTEM MONITORING PROGRAMME  
PROGRAM PEMANTAUAN SISTEM YUDISIAL

**WEEK ONE  
(17-20 MARCH 2003)**

**BAUCAU DISTRICT COURT - WEEKLY SUMMARY**

The following information is taken on the basis of the trial monitoring conducted by JSMP in Baucau District Court for the week 17-21 March 2003. This information is only the compilation of data collected from the court. A more detailed report, containing the analysis and commentary of the issues identified throughout the court proceedings, will be written after complete compilation of the data.

**A. Case Loads**

**Monday 17 March 2003**

No	Review hearing	Trial scheduled	Stage of the trial
1	0	0	-

**Tuesday 18 March 2003**

No	Review hearing	Trial scheduled	Stage of the trial
1	1	0	-

**Wednesday 19 March 2003**

No	Review hearing	Trial Scheduled	Stage of the trial
1	4	3	<b>Criminal case:</b> Two trial hearings were scheduled for the court to hear the presentation of the indictments by the prosecution (please read sect. 24 of UNTAET regulation 30/2000 as amended by UNTAET Regulation 25/2001...) <b>Criminal case:</b> The other hearing was scheduled to hear the testimony of the witnesses. (please read section 34 of the same regulation)

**Thursday 20 March 2003**

No	Review hearing	Trial Scheduled	Stage of the trial
1	0	4	<b>Civil matter :</b> A civil matter (This is the first civil case ever tried by the court of Baucau District Court since it was established in September 2000) <b>Criminal case :</b> Of three criminal cases, the first case was scheduled before the court to hear the testimony

			<p>of the witness, see section 36 of UNTAET reg. 2000/30 as amended by the UNTAET reg. 2001/25</p> <p>The second <b>criminal case</b> was scheduled before the court to hear the response of the defence council to the indictments including observation of the accused with respect to the indictment ( see section 26.2 and 26.3 of the same regulation)</p> <p>The last <b>criminal case</b> was scheduled for the court to deliver its decision ( see section 30 of the same regulation)</p>
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## B. Adjournments

**Monday 17 March 2003**

No	Adjournments	Reason for the adjournments	Remarks
1	0	0	No court scheduled

**Tuesday 18 March 2003**

No	Adjournments	Reason for the adjournments	Remarks
1	0	0	Only a review hearing was held over the duration of the day. No court was scheduled

**Wednesday 19 March 2003**

No	Adjournments	Reason for the adjournments	Remarks
1	3	<p>The three scheduled cases were to be adjourned following the failure of the only government-paid defense council to appear in the court room (Based on informal information received by JSMP from the court, including the prosecutor, the defense was still in Dili sorting out office-related matters). It was not known when he was going to come to the court. Although this information was received from some of the judges, the actual reason for the defense council's unavailability was not announced in the court room for the benefit of the accused and the common public.</p>	<p>The accused, and the public participants who were present at the court, were informed of the adjournment of the case through a formal hearing, in which the next trial date was also set.</p> <p>The Police and prison were given a copy of the next trial date and the reason for the adjournments at the end of the hearing.</p>

**Thursday 20 March 2003**

No	Adjournments	Reason for the adjournments	Remarks
1	4	<p>Of the four trials scheduled to date, including a civil case, none were able to proceed due to the failure of defense counsel to appear. The civil case was adjourned, following the failure to appear of the defence council, said to come from Baucau public defender's office. The counsel for the plaintiff was from a Legal Aid NGO in Dili. The reason given for their absence was the same - that the public defender was presumed</p>	<p>The adjournment of the civil case was announced through a hearing held formally in the court room</p> <p>The criminal cases scheduled before the court to date were postponed by a decision made in chambers. There was no</p>

		to be in Dili to manage his office-related matters. The other three criminal cases were also postponed following the failure of the public defender to appear in the court.	hearing on this issue despite the accused's presence in the court. The prison and police officers were given copy for the reason of the adjournments as well as the date of the next trial.

## C. Number of proceedings before the Investigating Judge

Monday 17 March 2003

No	Number of proceedings before the Investigating Judge	Outcome of the proceedings before the Investigating Judge	Type of criminal offence listed before the Investigating Judge
1	0	0	0

Tuesday 18 March 2003

No	Number of proceedings before the Investigating Judge	Outcome of the proceedings before the Investigating Judge	Type of criminal offence listed before the Investigating Judge
1	1	One (1) suspect remanded for thirty days. NOTES: The suspect pleaded guilty even though he said that the victim consented to the commission of the act that was the subject of the alleged offence. The grounds for remanding the suspect were mainly that the alleged victim is a minor and that this offence, in line with the KUHP ( <i>The Indonesian Penal Code</i> ), is a grave and serious offence, and therefore punishable for more than 5 years. <i>The Review Hearing was held without the presence of the public defender</i>	The suspect remanded was alleged to have committed a <b>Sexual offence</b> .

Wednesday 19 March 2003

No	The Number of proceedings before the Investigating Judge	Outcome of the proceedings before the Investigating Judge	Type of criminal offence listed before the Investigating Judge
1	3	Five (5) suspects were remanded for thirty days for various alleged offences. <i>The hearing was held without the presence of the public defender</i>  NOTES: JSMP is yet to inquire as to how the proceedings before the Investigating Judge were carried out. This will be followed up next week with the investigating judge.	Two of the suspects remanded were alleged to have committed the offence of <b>domestic violence</b> (Two cases and two suspects) The other three remanded suspects were alleged to have committed the offence of <b>serious maltreatment</b> (One case and three suspects)

**Thursday 20 March 2003**

No	Number of proceedings before the Investigating Judge	Outcome of proceedings before the Investigating Judge	The type of criminal offence listed before the Investigating Judge
1.	No hearing was held on this date	-	-

**D. Types of criminal offence to appear before the court****Monday 17 March 2003**

No	Type of criminal offence	Number of the criminal offences
1	-	-

**Tuesday 18 March 2003**

No	Type of criminal offence	Number of the criminal offences
1	-	-

**Wednesday 19 March 2003**

No	Type of criminal offence	Number of the criminal offences
1	Domestic Violence	2
2	Serious Maltreatment	1

**Thursday 20 March 2002**

No	Type of criminal offence	Number of the criminal offences
1	Murder	1
2	Maltreatment	2

NB: A civil matter concerning the illegal occupation of traditional land was also listed before the court for this date. The land referred to was the land where the Flamboyant hotel is currently located. This hearing was postponed until Friday 28 March 28, 2003.

**Notes**

**This week, no trial hearing was scheduled for Friday.**